

**RECORD OF PROCESSING ACTIVITY
ACCORDING TO ARTICLE 31 REGULATION 2018/1725¹
NOTIFICATION TO THE DATA PROTECTION OFFICER**

NAME OF PROCESSING OPERATION²: – Online survey of ENVR experts for FRA’s project on the ‘Fundamental rights protection of persons with disabilities living in institutions’

Reference number: DPR-2024-212
Creation date of this record: 4 March 2024
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Version: 1

Part 1 (Publicly available).

1) Controller(s)³ of data processing operation (Article 31.1(a))
Controller: European Union Agency for Fundamental Rights (FRA) Schwarzenbergplatz 11, A-1040 Vienna, Austria Telephone: +43 1 580 30 – 0 Email: contact@fra.europa.eu Organisational unit responsible⁴ for the processing activity: Equality, Roma and Social Rights Unit Contact details: ARNDSector@fra.europa.eu Data Protection Officer (DPO): dpo@fra.europa.eu

2) Who is actually conducting the processing? (Article 31.1(a))⁵
The data is processed by the FRA itself <input type="checkbox"/>
The data is processed by a third party <input checked="" type="checkbox"/>

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32018R1725>

² **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

Processing means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

³ In case of more than one controller (e.g. joint FRA research), all controllers need to be listed here

⁴ This is the unit that decides that the processing takes place and why.

⁵ Is the FRA itself conducting the processing? Or has a provider been contracted?

European Network on Victims' Rights (ENVR), established in 2016 by Council conclusions (Amsterdam Conclusions, 9997/16) and operating under the aegis of the Justice Programme of the European Union. Contact point at ENVR: envr@envr.eu

3) Purpose of the processing (Article 31.1(b))

Why are the personal data being processed? Please provide a very concise description of what you intend to achieve with the processing operation. Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing. If you do this on a specific legal basis, mention it as well (e.g. staff regulations for selection procedures).

The purpose of the processing of the personal data is to carry out an online survey to collect information and data from European Network on Victims' Rights (ENVR) experts to complement the research carried out under the project titled *Fundamental rights protection of persons with disabilities living in institutions*.

The project responds to a request contained in the [EU Strategy for the Rights of Persons with Disabilities 2021-2030](#), calling on FRA to examine the situation of persons with disabilities living in institutions regarding violence, abuse, and torture. The project builds upon FRA's previous work on [victims' rights](#) and on the [rights of persons with disabilities](#) and contributes to the Agency's activities as member of the [EU Framework for monitoring the UN Convention on the Rights of Persons with Disabilities \(CRPD\)](#).

For the project, two different research methods and processes are taking place:

(a) The core data collection process is carried out by FRA's research network FRANET through desk research in the 27 EU Member States and in North Macedonia, Serbia, Albania, and fieldwork research in 10 EU Member States. For this first component of the research and especially for protection of personal data collected and processed through interviews kindly refer to the relevant [Data Protection Notice](#).

(b) Separate research, covered by this record, will take place in parallel and complementary to the FRANET research, with a specific focus on access to protection and support for victims of violence and abuse who are persons with disabilities living in institutionalised settings. This research component is carried out in cooperation with the [European Network on Victims' Rights](#) (ENVR), established in 2016 by Council conclusions (Amsterdam Conclusions, 9997/16) and operating under the aegis of the Justice Programme of the European Union.

ENVR will launch, on behalf of FRA, an anonymous online questionnaire (survey), prepared in cooperation with FRA, that will be disseminated to its members (generic network) before the Spring Expert Meeting to be held in May 2024. All responses to the questionnaire will be collected and processed only by ENVR. A consolidated file with the collected expert's input will be shared with FRA in an aggregated and anonymised format to further analyse and use for (i) preparing a dedicated workshop focusing on the protection of fundamental rights of persons with disabilities living in institutions at the ENVR Spring Expert Meeting, and (ii) providing complementary data to be used for FRA's comparative report on the protection of fundamental rights of persons with disabilities living in institutions, as final output of [FRA's project on the matter](#).

FRA will not collect, save, process, or have access to any personal data of the respondents to the questionnaire. The consolidated file transmitted to and shared with FRA will not contain any personal data of the respondents of the questionnaire or other

technical information (email addresses or IP addresses) that could be traced back to the respondents.

In order to disseminate the survey, for identifying the potential respondents ENVR has collected and processed the personal data indicated in Section 2 above from its generic network of members who had registered and designated as members of the network and who have agreed to be contacted for and to participate in ENVR's research activities.

Respondents' IP address, connection details, cookies, and other metadata might be collected when connecting to the online tool used to conduct the survey ([SurveyMonkey](#)). Please, note that advertising cookies will never be used on survey-taking pages (unless the respondent has already visited the webpage and accepted the use of such cookies), and that the IP addresses and other metadata collected from respondents' devices are processed only for functional purposes and to make sure that the same person does not complete the survey twice.

4) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are being processed?

FRA staff

Non-FRA staff (please specify e.g. Roma community, judges, etc.)

Respondents to the questionnaire: ENVR generic network members / experts.

5) Categories of personal data processed (Article 31.1(c))

Please tick all that apply and give details where appropriate

(a) **General personal data.**

Personal details (name, surname, sex).

Contact details (email address).

Education & Training details

Employment details (e.g. work experience, languages, name and type of the employer/organisation, address of the employer/ organisation)

Financial details (e.g. financial identification form, bank account information).

Family, lifestyle, and social circumstances.

Goods or services provided

Other (please give details):

- IP addresses, cookies, metadata, or information about respondents' devices might be collected by the online tool used to carry out the survey. Please, refer to Section 1 above.

(b) **Special categories of personal data** (Article 10)

- | | |
|--|-------------------------------------|
| Racial or ethnic origin | <input type="checkbox"/> |
| Political opinions | <input type="checkbox"/> |
| Religious or philosophical beliefs | <input type="checkbox"/> |
| Trade union membership | <input type="checkbox"/> |
| Genetic, biometric or data concerning health | <input type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input type="checkbox"/> |
| N/A | <input checked="" type="checkbox"/> |

(c) **Personal data relating to criminal convictions and offences** (Article 11)

- | | |
|--|-------------------------------------|
| Criminal record (or similar, e.g. declaration of good conduct) | <input type="checkbox"/> |
| N/A | <input checked="" type="checkbox"/> |

6) Recipient(s) of the data (Article 31.1 (d))

*Recipients are all parties who have access to the personal data. Who will have access to the data **within** FRA? Who will have access to the data **outside** FRA? No need to mention entities that may have access in the course of a particular investigation (e.g. OLAF, EO, EDPS).*

- | | |
|--------------------------------------|-------------------------------------|
| Designated FRA staff members. | <input type="checkbox"/> |
| Recipients outside FRA: | <input checked="" type="checkbox"/> |

Designated ENVR staff responsible for conducting the survey. The same staff also have access to ENVR's account for the SurveyMonkey online tool, and therefore to the responses provided by the respondents.

The Agency will only have access to aggregated and anonymised data resulting from the survey responses, which will be provided by ENVR to FRA after the survey has been carried out, as indicated in Section 1 above.

7) Transfers to third countries or international organisations (Article 31.1 (e))⁶

If the personal data are transferred outside the European Economic Area or to international organisations, this needs to be specifically mentioned, since it increases the risks of the processing operation.

Transfer outside of the EU or EEA

Yes

No

However, the online tool used to carry out the survey, SurveyMonkey, is a US based company that is subject to US surveillance laws. Therefore, international transfers of limited personal data (refer to Section 1 above) cannot be completely discarded. Such transfers, if any, fall under the adequacy decision for the [EU-US Data Privacy Framework](#) adopted by the European Commission on 10 July 2023.

If yes, specify to which country:

Transfer to international organisation(s)

Yes

No

If yes specify to which organisation:

Legal base for the data transfer

Transfer on the basis of the European Commission's adequacy decision (Article 47)

Transfer subject to appropriate safeguards (Article 48.2 and .3), specify:

a) A legally binding and enforceable instrument between public authorities or bodies. Standard data protection clauses, adopted by

b) the Commission, or

c) the European Data Protection Supervisor and approved by the Commission, pursuant to the examination procedure referred to in Article 96(2) .

d) Binding corporate rules, Codes of conduct , Certification mechanism pursuant to points (b), (e) and (f) of Article 46(2) of Regulation (EU) 2016/679, where the processor is not a Union institution or body.

Subject to the authorisation from the European Data Protection Supervisor:

Contractual clauses between the controller or processor and the controller, processor or the recipient of the personal data in the third country or international organisation.

Administrative arrangements between public authorities or bodies which include enforceable and effective data subject rights.

Transfer based on an international agreement (Article 49), specify:

⁶ **Processor** in a third country using standard contractual clauses, a third-country public authority you cooperate with based on a treaty. If needed, consult your DPO for more information on how to ensure safeguards.

Derogations for specific situations (Article 50.1 (a) –(g))

N /A

Yes, derogation(s) for specific situations in accordance with article 50.1 (a) –(g) apply
In the absence of an adequacy decision, or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s):

(a) The data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards

(b) The transfer is necessary for the performance of a contract between the data subject and the controller or the implementation of pre-contractual measures taken at the data subject's request

(c) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the controller and another natural or legal person

(d) The transfer is necessary for important reasons of public interest

(e) The transfer is necessary for the establishment, exercise or defense of legal claims

(f) The transfer is necessary in order to protect the vital interests of the data subject or of other persons, where the data subject is physically or legally incapable of giving consent

(g) The transfer is made from a register which, according to Union law, is intended to provide information to the public and which is open to consultation either by the public in general or by any person who can demonstrate a legitimate interest, but only to the extent that the conditions laid down in Union law for consultation are fulfilled in the particular case

8) Retention time (Article 4(e))

How long will the data be retained and what is the justification for the retention period?

Please indicate the starting point and differentiate between categories of persons or data where needed (e.g. in selection procedures candidates who made it onto the reserve list vs. those who didn't). Are the data limited according to the adage "as long as necessary, as short as possible"?

The aggregated and anonymised datasets resulting from the survey responses will be kept by the Agency and ENVR indefinitely.

The IP addresses, connection details, and other metadata collected from respondents' devices for functional purposes as specified in Section 1 above will be deleted once the surveys have been completed.

9) Technical and organisational security measures (Article 31.1(g))

Please specify where/how the data are stored during and after the processing; please describe the security measures taken by FRA or by the contractor

How is the data stored?

- | | |
|---|-------------------------------------|
| Document Management System (DMS) | <input checked="" type="checkbox"/> |
| FRA network shared drive | <input checked="" type="checkbox"/> |
| Outlook Folder(s) | <input checked="" type="checkbox"/> |
| CRM | <input type="checkbox"/> |
| Hardcopy file | <input type="checkbox"/> |
| Cloud (MS 365, see record here) | <input checked="" type="checkbox"/> |
| Servers of external provider (ENVR servers are located in the Hungary, EU). | <input checked="" type="checkbox"/> |

Other:

10) Exercising the rights of the data subject (Article 14 (2))

How can people contact you if they want to know what you have about them, want to correct or delete the data, have it blocked or oppose to the processing? How will you react?

See further details in the Data Protection notice: e-mail to ARNDSector@fra.europa.eu

Data subject rights

- Right of access
- Right to rectification
- Right to erasure (right to be forgotten)
- Right to restriction of processing
- Right to data portability
- Right to object
- Notification obligation regarding rectification or erasure of personal data or restriction of processing
- Right to have recourse
- Right to withdraw consent at any time