

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

NAME OF PROCESSING ACTIVITY:

Survey on Post COVID-19 Outbreak Return to Work

DATE: 13/05/2020

1) Controller(s)¹ of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible for the processing activity: Unit 4.2</p> <p>Contact person: Acting Head of Department 4</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))²
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 4.2</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third-party: N/A <input type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</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>A Survey will be launched among EMSA staff in order to collect indication from staff if they are willing to work from premises or if they prefer to continue teleworking, following the outbreak of COVID – 19 and the subsequent quarantine measure. The Survey will be taking into account their personal/family situation as well as safety measures that need to be implemented in line with requirement from the Portuguese authorities. The collected data will facilitate the ED's decision on types of phases anticipated for gradual return. In case staff is indicating willingness to return, the aggregated data will be used in order to define rotas and location of staff in the premises, in order to ensure deeper cleaning and managing working time.</p> <p>Access to the personal data collected will only be granted to a limited number of identified staff – the Senior Management for decision making.</p> <p>Should voluntarily rota/ work in premises be agreed, data need to be shared with HoU, HR and Facilities staff.</p>

¹ In case of more than one controller (e.g. joint operations), all controllers need to be listed here

² Is EMSA itself conducting the processing? Or has a provider been contracted?

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)
Under 15.2(e) of the EMSA Founding Regulation, Regulation (EC) No 1406/2002, as amended, the Executive Director shall exercise (e) he/she shall exercise, in respect of the staff, the powers laid down in Article 6(2). As part of the duty of care incumbent upon the Executive Director as Appointing Authority, staff need to be assisted during disruptions affecting the normal functioning of EMSA and which may have consequences for the health and wellbeing of the staff.
- (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 ☐

Important Note

Consent may not be the most appropriate legal basis, in particular in the employment context. However, if you wish to use consent as legal basis, ensure that it complies with the following: it must be freely given, specific, informed and unambiguous consent. Contact the DPO if you need further clarifications.

- (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

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

Whose personal data are being processed?

- | | |
|--|-------------------------------------|
| EMSA staff | <input checked="" type="checkbox"/> |
| Non-EMSA staff (contractors staff, external experts, trainees) | <input type="checkbox"/> |
| Visitors to EMSA building | <input type="checkbox"/> |
| Relatives of the data subject | <input type="checkbox"/> |
| 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, e-mail address) | <input checked="" type="checkbox"/> |
| Education & Training details | <input type="checkbox"/> |
| Employment details | <input type="checkbox"/> |
| Financial details | <input type="checkbox"/> |
| Family, lifestyle and social circumstances | <input type="checkbox"/> |
| Goods or services provided | <input type="checkbox"/> |
| Other (please give details): | |

(b) Sensitive personal data (Article 10)

The personal data reveals:

- | | |
|--|--------------------------|
| Racial or ethnic origin | <input type="checkbox"/> |
| Political opinions | <input type="checkbox"/> |
| Religious or philosophical beliefs | <input type="checkbox"/> |
| Trade union membership | <input type="checkbox"/> |
| Genetic, biometric or data concerning health | <input type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input type="checkbox"/> |

Important Note

If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.

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

Recipients are all parties who have access to the personal data

- | | |
|---------------------------------------|-------------------------------------|
| Data subjects themselves | <input type="checkbox"/> |
| Managers of data subjects | <input checked="" type="checkbox"/> |
| Designated EMSA staff members | <input checked="" type="checkbox"/> |
| Designated Contractors' staff members | <input type="checkbox"/> |
| Other (please specify): | |

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:

If yes, specify under which safeguards:

Adequacy Decision of the European Commission

☐

Standard Contractual Clauses

☐

Binding Corporate Rules

☐

Memorandum of Understanding between public authorities

☐

Important Note

If no safeguards are applicable, please contact the DPO before processing the data further.

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

☐

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.

The data is kept for as long as it is needed in order to prepare the administrative modalities for re-entry into the normal work schedule for all EMSA staff and will be erased as soon as possible after the that and at the latest within six months.

**Thank you for completing the form.
Now please send it to the DPO using the ARES workflow**