

personal data, reporting
tools and methods

Report from the meeting between Frontex and the EDPS

1. Purpose of the meeting

The Purpose of the meeting was to discuss the following topics:

- A) Frontex proposals for expansion on PeDRA
- B) New Management Board Rules for processing operational data and interoperability/ETIAS
- C) New mandate of EBCG (2.0)
- D) Information exchange with EUROPOL, EDPS opinion 2018-0367 and its consequences
- E) Provision of training to Frontex data controllers on the new data protection regulation

2. Content

The meeting took place on 7th December 2018, at Frontex premises in Warsaw. During the first part of the meeting, Frontex Executive Director welcomed visitors and introduced the meeting schedule and the topics for discussion. The second part of the meeting was attended by [REDACTED]

[REDACTED] EDPS was represented by [REDACTED]

Participants were given the opportunity to introduce themselves and brief others on their activities. [REDACTED] highlighted the main goal, which was the fluent cooperation with the Agency, so the EDPS is not surprised with any data protection issues related to Frontex activities. The EDPS is keen on defence of fundamental rights and sees the challenges on the solutions Frontex offers to those who are doing things from practical side.

PeDRA

Collection of data by Frontex own staff

After the introduction, [REDACTED] presented the first topic of the agenda related to the collection of data by Frontex own staff. [REDACTED] explained that after the legislation changed in 2016, legislator allows Frontex own staff to collect and transmit personal data. However, there are some issues that stop Frontex to fully fulfill the Agency's mandate:

- Legal
- How to envisage the collection of personal data by our own staff

[REDACTED] described the planned information flow for direct collection by Frontex staff. [REDACTED]

According to Frontex mandate, there are 2 purposes for processing personal data:

- Risk analyses
- Transmission to Europol, MSs, Eurojust and EASO

Anonymization of operational personal data

Frontex can keep the data for 90days. After this period, the data needs to be deleted and it is challenging.

[REDACTED] highlighted that the EDPS can react to the proposal that is given but they cannot go with the proposal. He added that in order to find a solution, Frontex needs to take into consideration proportionality: how deep the solution goes and how effective it is.

Common integrated Risk Analysis Model (CIRAM) was described together with current network, real and anonymized perspective. The anonymization process was described. [REDACTED]

Integrated Border Management and Risk Analysis role were described further. Example of the case was provided where terrorists and illegal migration were connected. The role of Risk Analysis was highlighted that the deep knowledge can effectively measures to tackle the treats.

explained that risk analysis may be understood in two ways: what is risky for Frontex and what is risky for those whose data is being processed.

It was concluded that short retention period for personal data has a negative impact on risk analysis and consequently limits Frontex in fulfilling its tasks.

Possible solutions provided:

[REDACTED]

suggested to discuss the topic on the next meeting regarding ETIAS with somebody who deals with anonymization.

highlighted further Frontex intention to expand new sources of information. also stressed that the EDPS doesn't want the situation, like in the USA, when each person is perceived as a suspect of a crime. The question about PeDRA was raised whether Frontex needs to go through the DPIA or whether current prior check is applicable. EDPS answered that if there is anything missing, it needs to be discussed during the technical meeting.

Revision of MB decision

Frontex DPO went through the current MB rules and described the possible changes. DPO highlighted that Frontex needs to make a distinction related to the collection of personal data by the Agency's own staff. EDPS explained that it is bound by the staff regulation and added that on the basis of what other agencies do, SNE are ok.

Information exchange with Europol

Discussed during the working lunch

Interoperability and Impact assessment on Frontex AOB

To be discussed during the next meeting with the EDPS, due to the lack of time.

Training session regarding the 'EUI GDPR' (Processing of administrative data) directed to Data Controllers

Brief training session was provided by the EDPS.