

## RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Promotion/reclassification exercise for EMSA staff: Officials, 2(f) temporary staff, contract staff (v.1).

1)	Controller(s) <sup>2</sup> of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible<sup>3</sup> for the processing activity: Unit 4.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit 4.1, Human Resources and Internal Support.</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: <a href="mailto:dpo@emsa.europa.eu">dpo@emsa.europa.eu</a></p>	
2)	Who is actually conducting the processing? (Article 31.1(a)) <sup>4</sup>
<p>The data is processed by EMSA itself. <span style="float: right;">x</span></p> <p>The organisational unit conducting the processing activity is: Unit 4.1, Human Resources and Internal Support.</p>	
<p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party <span style="float: right;"><input type="checkbox"/></span></p>	

<sup>1</sup> **Personal** data is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

**Processing** means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

<sup>2</sup> In case of more than one controller (e.g. joint operations), all controllers need to be listed here

<sup>3</sup> This is the unit that decides that the processing takes place and why.

<sup>4</sup> Is EMSA itself conducting the processing? Or has a provider been contracted?

3) Purpose of the processing (Article 31.1(b))

*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.*

The purpose of the processing operation is to ensure the management of the promotion and reclassification exercises of the Officials, Temporary Agents and Contract Agents of EMSA by offering them a possibility of progression in their career based on their merits.

The promotion/reclassification process is as follows:

1. Launch of promotion reclassification exercise

Publication of Administrative Notice and communication of promotion/reclassification possibilities to the Executive Director (ED) and the Heads of Departments (HoD)

2. Consultation of Reporting Officers (RO) (Heads of Units (HoU))

HoDs have to consult the ROs under their responsibility

3. Examination of the comparative merits

Meeting of ED, HoDs and the Head of the Executive Office to examine the comparative merits of the staff eligible for promotion/reclassification

4. ED discussion with Staff Committee (SC)

The ED holds a discussion with a delegation appointed by the SC

5. Proposal sent to Joint Promotion Reclassification Committee (JPRC) and communicated to staff

The ED draws up the list of staff proposed for promotion/reclassification. List is available for consultation on the intranet

6. Appeals against the fact of not being on the list

Staff have 10 working days to appeal (with supporting arguments) to JPRC if they wish so, starting from the date of communication of the promotion/ reclassification proposal.

7. JPRC

The JPRC, taking into account any complaints it has received, makes comparison of merits and presents to the ED the list of staff it recommends for promotion/ reclassification

8. Promotion/reclassification decisions

The ED examines separately the staff eligible for promotion/ reclassification, grade by grade, and examines the appeals.

After the final comparison of merits, the ED adopts the list of promoted/reclassified staff.

9. Publication of the list of promoted/ reclassified staff.

This processing does not cover the Annual Appraisal Exercise, which is covered by the Management of the Annual Appraisal Exercise v.1- Record of processing activity ([Ares\(2024\)1715869](#)).

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) ☒
- Promotion for officials: Article 45 of the Staff Regulations.
  - Reclassification for temporary and contract agents: Articles 54(1) of the CEOS and 87(3) of the CEOS respectively.
  - Decision of the Administrative Board laying down general implementing provisions regarding Article 45 of the Staff Regulations
  - Decision of the Administrative Board laying down general implementing provisions regarding Article 54 of the CEOS
  - Decision of the Administrative Board laying down general implementing provisions regarding Article 87(3) of the CEOS
  - 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).
- (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) ☐

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

*Whose personal data are being processed?*

- EMSA staff ☒
- Officials, Temporary Agents and Contract Agents
- Non-EMSA staff (contractors staff, external experts, trainees) ☐
- Visitors to EMSA building ☐

Relatives of the data subject	<input type="checkbox"/>
Other (please specify)	
6) Categories of personal data processed (Article 31.1(c)) <i>Please tick all that apply and give details where appropriate</i>	
<b>(a) General personal data:</b> The personal data contains:	
Personal details	x
Name and Surname	
Education & Training details	<input type="checkbox"/>
Knowledge of languages:	<input type="checkbox"/>
Languages used in the daily work of the staff member.	
Employment details:	x
CDR reports (please see <a href="#">Ares(2024)1715869</a> ), Personnel number, start and end dates of contract, name of current Reporting Officer, current grade, seniority in the grade, fulfilment of 3rd language requirement, career history in terms of previous promotions, previous positions held, CCP periods, guiding average career for his/her grade and other relevant information when applicable.	
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>(b) Sensitive personal data (Article 10)</b>	

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"/>
7) Recipient(s) of the data (Article 31.1 (d))	
<i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	x
Partially in case of complaints (appeals), the staff members have access to:	
<ul style="list-style-type: none"> <li>- appeal documentation submitted by them;</li> <li>- answer from the Executive Director informing about the outcome of the appeal.</li> </ul>	
Managers of data subjects	x
Designated EMSA staff members	x
<ul style="list-style-type: none"> <li>• Head of Unit Human Resources, HR Officer/s and/or HR Assistant responsible for the implementation of the exercise.</li> <li>• Legal Officers, in the case of Article 90(2) complaints</li> <li>• Heads of Departments and Head of the Executive Office</li> <li>• Members, alternates and Secretariat of the Joint Promotion and Reclassification Committee members and alternates</li> </ul>	
<p>The access to documents for each of the above-mentioned recipients is carried out following a 'need to know' principle. Access to the documents is only given for the time needed to examine the merits of staff or during the JPRC meeting. Each person concerned, is reminded of the principle of confidentiality at the beginning of the promotion/reclassification exercise and is asked to sign a declaration of confidentiality and absence of conflict of interest.</p>	

Designated Contractors' staff members

☐

Other (please specify):

Access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

**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

x

**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

☐

**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	<input type="checkbox"/>
Outlook Folder(s)	
Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
Other (please specify):	x
<p>The official file is stored in ARES.</p> <p>There is an annual promotion/reclassification file for each year stored in ARES that contains all official documents of the exercise (i.e. administrative notices, minutes of meetings, lists of proposed for promotion/reclassification, appeals, Joint Promotion and Reclassification Committee opinions)</p> <p>Individual promotion decisions and amendments contracts are filed in the E-Personal File.</p>	
<p>10) Retention time (Article 4(e))</p> <p><i>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 <a href="#">here</a>.</i></p>	
<p>The annual promotion/reclassification file stored in ARES. is kept for 10 years and eliminated after the administrative retention period.</p> <p>The individual contract amendments/promotion decisions are part of the e-personnel files which are destroyed 10 years following the termination of employment or the last pension payment.</p> <p>In case of legal action against the non-promotion/reclassification decision, the retention period is extended until one year after the final decision.</p>	