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Sent at: 15/12/23 14:55:55
Subject: Our ref.: 2023-0645 - D(2023) 3875 - Follow-up to the
EDPS operational visit - EU hotspot Lesvos

Dear Madam,

Please find attached a letter signed electronically by Mr T. ZERDICK for the above mentioned subject.

Kind regards,

SUPERVISION & ENFORCEMENT UNIT



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EDPS
EUROPEAN DATA PROTECTION SUPERVISOR

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Brussels, 15 December 2023

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Please use supervision@edps.europa.eu for
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Subject: Follow-up to the EDPS operational visit - EU hotspot Lesvos (EDPS case 2023-0645)

Dear Ms Gregori,

Following the EDPS' operational visit to European Union Agency for Asylum (EUAA) premises at the EU Hotspot Lesvos on 13 July 2023, I would like to extend my thanks to your services and to propose a structured follow-up in order to build on the good cooperation established during this visit.

The EDPS greatly appreciates the availability and support of EUAA staff and the efforts made to provide detailed information during the meeting of July.

As a result of the exchanges, the EDPS was able to establish that:

- The EUAA provides support to the Greek national competent authorities within the framework of the Operational Plan 2022-2024 agreed between the EUAA and Greece. This constitutes operational support in four domains: (i) asylum support; (ii) reception support; (iii) unaccompanied children support and (iv) temporary protection support;
- The EUAA applies the so-called 'embedded model' to operational support in Greece: the majority of operational support staff deployed by the EUAA (case workers and also team leaders) in the Greek Asylum Service (GAS) and at the Reception and Identification centre (RIC) are temporary contract staff recruited via an agency and seconded by the EUAA to national Greek authorities. These temporary contract staff

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operate fully under the instruction of the Greek national authorities.¹ Consequently, as regards the processing of personal data of applicants of international protection in Lesvos, the EUAA considers itself as data processor on behalf of the competent authorities of the host Member State;

- At the time of the EDPS' visit, 14 temporary agency employees were deployed at the Reception and Identification Centre (RIC) Mavrovouni in support of reception processes. This includes one Legal Officer working under the coordination of the Greek authorities and providing legal support/advice to the Greek Reception and Identification Service (RIS);
- 21 temporary agency employees were deployed providing support to the Greek Asylum Service, primarily in the role of case workers tasked with conducting asylum interviews, providing support to the drafting of opinions on asylum cases and researching country of origin information;
- Embedded temporary staff follow the Standard Operating Procedures (SOPs) of the Greek Asylum Service (SOPs having been shared with the EUAA for prior approval or feedback). Embedded temporary staff are authorised to access the databases of the Greek Asylum Service via their own profiles and user rights assigned by the Greek host authorities.
- Asylum interviews are always audio-recorded and remote interviews, when they take place, are conducted via Microsoft Teams;
- No personal data is exchanged between the EUAA and other EU Justice and Home Affairs agencies, such as Frontex;
- No personal data concerning asylum seekers processed under the responsibility of the Greek national authorities is transmitted to the EUAA; only statistical data and other forms of (non-personal data) information is transmitted to the Agency via EUAA IT systems.

Taking into account the entry into force of Regulation (EU) 2021/2303², transforming the EUAA into a fully-fledged asylum agency, I believe it would now be important to build on these insights into the EUAA's functioning. This will enable the EDPS to deepen its knowledge of the workings of the EUAA in order to be able to deliver guidance and supervision if and when required.

I would therefore like to propose that the EDPS and the EUAA organise staff-level meetings at regular intervals in order to exchange any relevant information. To this end, I will request the relevant members of my services (Area of Freedom, Security and Justice Sector, Supervision and Enforcement Unit) to contact the EUAA DPO to make the necessary arrangements.

¹ Non-embedded staff are made up of Field Support Officers, an Operations Assistant and a Security Officer.

² Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, OJ L 468, 30.12.2021, p. 1–54.

I take this opportunity to thank you for your cooperation and look forward to this constructive dialogue.

Yours sincerely,

[e-signed]

Thomas ZERDICK, LL.M.

CC: [REDACTED], DPO