

## **Data Protection Privacy Statement on the processing of personal data in the context of the EU Seafarer's Certification Platform - Phase I**

The protection of privacy is of high importance to the European Maritime Safety Agency ('EMSA'). EMSA is responsible for the personal data it processes. Therefore, we are committed to respecting and protecting the personal data of every individual and to ensuring efficient exercising of data subject's rights. All the data of personal nature, namely data that can identify an individual directly or indirectly, will be handled fairly and lawfully with the necessary due care.

This processing operation is subject to Regulation 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. The information in this Privacy Statement is given pursuant to Articles 15 and 16 of the Regulation 2018/172.

### **1. Nature and the purpose(s) of the processing operation**

The EU Seafarers' Certification Platform (Platform, thereunder) aims at facilitating the issue of electronic certificates to seafarers from the EU Member States, Norway and Iceland. By doing so, the Platform supports the Member States in the implementation of Articles 4(11) and 4(13) of Directive (EU) 2022/993 on the minimum level of training of seafarers.

According to the Directive, each Member State shall undertake:

- (a) to maintain a register or registers of all certificates of competency and certificates of proficiency and endorsements for masters and officers and, where applicable, ratings, which are issued, have expired or have been revalidated, suspended, cancelled or reported as lost or destroyed, as well as of dispensations issued;
- (b) to make available information on the status of certificates of competency, endorsements and dispensations to other Member States or other Parties to the STCW Convention and companies which request verification of the authenticity and validity of certificates of competency and/or certificates issued to masters and officers in accordance with Regulations V/1-1 and V/1-2 of Annex I produced to them by seafarers seeking recognition, under Regulation I/10 of the STCW Convention, or employment on board ship.

Tasks that are facilitated by the Platform, not only through the hosting of the Member States' data in an independent manner per country, but also by allowing for the verification of the validity of the seafarer's certificates to be conducted through a common search functionality.

The processing entails several Phases.

Phase I of the development of the Platform includes an eSign and eSeal functionality by which duly authorised officials of the Member States' Maritime Administrations are entitled to electronically sign and seal STCW certificates issued to seafarers in a secure, accredited, and transparent way.

To achieve it, the Platform will use one of the European Commission's digital building blocks: the eSignature block, which consists of a set of standards, tools and services that help create and verify electronic signatures that have the equivalent legal effect of hand-written signatures (QES).

For the provision of such services, Member States will have to transfer, and the Platform will need to receive and process the (personal) data contained within the STCW certificates issued to seafarers before the electronic signature and signing process can proceed using DIGIT's EU Sign services.

After such processing, both the personal data and the signed certificates will be stored in the Platform for the purposes of the verification of the authenticity and validity of the issued certificates by interested parties.

In addition, for verification of certificates not issued within the Platform, an interface connection is also established allowing for a search to be performed against the data stored in the Member States' systems.

The Platform will not reuse the personal data for another purpose that is different to the one stated above. The processing is not intended to be used for any automated decision making, including profiling.

Considering the above, the Platform development obeys to specific security measures and technical solutions identified to guarantee that the personal data are securely exchanged and processed.

## **2. Categories/types of personal data processed**

The categories/types of personal data to be processed are:

Personal details (name, nationality, gender, date of birth, ID number / Passport number, etc)

Employment details (certificate number, certificate issuing country, certificate date of issue/expiry, certificate title, etc)

## **3. Processing the personal data**

The processing of the personal data is carried out under the responsibility of the Head of Unit 1.2 - Visits & inspections, Human Element, acting as delegated EMSA data controller.

## **4. Access to and disclosure of personal data**

The personal data is disclosed to authorised Platform users at their individual access areas:

- Data subjects themselves (Seafarers),
- Competent authorities in the EU, Norway and Iceland responsible for the issuing of the certificates to Seafarers while carrying out their obligations under Directive (EU) 2022/993 on the minimum level of training of seafarers,
- Other Maritime Administration officers in line with their obligation to comply with the verification of the authenticity and validity of the certificates issued to the seafarers that they are asked to recognise,
- Enforcement authorities acting in their line of duty (such as port state control officers or maritime police).

Unless specifically authorised by each individual Member State for testing or problem-solving reasons, EMSA staff will not have access to the personal data stored within the Platform by each Maritime Administration.

Any processing carried out by an external party such as Microsoft when providing Azure Cloud services will obey to the contractual provisions that govern the supply of Cloud services to EMSA.

The terms by which the Cloud Provider (Microsoft) abides regarding Data Protection are detailed in the Microsoft Products and Services Data Protection Addendum, regularly updated and available at:

<https://www.microsoft.com/licensing/docs/view/Microsoft-Products-and-Services-Data-Protection-Addendum-DPA>

## **5. Protecting and safeguarding personal information**

EMSA will implement appropriate technical and organisational measures to safeguard and protect data subjects' personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them.

All personal data related to the seafarer's certification process will be stored in the Platform in a secure way, following appropriate security standards and stored in electronic folders accessible only to authorised recipients.

The system will be password protected under a single sign-on system automatically connected to the user ID. The e-records will be held securely to safeguard the confidentiality and privacy of the data therein.

## **6. Access, rectification, erasure or restriction of processing of personal data**

Data subjects have the right to access, rectify, erase, and receive their personal data, as well as to restrict and object to the processing of the data, in the cases foreseen by Articles 17 to 24 of the Regulation 2018/1725.

If data subjects would like to exercise any of these rights, they should send a written request explicitly specifying their query to the Data Controller.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the usage of the Platform.

The above requests will be answered without undue delay, and in any event within one month of receipt of the request. However, according to article 14 (3) of the Regulation 2018/1725, that period may be extended by two further months where necessary, taking into account the complexity and number of the requests. EMSA shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

## **7. Legal basis for Data processing**

Processing is based on Article 5 (a) of the Regulation 2018/1725, as provided in Regulation (EC) N° 1406/2002 as amended, Article 2 par. 3. b) and EMSA Single Programming Document 2023-2025, Section III, 4.4.

## **8. Storing Personal data**

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected.

The data will be retained for a maximum period 20 years or for another period following Member States's request.

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

## **9. Data protection points of contact**

Should data subjects have any queries/questions concerning the processing of your personal data, they should address them to the Data Controller - Head of Unit 1.2, under the following mailbox: [administrative.seafarersplat@emsa.europa.eu](mailto:administrative.seafarersplat@emsa.europa.eu).

Any data subject may also consult EMSA Data Protection Officer at: [DPO@emsa.europa.eu](mailto:DPO@emsa.europa.eu).

### **Recourse:**

Complaints, in cases where the conflict is not resolved by the Data Controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu).