

(To be filled out in the EDPS' office)

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 24/04/2017

CASE NUMBER: 2017 - 0427

INSTITUTION: EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA)

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA)
FRISO ROSCAM-ABBING – HEAD OF FUNDAMENTAL RIGHTS PROMOTION DEPARTMENT
SCHWARZENBERGPLATZ 11
1040 VIENNA, AUSTRIA

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

FRA's Fundamental Rights Promotion Department: Head of FRP and relevant staff in charge of the FRP Advisory Panel elections.

3/ NAME OF THE PROCESSING

Fundamental Rights Platform Advisory Panel elections 2017

4/ PURPOSE OR PURPOSES OF THE PROCESSING

2017 elections of the six members of the FRA's FRP Advisory Panel.
The electronic elections (i.e. through internet voting) will be outsourced to a contractor/software provider. To this end, the FRA will inform the contractor of the candidates' forenames, surnames, and the civil society organisations they work for. Furthermore the FRA will inform the provider of the FRP-registered civil society organisations who are eligible to vote, i.e. the forenames and surnames of the respective primary contact persons and their e-mail addresses.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

FRP-registered civil society organisations' primary contact details (= 'voters', i.e. forenames, surnames, e-mail addresses);
Candidates' forenames, surnames and the civil society organisations they work for.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

Voters in election: forenames, surnames, e-mail addresses;

Candidates standing for election: forenames, surnames and the civil society organisations they work for.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

By notification to data subjects to be made available online on the FRA internet website:
<http://fra.europa.eu>.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Data Subjects are informed of the following rights in line with Articles 13, 14, 15, 16, 17, 18 of Regulation (EC) No 45/2001:

Right of access – Data subjects have the right to access his or her personal data at any time and free of charge, by sending an email request to the FRP@fra.europa.eu. The Agency will address the request within one month from the receipt of the request.

Right to rectify – Data subjects have the right to rectify their inaccurate or incomplete personal data at any time and free of charge, by sending an email request to the FRP@fra.europa.eu. The Agency will address the request within one month from the receipt of the request.

Right to block – Data subjects have the right to block their data at any time and free of charge by sending an email request to the FRP@fra.europa.eu, where their accuracy is contested by the data subject; or the controller no longer needs them for the accomplishment of its tasks but they have to be maintained for purposes of proof; or the processing is unlawful and the data subject opposes their erasure and demands their blocking instead. The Agency will address the request within one month from the receipt of the request.

Right to erasure – Data subjects have the right to request to the controller at any time and free of charge the erasure of their data, if their processing is unlawful, particularly where the provisions of Sections 1, 2 and 3 of Chapter II have been infringed, by sending an email request to the FRP@fra.europa.eu. The Agency will address the request within one month from the receipt of the request.

Right to object – Data subjects have the right:

- To object at any time and free of charge, by sending an email request to the FRP@fra.europa.eu, on compelling legitimate grounds relating to his or her particular situation, to the processing of data relating to him or her, except in the cases covered by Article 5(b), (c) and (d). Where there is a justified objection, the processing in question may no longer involve those data. The Agency will address the request within one month from the receipt of the request.
- To be informed before personal data are disclosed for the first time to third parties or before they are used on their behalf for the purposes of direct marketing, and to be expressly offered the right to object free of charge to such disclosure or use. The Agency will address the request within one month from the receipt of the request.

Right to have recourse – Pursuant Article 11 of Regulation 45/2001, data subjects have the right to have recourse at any time to the European Data Protection Supervisor: <http://www.edps.europa.eu>.

If the data subjects have any queries concerning the processing of their personal data, they may address them to the Head of the Fundamental Rights Promotion Department, i.e. the Data Controller, by contacting FRP@fra.europa.eu.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

2017 elections of the six members of the FRA's FRP Advisory Panel.

The electronic elections (i.e. through internet voting) will be outsourced to a contractor/software provider. To this end, the FRA will inform the contractor of the candidates' forenames, surnames, and the civil society organisations they work for. Furthermore the FRA will inform the provider of the FRP-registered civil society organisations who are eligible to vote, i.e. the forenames and surnames of the respective primary contact persons and their e-mail addresses.

10/ STORAGE MEDIA OF DATA

The contractor confirmed use of tier 3 UK data centres that fulfil the following security requirements:[...].

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 5(a) of Regulation 45/2001:

Article 5(d) of Regulation 45/2001;

FRA Director's decision with reference FRP ToR / DIR/003/2017, in particular article 3, 4, 5, and 6 hereof.

Art. 3 (3): The Panel consists of max. 11 full members, plus up to 3 observers. Six of the full members are to be elected by the organisations within the FRP network, and up to five to be appointed by the FRA Director. The Director can in addition appoint up to 3 observers to the Advisory Panel from key networks or umbrellas of human rights civil society organisations.

Art. 4: Six Advisory Panel members will be elected. The elections take place electronically.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

Contractor for internet voting software purpose;

Voters: only candidates' names, organisations;
FRA internal: Head of FRP and relevant staff in charge of the FRP Advisory Panel elections.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

VOTERS' DATA: 22 JUNE 2017 + 6 MONTHS IN CASE OF APPEAL TO ELECTIONS;
CANDIDATES' DATA: 22 JUNE 2017 + 6 MONTHS IN CASE OF APPEAL TO ELECTIONS.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

DATA SUBJECT'S RIGHTS:

- To HAVE ACCESS	YES	ANYTIME, WITHIN ONE MONTH ON WRITTEN REQUEST
- To RECTIFY	YES	ANYTIME, WITHIN ONE MONTH ON WRITTEN REQUEST
- To BLOCK	YES	ANYTIME, WITHIN ONE MONTH ON WRITTEN REQUEST
- To ERASE	YES	ANYTIME, WITHIN ONE MONTH ON WRITTEN REQUEST
- To OBJECT	YES	ANYTIME, WITHIN ONE MONTH ON WRITTEN REQUEST.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

N/A.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

N/A.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

THE PROCESSING OPERATION IS FOR ELECTION/INTERNET VOTING PURPOSES. ELECTIONS/VOTING POSSIBLY REPRESENTS A KIND OF EVALUATION OF CANDIDATES AGAINST EACH OTHER. HOWEVER, FRA WILL ONLY PUBLISH THE RESULTS OF THE SIX CANDIDATES WITH THE HIGHEST NUMBER OF VOTES.

AS FORESEEN IN:

1 Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

1 Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

1 Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

1 Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

1 Other (general concept in Article 27.1)

17/ COMMENTS

N/A.

PLACE AND DATE: VIENNA, 24 APRIL 2017

DATA PROTECTION OFFICER: NIKOLAOS FIKATAS

INSTITUTION OR BODY: EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (FRA), VIENNA