



## **DATA PROTECTION NOTICE**

### **On the activities of the Data Protection Officer ('DPO')**

#### **1. Introduction**

The European Union Agency for Asylum (hereinafter 'the EUAA' or 'the Agency') is committed to protecting your privacy. The EUAA collects and further processes personal data pursuant to [Regulation \(EU\) 2018/1725](#)<sup>1</sup> (hereinafter 'the EUDPR').

This Data Protection Notice explains *inter alia* the reasons for the processing of your personal data, the way we collect, handle and ensure protection of your personal data and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, as well as of the Data Protection Officer (DPO) and the European Data Protection Supervisor (EDPS) to which you may have recourse as well to exercise the said rights.

#### **2. Why and how do we process your personal data?**

The DPO processes personal data where strictly necessary for the purpose of carrying out its tasks as detailed in Article 45 of the EUDPR (i.e consultative, monitoring, auditing and investigative activities). The activities of the DPO include the handling of data protection related complaints, the handling of queries by the data subjects and training provided within the organisation. Moreover, the DPO may process personal data in case of a complaint submitted to the Fundamental Rights Officer ('FRO') of the EUAA under Article 51 of [Regulation \(EU\) 2021/2303](#)<sup>2</sup> (hereinafter 'the EUAA Regulation') and in line with Article 22 of the Management Board Decision no 159 of 24 May 2024 on the setting up of the complaints mechanism. In addition, the DPO may process personal data for the coordination of the EUAA network of Data Protection Focal Points and in the context of activities/events aiming to raise awareness within the Agency on data protection matters.

The main channel of communication from/to the DPO is via the dedicated functional mailbox ([dpo@euaa.europa.eu](mailto:dpo@euaa.europa.eu)). This does not exclude the scenario of communication happening via paper trail (e.g. a complaint submitted in paper format).

#### **3. On what legal ground(s) do we process your personal data?**

The DPO processes your personal data on the basis of Article 45 of the EUDPR and in the case of complaints submitted to the FRO concerning data protection matters Article 51 of the EUAA Regulation. Consequently, the processing operation is lawful under Article 5(1)(a) of the EUDPR.

To the extent that certain activities are voluntary, the legal basis of the processing is the consent of the data subject and the legal basis for processing is Article 5(1)(d) of the EUDPR.

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<sup>1</sup>. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39-98.

<sup>2</sup>. 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.





#### 4. Which personal data do we collect and further processes?

The following (categories of) personal data may be processed:

Personal data of data subjects who may be internal (e.g. statutory staff to whom the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union<sup>3</sup> apply or other personnel<sup>4</sup>) or external to the organization) who:

- Exercise their rights under the EUDRP as data subjects;
- Bring to the attention of the DPO any matter alleging that a breach of the EUDPR has taken place;
- Consult the DPO on any matter concerning the interpretation of the EUDRP;
- Request that the DPO launches an investigation in line with Article 45(2) of the EUDRP;
- Are concerned by a specific activity of the DPO, including attending trainings provided by the DPO or participation in awareness raising events;
- Submit a complaint to the DPO;
- Complain to the European Data Protection Supervisor pursuant to Articles 63 and 68 of the EUDPR and whose complaints and personal data are transmitted to the DPO;
- Submit a complaint to the FRO that concerns matters relating to the protection of personal data and the Executive Director involves the Agency's DPO.

In general, the DPO commits to processing only the minimum data strictly necessary to perform its functions. The categories of personal data processed will vary considerably depending on the activity and the topic but typically the personal data processed cover the following categories:

- Identification data (e.g. first and last name, email address);
- Any kind of personal data specific to the activity undertaken by the DPO (e.g. allegations or statements made in a complaint or in a request for investigation, description of facts/concerns/circumstances).

In the framework of investigations carried out on its own initiative or at the request of the data controller, the processor, the staff committee, or any individual, the DPO may process any data that it deems necessary to carry out the investigation.

#### 5. How long do we keep your personal data?

Personal data are kept for no longer than necessary and appropriate having regard to the purposes for which such data are processed.

Items in the DPO inbox and sent folders, are subject to regular review to decide whether they qualify as records (and consequently any personal data contained therein) that have to be stored in the Electronic Records and Documents Management System ('ERDMS') of the EUAA. The retention period

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<sup>3</sup>. Staff Regulations of Officials of the European Union ('Staff Regulations') and Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013 p. 15.

<sup>4</sup> This includes all statutory staff and persons employed under private law contracts, seconded national experts and trainees.



in the ERDMS varies depending on the subject matter the record may address (e.g. in the case of handling of complaints submitted to the FRO, the retention period shall not exceed 2 years from the closure of the file. In the case of an investigation, personal data shall be kept until all relevant deadlines for the exercise of legal remedies are exhausted). Items that do not qualify as records are subject to frequent deletion.

Personal data contained in items in the DPO drafts and deleted folders are deleted on a yearly basis (N+1).

## **6. How do we protect and safeguard your personal data?**

To protect your personal data, a number of technical and organisational measures are in place as required under Article 33 of the EUDPR. Technical measures include the storing of the files in the internal document management system of the Agency (ERDMS/Sharepoint), in folders with restricted access. Any paper files containing personal data are stored under lock and key. Depending on the content of a file, sharing may happen via a password-protected or encrypted format.

Organisational measures include restricting access to persons with a legitimate need -to-know for the purposes of this processing operation.

It is noted that Under Article 44(5) of the EUDPR the DPO and its staff shall be bound by secrecy or confidentiality concerning the performance of its tasks, in accordance with Union law.

## **7. Who has access to your personal data and to whom are they disclosed?**

The following (categories of) recipients may have access to your personal data:

- The Executive Director of the EUAA and his/her Secretariat;
- EUAA personnel working in the Office of the Data Protection Officer;
- Other EUAA personnel on a need-to-know basis (e.g. members of the Legal Services Unit or the Fundamental Rights Officer and his/her staff);
- The European Data Protection Supervisor;
- External providers of data protection advice, training or auditing.

## **8. Do we transfer any of your personal data to third countries or international organisations (outside the EU/EEA)?**

No

## **9. Does this processing involve automated decision-making, including profiling?**

No

## **10. What are your rights and how can you exercise them?**

According to the EUDPR, you are entitled to access your personal data and to rectify them in case the data are inaccurate or incomplete. If your personal data are no longer needed by the EUAA or if the processing operation is unlawful, you have the right to erase your data. Under certain circumstances, such as if you contest the accuracy of the processed data or if you are not sure if your data are lawfully processed, you may ask the Data Controller to restrict the data processing. You may also object, on



compelling legitimate grounds, to the processing of data relating to you. Additionally, you have the right to data portability which allows you to obtain the data that the Data Controller holds on you and to transfer it from one Data Controller to another. Where relevant and technically feasible, the EUAA will do this work for you.

Should you require further information regarding the processing of your personal data, or should you wish to exercise your rights, please contact the Data Controller, i.e. the Data Protection Officer, by sending an e-mail to [dpo@euaa.europa.eu](mailto:dpo@euaa.europa.eu).

You may always submit queries, or remarks relating to the processing of your personal data to the Data Protection Officer (DPO) of the EUAA using the following e-mail address: [dpo@euaa.europa.eu](mailto:dpo@euaa.europa.eu).

In case of conflict, complaints can be addressed to the European Data Protection Supervisor (EDPS) using the following e-mail address: [supervision@edps.europa.eu](mailto:supervision@edps.europa.eu).

*Adopted: September 2024*