

**NOTIFICATION TO THE DATA PROTECTION OFFICER
(ARTICLE 31 REGULATION 2018/1725)**

NAME OF PROCESSING ACTIVITY:

'Generators for Ukraine' Initiative

1) Controller(s) of data processing operation (Article 31.1(a))
<p>Controller: Andrea TASSONI</p> <p>Organisational unit responsible for the processing activity: Staff Committee</p> <p>Contact person: Michael RISLEY</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: dpo@emsa.europa.eu</p>
2) Who is actually conducting the processing? (Article 31.1(a))
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Staff Committee</p> <hr/> <p>The data is processed together with a third party (co-controller) GoFundMe <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): Data Protection Officer, DPO@gofundme.com</p>

3) Purpose of the processing (Article 31.1(b))
<p><i>Why are the personal data being processed? Specify the rationale and underlying reason for the processing and describe the individual steps used for the processing.</i></p> <p>The Staff Committee of EMSA, has launched a fundraising campaign from 03/01/2023 to 31/01/2023 to buy diesel/petrol electricity generators (at least one) to donate to Ukraine. The external third party was chosen (GoFundMe) with the view of providing maximum transparency on donations and total amounts received, which can then be matched to invoices/proofs of donation.</p> <p>The EMSA Staff Committee has contacted the Embassy of Ukraine in Lisbon, who provided guidance on what products are needed. In an achievable price range there are 6-7 kWt generators, which are priced at around 1,500 EUR each.</p> <p>The Embassy itself doesn't organise transportation to Ukraine from Portugal, but they can receive delivery of generators and then organise delivery via the Ukrainian organisations in Lisbon. The options for the conclusion of this initiative are:</p>

- If EMSA staff collectively contributes enough funds for one generator, then that is what EMSA Staff Committee will donate;
- If not enough is received for one generator, EMSA Staff Committee will donate the funds to Humanitarian Aid for Ukraine (bank.gov.ua)
- If enough is received for one, but not enough for two generators, EMSA Staff Committee will donate the difference to Humanitarian Aid for Ukraine (bank.gov.ua)

The initiative involves processing of personal data.

The names of staff members who have voluntarily contributed to the donation drive are shared publicly, if and only if authorised by the staff member when making a donation.

The names of staff members who have voluntarily contributed to the donation drive can be seen by the staff member who created the donation drive, if and only if authorised by the staff member when making a donation.

Since EMSA ICT platforms and e-mailing system is used to advertise the initiative and the staff is donating funds identifying themselves as EMSA staff, the Agency acts as a Data Controller up to the moment the staff enters the system of the company GoFundMe for the purposes of donating and gives their consent to the processing of their data to GoFundMe.

The responsibilities of the Agency as a Data Controller are described in the graph under Annex 3.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for:

Mention the legal basis which justifies the processing

- (a) a task carried out in the public interest or in the exercise of official authority vested in EMSA (including management and functioning of the institution) ☐
(Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding regulation)
- (b) compliance with a legal obligation to which EMSA is subject ☐
- (c) necessary for the performance of a contract with the data subject or for the preparation of such a contract ☐
- (d) Data subject has given consent (ex ante, explicit, informed) ☒

Describe how consent will be collected and where the relevant proof of consent will be stored

Consent is granted by the staff member making the donation via the platform and is stored by the platform.

In the "your donation" webpage, the data subjects read that by continuing, they agree with the GoFundMe privacy statement.

The rights of the data subjects are detailed in the point “USERS IN EUROPE” of the GoFundMe Privacy Notice (Annex 1).

A DPIA will be carried out to further access any risk.

–5) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are being processed?

EMSA staff ☒

Non-EMSA staff (contractors staff, external experts, trainees)
SNEs, NEPTs, trainees and Interims. ☒

Visitors to EMSA building ☐

Relatives of the data subject ☐

Other (please specify):

6) Categories of personal data processed (Article 31.1(c))

Please tick all that apply and give details where appropriate

(a) **General personal data:**

The personal data contains:

Personal details (name, address etc) ☒
Name, email address,

Education & Training details ☐

Employment details ☐

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

(b) **Sensitive personal data** (Article 10)

The personal data reveals:

Racial or ethnic origin ☐

Political opinions ☐

Religious or philosophical beliefs ☐

Trade union membership ☐

Genetic, biometric or data concerning health ☐

Information regarding an individual's sex life or sexual orientation ☐

7) Recipient(s) of the data (Article 31.1 (d))

Recipients are all parties who have access to the personal data

Data subjects themselves ☒

Managers of data subjects ☐

Designated EMSA staff members ☒

Designated Contractors' staff members ☐

Other (please specify):

- Public if authorised by the data subject,
- Operators of the platform used – GoFundMe and their third parties and processors as per the point “OUR DISCLOSURE OF INFORMATION COLLECTED THROUGH THE SERVICES” of their Privacy Notice (Annex 1).

8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))

If the personal data are transferred outside the European Economic Area, this needs to be specifically mentioned, since it increases the risks of the processing operation.

Data are transferred to third country recipients:

Yes: ☒

No ☐

If yes, specify to which country: United States

If yes, specify under which safeguards:

Adequacy Decision of the European Commission ☐

Standard Contractual Clauses ☐

Binding Corporate Rules ☐

Memorandum of Understanding between public authorities ☐

Article 50

Derogations for specific situations

1. In the absence of an adequacy decision pursuant to Article 45(3) of Regulation (EU) 2016/679 or to Article 36(3) of Directive (EU) 2016/680, or of appropriate safeguards pursuant to Article 48 of this Regulation, a transfer or a set of transfers of personal data to a third country or an international organisation shall take place only on one of the following conditions:

- (a) the data subject has explicitly consented to the proposed transfer, after having been informed of the possible risks of such transfers for the data subject due to the absence of an adequacy decision and appropriate safeguards;

In addition to the above legal basis, DPIA and threshold assessment were performed.

9) Technical and organisational security measures (Article 31.1(g))

Please specify where the data are stored during and after the processing

How is the data stored?

EMSA network shared drive

☐

Outlook Folder(s)

☐

Hardcopy file

☐

Cloud (give details, e.g. public cloud)

☐

Servers of external provider (co-controller)

☒

Other (please specify):

10) Retention time (Article 4(e))

How long will the data be retained and what is the justification for the retention period? Keep in mind that there are pre-determined retention periods for most types of files. Those are explained in the Records Management Policy and Procedure of the Agency. You can check EMSA Records Management Policy and Procedure at the Intranet of the Agency.

No personal data is retained by EMSA.

The external third-party co-controller's retention is detailed in the point RETENTION OF YOUR INFORMATION of the GoFundMe Privacy Notice (Annex 1).

It states that GoFundMe retain the data subject's information for as long as they deem necessary for the purpose for which that information was collected and for their legitimate business operations; provided, however, that the data subject's information is only retained to the extent permitted or required by applicable laws.

When GoFundMe no longer need to retain data subjects' information, they will take reasonable steps to remove it from their systems and records and/or take steps to anonymise it so that data subjects can no longer be identified from it in accordance with their internal document retention policies.