

Data Protection Statement/Privacy Statement on the processing of personal data in the context of the Medical Protocol for handling of staff exposure to Covid-19

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 2018/1725.

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

EMSA, like all governments, public and private organisations throughout Europe is taking measures to contain and mitigate COVID-19 pandemic to protect its staff. To ensure the protection of the personal data of all data subjects including its staff, several considerations were taken by the Agency to guarantee the lawful processing of personal data.

As such, EMSA put in place the Safety measures in EMSA under Covid-19 circumstances. This document establishes internal procedures towards a return to normality during the COVID-19 outbreak. It is updated regularly, following the developments and recommendations from the Portuguese authorities, the European Commission, international health authorities and considering EMSA's situation. In the same document, the Medical Protocol to be followed for handling of staff exposure to Covid-19 is described in the point 9 (Ares(2021)7550704 of 08/12/2021).

In summary, staff members are asked to inform by e-mail the following receipts in the following cases:

- If staff member is in the office and get to know that he/she was in contact with a confirmed COVID-19, tested COVID-19 positive, or has/had suggestive symptoms - the Line Manager and the HR Leave Manager to be informed.
- If staff member is at home and get to know that he/she was in contact with a confirmed COVID-19 Case, tested COVID-19 positive or has/had suggestive symptoms - the Line Manager and the HR Leave Manager to be informed;
- If staff member is prescribed prophylactic isolation or isolation - the Line Manager and the HR Leave Manager to be informed;
- If prescribed prophylactic isolation or isolation has ended and staff member is tested COVID 19 positive - the Line Manager and the HR Leave Manager to be informed;
- If prescribed prophylactic isolation or isolation has ended and staff member is tested COVID 19 negative - the Line Manager to be informed;

The purpose of processing the personal data during the application of the Medical Protocol is to solely enable the Agency to implement procedures aiming to reduce the risk of infection in its premises and thus protect its staff's health.

EMSA will not reuse the personal data for another purpose that is different to the one stated above.

2. Categories/types of personal data processed

The categories/types of personal data processed are the following:

- Personal details: Name, Surname, Date of birth, Name of the doctor, SNS number (in the Declaração de Alta)
- Family, lifestyle and social circumstances: Name, Surname and family relationship
- Genetic, biometric or data concerning health: COVID 19 test results (positive or negative), dates prescribed prophylactic isolation, medical discharge (declaração de alta).

Staff is also asked to inform HR Leave Manager and Line Manager of situations where the staff member or a member of his household suspects/is confirmed to may have been in contact with a positive case or has suggestive symptoms as telework is mandatory in these cases.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Corporate Services (Department 4), acting as delegated EMSA data controller.

Personal data are processed by designated staff members of the Department 4, Unit 4.1 and Unit 4.2.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Line Manager of the staff member concerned
- Head of Department 4 – as delegated controller
- Head of Unit 4.1 - as direct manager of the HR Leave Managers
- HR Leave Managers (Unit 4.1) – as responsible for the implementation of the medical protocol
- Head of Unit 4.2 - as direct manager of the Logistic and Facilities Team and Security Officer
- Logistic and Facilities Team (Unit 4.2) - as responsible for the cleaning of the shared offices and EMSA common areas

The information concerning the Medical Protocol for handling of staff exposure to Covid-19 will only be shared with people necessary for the implementation of such measures *on a need to know* basis. The data are not used for any other purposes nor disclosed to any other recipient.

The information in question will not be communicated to third parties, except where necessary for the purpose(s) outlined above.

5. Protecting and safeguarding personal information

EMSA implements appropriate technical and organisational measures in order 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 Medical Protocol for handling of staff exposure to Covid-19 are stored in secure IT applications according to the security standards of the Agency as well as in specific electronic folders accessible only to the authorised recipients. Appropriate levels of *access are granted* individually only to the above recipients.

All persons dealing with personal data in the context of the Medical Protocol for handling of staff exposure to Covid-19 procedures, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure.

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 delegated data controller, Head of Corporate Services (Department 4).

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 Articles 5 (a) and 10 (b) of the Regulation 2018/1725.

The personal data are collected and processed in accordance with:

- 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.
- Article 1(e) (2) of the Staff Regulations of officials according to which "Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties"
- Article 59 of the Staff Regulations related to the management of medical leave is the relevant legal ground for the processing of COVID-19 medical information
- Safety Measures in EMSA under COVID-19 circumstances (Ares(2021)7550704)

8. Storing Personal data

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

Sensitive personal data processed related to the EMSA Medical Protocol for handling of staff exposure to Covid-19 is to be stored only for 21 days and then be deleted in due time.

Personal data processed in the document called "Declaração de Alta" is kept until the new calendar year leave rights in LeaMa are established (n+1) and the carryover of the previous year is done (n-1).

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 Corporate Services (Department 4) under the following mailbox: dominika.lempicka-fichter@emsa.europa.eu.

Any data subject may also consult EMSA Data Protection Officer at: 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.