

**RECORD OF PROCESSING ACTIVITY  
ACCORDING TO ARTICLE 31 REGULATION 2018/1725<sup>1</sup>  
NOTIFICATION TO THE DATA PROTECTION OFFICER**

NAME OF PROCESSING OPERATION<sup>2</sup>:

The fundamental rights situation of long-term residents in the EU – interviews with experts

Reference number: DPR-2021-122
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Part 1 (Publicly available)

<b>1) Controller(s)<sup>3</sup> of data processing operation (Article 31.1(a))</b>	
<b>Controller:</b>	<b>European Union Agency for Fundamental Rights (FRA)</b> Schwarzenbergplatz 11, A-1040 Vienna, Austria Telephone: +43 1 580 30 – 0 Email: <a href="mailto:information@fra.europa.eu">information@fra.europa.eu</a>
<b>Organisational unit responsible<sup>4</sup> for processing activity:</b>	<b>Technical Assistant and Capacity Building</b> Email: <a href="mailto:migration@fra.europa.eu">migration@fra.europa.eu</a>
<b>Data Protection Officer (DPO):</b>	<b>Robert Jan Uhl</b> Email: <a href="mailto:dpo@fra.europa.eu">dpo@fra.europa.eu</a>

<b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>5</sup></b>	
The data is processed by <b>FRA</b> itself	<input checked="" type="checkbox"/>
The data is processed also by non- <b>FRA staff</b> working on the project as data processor	<input checked="" type="checkbox"/>

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

<sup>2</sup> **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.

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

<sup>4</sup> This is the unit that decides that the processing takes place and why.

<sup>5</sup> Is the FRA itself conducting the processing? Or has a provider been contracted?

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 collect information and data for the purpose of a research project (SR 47), of which interviews with experts conducted by FRA staff form the first part. In its communication on the [new Pact on Asylum and Migration](#), the European Commission proposes a revision of the Long-term Residents Directive (2003/109/EC). The proposal aims to promote the use of EU long-term resident permits by strengthening the status and the rights of those who hold such a permit, enhancing and facilitating in particular the right to move and work in other EU Member States. In this context, the objective of FRA's project is to advise the EU institutions and EU Member States on possible steps to take to enhance existing rules on the rights of long-term residents. The project consists of desk research and social fieldwork research with experts in the areas of long-term residents (3-6 interviews per country) as well as focus groups and interviews with third-country nationals who have been residing for more than five years in a EU member State, including those with long-term and short-term residence permits. The information from the interviews will feed into the preparation of a report to be published in 2022. The present record of processing activity relates only to the expert interviews.

In order to carry out interviews with experts and staff in the public administration, their contact details and background information about their work and professional status need to be collected.

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

*Whose personal data are being processed?*

- |   |                                     |
|---|-------------------------------------|
| <b>FRA staff</b>  | <input type="checkbox"/>            |
| <b>Non-FRA staff</b><br>(Interviewees: national and local authorities in charge of residence permits, lawyers, NGO staff and academics) | <input checked="" type="checkbox"/> |

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

*Please tick all that apply and give details where appropriate*

**(a) General personal data:**

The personal data collected include:

- |  |                                     |
|--|-------------------------------------|
| Personal details (e.g. name, surname, gender)                                    | <input checked="" type="checkbox"/> |
| Contact details (e.g. address, email address, telephone)                         | <input checked="" type="checkbox"/> |
| Education & Training details   | <input type="checkbox"/>            |
| Employment details (e.g. position/function, work experience, opinions)           | <input checked="" type="checkbox"/> |
| Financial details (e.g. financial identification form, bank account information) | <input type="checkbox"/>            |
| Family, lifestyle and social circumstances                                       | <input type="checkbox"/>            |
| Goods or services provided   | <input type="checkbox"/>            |
| Other (please give details):   |                                     |

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**(b) Sensitive personal data (Article 10)**

The personal data collected reveal:

- |  |                          |
|--|--------------------------|
| 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 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 <b>FRA</b> staff members  | <input checked="" type="checkbox"/> |
| <i>Technical Assistant and Capacity Building / Asylum, migration and borders programme/ Project team</i> |                                     |
| Designated persons <b>outside</b> FRA:   | <input checked="" type="checkbox"/> |
| <i>Staff of FRA contractors working with FRA on the project</i>  |                                     |

**7) Transfers to third countries or international organisations (Article 31.1 (e))<sup>6</sup>**

*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 | <input type="checkbox"/> |
|-----|--------------------------|

<sup>6</sup> **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.

No

**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:

***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 processing operation will commence in February 2021 and is projected to end with the publication of FRA's final report in June 2022.

Anonymised research material, e.g. reporting templates, will be kept indefinite.

Personal data defined above (See sections 4 and 5) will be kept for 24 months after their collection. All physical and electronic copies held by FRA and contractors will then be deleted.

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)
- FRA network shared drive
- Outlook Folder(s)
- CRM
- Hardcopy file
- Cloud (give details, e.g. cloud provider)
- Servers of external provider

Other (please specify): .....

**Security measures taken by FRA or the contractor(s):**

The Agency applies FRA's standard safety measures in order to protect personal data from unauthorised access, use or disclosure. FRANET contractors ensure corresponding security measures. (For further information, please see section 14 of this record)

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?*

FRA's Privacy Notice provides the following information:

- **Section 13 (a) and (b):**  
The Agency/ Research and Data Unit can be contacted via e-mail to [just\\_digit\\_secure@fra.europa.eu](mailto:just_digit_secure@fra.europa.eu). FRA's Data Protection Officer (DPO) can additionally be reached at [dpo@fra.europa.eu](mailto:dpo@fra.europa.eu).
- **Section 11 para. 2:** "We will reply to your request without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests."

**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

Part 2 – Compliance check and risk screening (internal)

11) Lawfulness of the processing (Article 5(a)–(e))<sup>7</sup>: Processing necessary for:

*Mention the legal basis which justifies the processing and assess that the purposes specified are purposes specified, explicit, legitimate.*

- (a) a task carried out in the public interest or in the exercise of official authority vested in the FRA (including management and functioning of the institution)

*Legal basis: The processing operation is necessary to achieve the Agency's goal, as stated in Article 2 of its founding Regulation (EC) No 168/2007 to provide its*

<sup>7</sup> Tick (at least) one and explain why the processing is necessary for it. Examples:

(a) a task attributed to your EUI by legislation, e.g. procedures under the staff regulations or tasks assigned by an Agency's founding regulation. Please mention the specific legal basis (e.g. "Staff Regulations Article X, as implemented by EUI IR Article Y", instead of just "StaffRegulations")

(a2) not all processing operations required for the functioning of the EUIs are explicitly mandated by legislation; recital 17 explains that they are nonetheless covered here, e.g. internal staff directory, access control.

(b) a specific legal obligation to process personal data, e.g. obligation to publish declarations of interest in an EU agency's founding regulation.

(c) this is rarely used by the EUIs.

(d) if persons have given free and informed consent, e.g. a photo booth on EU open day, optional publication of photos in internal directory;

(e) e.g. processing of health information by first responders after an accident when the person cannot consent.