

Given the obligation to collect and store data on individual participants, how is it recommended to proceed bearing in mind legislation on data protection and the possible reluctance of some participants to provide this kind of information?

The obligation to collect and store data on individual participants in operations (micro-data) applies to all personal information required for the common indicators, including those dealing with special categories of personal data according to Article 8 of Directive 95/46/EC (i.e. sensitive data). There is no derogation in this sense in the CPR (Regulation (EU) No 1303/2013). It is recommended that managing authorities liaise and discuss with national data protection supervisors/authorities in order to set up the provisions and framework for successful and timely data collection of all required monitoring data.

In addition, a managing authority may decide to establish a system based on consent through which participants can refuse to provide personal information on variables dealing with special categories of personal data (i.e. sensitive data) that are required for indicators marked with “**” in Annex I of the ESF Regulation (Regulation (EU) No 1304/2013) (i.e. those related to migrants, participants with a foreign background, minorities, disability, and other disadvantaged). In these cases participation records may be left without personal sensitive information, but there should be documented evidence of the attempt of collection.

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