

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

#### Filling instructions

NAME OF PROCESSING ACTIVITY<sup>1</sup>: VAT recovery by staff registered with the Ministry of Foreign Affairs

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 <b>responsible</b><sup>3</sup> for the processing activity: 4.1 Human Resources and Internal Support</p> <p>Contact person: Rui Fernandes / José Baptista / Dounia Taghian</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 <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: 4.1 Human Resources and Internal Support</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party - Ministry of Finance. <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): Assistant of the Ministry of Finance.</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.*

Under the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, Portuguese authorities grant EMSA and its eligible staff the possibility to purchase certain eligible goods and services under a VAT exemption regime. Limits and procedures are detailed by legal bases established by the PT authorities.

- PT market
  1. VAT claims done by the staff member via the tax authorities webpage. Originals of invoices are submitted to EMSA.
- EU Market
  1. Staff member gives the invoice and EU VAT form (15.10) to the Protocol team who send it to the PT VAT authorities for validation.
  2. Once received back from the PT VAT authorities, the form must be used by the staff member to claim the VAT from the shop/administration where the purchase took place.

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).
- (b) compliance with a legal obligation to which EMSA is subject ☒  
Article 6 of the Protocol between EMSA and the Portuguese Administration
- (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

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

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 and address

Education & Training details ☐

Employment details ☐

Financial details ☒

NIF and bank account.

Family, lifestyle and social circumstances ☐

Goods or services provided ☒

Details of goods or services purchased.

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 ☒

Staff members must register on the e-Finanças website and provide their NIF and bank account details.  
In order to submit a claim, they must complete an on-line form with the details of their invoices.

Managers of data subjects ☐

Designated EMSA staff members ☒

HR Unit colleagues in charge of the file(s).

Designated Contractors' staff members ☒

Relevant staff at the Ministry of Finance

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 ☐

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 ☒

In a locked archive room with access only to the protocol team.

Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input checked="" type="checkbox"/>
Servers of the Ministry of Finance.	
Other (please specify):	
Access tool where the designated members of Unit 4.1 dealing with protocol issues register the day of validation by EMSA, the number of invoices and the amount of the VAT claim of the staff member.	
<b>10) Retention time (Article 4(e))</b> <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>Due the existing Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, 20 years was the Retention period established.</p> <p>In the case of invoices submitted by staff, they are returned to the latter after a period of ten years.</p>	

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