

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Vehicle registration under diplomatic plate

1) Controller(s) ² of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible³ for the processing activity: 4.1 Human Resources and Internal Support</p> <p>Contact person: Rui Fernandes / José Baptista</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)) ⁴
<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 Foreign Affairs, Customs and Tax authorities. <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): Assistant of the Department of Protocol of the Ministry of Foreign Affairs, Tax authority - Chefe de Divisão Vehicle tax and Customs - Diretor de Alfândega Adjunto.</p>

¹ **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.

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

³ This is the unit that decides that the processing takes place and why.

⁴ 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 and Portuguese authorities grant the privilege diplomatic registration to certain vehicles belonging to EMSA and eligible members of staff. Eligibility and access are defined under PT law.

The request of diplomatic plate is sent to the PT Ministry of Foreign Affairs together with supporting documentation related to the vehicle. The documents are provided by the staff member. The registration process is defined by the relevant PT Authorities.

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 ☐

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

Explicit. The staff members provide the necessary documentation to request the diplomatic plate and express their registration request by email.

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, address and diplomatic ID card number

Education & Training details



Employment details



Financial details



Family, lifestyle and social circumstances



Goods or services provided

☐

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

☐

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

☒

Managers of data subjects

☐

Designated EMSA staff members

☒

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

Designated Contractors' staff members

☒

Relevant staff of the Ministry of Foreign Affairs, Customs and Tax authority

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	<input checked="" type="checkbox"/>
Copies of the documentation are kept in a locked cupboard by Protocol staff.	
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input checked="" type="checkbox"/>
Servers of Ministry of Foreign Affairs, Customs and Tax authorities.	
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 [here](#).

Due the existing Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, 20 years was the Retention period established.

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