

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

NAME OF PROCESSING ACTIVITY¹:

Management of the personal files of Officials, Temporary Agents, Contract Agent, Seconded National Experts, National Experts in Professional Training and Trainees at EMSA.

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: 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: 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: Unit 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 <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p> <p>The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the E-Personal File, where a reduced list of names, surnames and EMSA Staff members personnel numbers is available. However, the contractor will have</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?

access to the E-Personal File back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes. For more information, please consult the Recording of processing activity: Enhancement and Maintenance Services for IT Corporate Applications ([Ares\(2019\)882630](#))

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.

- To manage the documents of the Officials, Temporary Agents and Contract Agents hired at the agency, which are stored in the personal file (electronic and paper).
- To manage the documents of the Seconded National Experts and the National Experts in Professional Training seconded at the agency, which are stored in the personal file (electronic and paper).
- To manage the documents of the Trainees recruited at the agency, which are stored in the personal file (electronic and paper).

The personal file is the final repository of all the documents concerning the management of the above-mentioned categories of staff. Being the final repository, it is important to note that the current notification is complementary to other notifications which have been submitted separately covering the specific areas concerned.

EMSA has managed the personal files of its staff on paper only until 2016. In November 2016, an electronic repository for the personal files, the E-Personal File, was launched to allow automatic filing of documents automatised of certain requests initiated by the staff members. The implementation of the E-Personal File project was described in detailed in the notification No.A.1-(50) E-Personal File of 28/09/2016 ([Ares\(2017\)1793029](#))

The E-Personal File's current structure can be found in Annex I.

The list of current type of documents and their filing location in the E-Personal file is in Annex II.

The list of current Requests available in the E-Personal File can be found in the Annex III.

The current paper personal file indexes can be found in the Annex IV.

The personal file (electronic and/or paper) shall contain the data of the following documents:

Officials, Temporary Agents and Contract Agents:

Offer letter and acceptance, Declaration of Conflict of Interest, CV, degrees, diplomas or educational certificates, statements/contracts/certificates from the previous and current employers, last payslips, passport or ID card, recent criminal record, application form, the Determination of Entitlements under the Staff Regulations Form, the Legal Entity Form, the Financial Identification Form and the JSIS confidential declaration form, Medical Clearance, , a grading table, employment contract, the establishment of rights and place of origin, job description, objectives, training map, amendments and renewals of contracts, probationary report/extension, performance appraisal reports, third language and other trainings/language certificates, promotions/reclassification documents, ad interim/acting documents, work patterns requests (part-time, parental leave, family leave, military and civil service leaving requests), outside activity requests, gift declarations, conflict of interest declarations, declarations of confidentiality, declarations of standing for public office, declarations of election or appointment to a public office, authorisations to publish a publication or speech, authorisations to receive a decoration or honour, training passports, training requests, annual review of individual rights forms, household allowance forms, spouse's income and

professional activity declarations, dependent child allowance forms, education allowance forms, social measure forms, person treat as dependent child allowance forms, family allowances from other sources forms, tax abatement forms, change of place of origin, proof of accommodation costs, travel reimbursement form, removal reimbursement form, installation allowance form, change of private address form, person to contact in case of emergency form, request of transfer of pension rights, administrative certificates, resignation letter, death certificate, invalidity decision, retirement decision and pension documents, establishment of rights at the end of service, change of place of origin at end of service, travel reimbursement form, removal reimbursement form, resettlement allowance form, unemployment allowance forms, end of contract documents, resignation, invalidity decision, leaving form.

And, if appropriate:

A statement related to the candidate's position regarding any military/civil service obligations, marriage certificate, certificate of legal partnership, divorce, legal separation, maintenance judgement, spouse's latest salary slip, spouse's latest income tax declaration, spouse's proof of unemployment, adoption and/or birth certificate(s) of child(ren), residence certificate, Spouse's ID card or Passport, Diplomatic ID Card, Vehicle Registration and Galp Card.

Certain staff member records shall be maintained temporarily or separately:

- Criminal Record: it is asked at the time of recruitment. It should be kept no longer than 2 years after the starting date of the staff member.
- Appeals and Complaints Art. 90: If in paper, shall be kept in a locked in cupboard in the office of the Senior HR Officer. If electronic, are kept in a restricted file in ARES.

• Disciplinary Measures – shall be kept in a locked safe in the office of the Senior HR Officer. Concerning the retention of the disciplinary decision that imposes a charge on the staff member concerned, a copy of the decision will be kept in the personal file of the jobholder according to Article 27 of Annex IX of the Staff Regulations that fixes the delays from when the person concerned may ask the withdrawal of any mention on the disciplinary measure that figures in the disciplinary file.

In case of interagency mobility, the personal file of the candidate is requested from the current employer (another Agency or EU Institution).

The list of documents mentioned above is non-exhaustive.

Seconded National Experts

Exchange of letters for the secondment, CV, degrees, diplomas or educational certificates, statements/contracts/certificates from the previous and current employers, last payslips, passport or ID card, the Legal Entity Form, the Financial Identification Form, Statement on Honour Form, Personal Details Form, Previous Place of Residence Form, E106 European Health Certificate, Declaration of Conflict of Interest, Declaration of SNE's time in service, Declaration on expenses and allowances, Declaration on the nature of the employer, job description, objectives, training map, other trainings/language certificates, military and civil service leaving requests), outside activity requests, gift declarations, conflict of interest declarations, declarations of confidentiality, declarations of standing for public office, declarations of election or appointment to a public office, authorisations to publish a publication or speech, authorisations to receive a decoration or honour, training passports, training requests, travel reimbursement form, change of private address form, person to contact in case of emergency form, resignation letter, leaving form.

And, if appropriate:

A statement related to the candidate's position regarding any military/civil service obligations, marriage certificate, certificate of legal partnership, divorce, legal separation, adoption and/or birth certificate(s) of child(ren), residence certificate, social measure applications/decisions, Spouse's ID card or Passport, Diplomatic ID Card, Vehicle Registration and Galp Card.

The list of documents mentioned above is non-exhaustive.

National Experts in Professional Training:

NEPT Application Form, Exchange of letters for the secondment, the Legal Entity Form, the Financial Identification Form, the Emergency Contact Details Form, Declaration of Confidentiality, Declaration of Remuneration and Social Security Declaration plus proof of sickness insurance cover, training requests, earlier termination of professional training, professional training certificate, end of the professional report, leaving form.

Trainees

Traineeship Application Form, Traineeship Offer letters and Acceptance Form, degrees, diplomas or educational certificates, language certificates, the Legal Entity Form, the Financial Identification Form, Emergency Contact Details Form, Sickness Insurance Form, Declaration of Confidentiality, proof of sickness insurance cover, training requests, earlier termination of traineeship, traineeship certificate, end of traineeship report, leaving form.

The list of documents mentioned above is non-exhaustive.

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) ☒

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Treaties establishing the European Communities (recruitment of personnel) and in particular Article 6 of the Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency (as amended).

- (b) compliance with a legal obligation to which EMSA is subject ☒
- [Regulation No 31 \(EEC\), 11 \(EAEC\), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community.](#)
 - [Decision of the Administrative Board of 25/03/2015 laying down general implementing provisions on the procedure governing the engagement and the use of temporary staff under Article 2\(f\) of the Conditions of Employment of Other Servants of the European Union.](#)
 - [Decision of the Administrative Board of 26/07/2018 laying down implementing rules on middle management staff.](#)
 - [EMSA Administrative Board Decision of 24/06/2019 on the procedure governing the engagement and use of contract staff at EMSA.](#)
 - [Director's Decision n° 2016/036 of 21.11.2016 relating to the rules governing the traineeship scheme of EMSA.](#)
 - [Decision of the Executive Director on Guidelines on Recruitment of Seconded National Experts and pursuant the Decision of the Administrative Board of 20 November 2007 laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training.](#)

(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

Data Protection Privacy Statements are published on EMSA website and in the [HR Portal](#), main page of the [HR Database](#) and [E-Personal File](#).

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 and NEPTS) ☒

Visitors to EMSA building ☐

Relatives of the data subject ☒

Other (please specify):

In case of payment of Installation Allowance which requested in handled in the E-personal File, the staff member has to provide a copy of his/her lease contract where the personal data of the landlord is described (name, address, NIF, marital status, etc)

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) ☒

Education & Training details ☒

Employment details ☒

Financial details	<input checked="" type="checkbox"/>
Family, lifestyle and social circumstances	<input checked="" type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details): Please see the point 3) above.	
(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"/>
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	<input checked="" type="checkbox"/>
<p>E-Personal file: Officials, Temporary Agents, Contract Agents, SNEs, NEPTs and Trainees have full access to all documents in his/her e-personal file.</p> <p>Paper personal files: Officials, Temporary Agents, Contract Agents, SNEs, NEPTs and Trainees have access only if requested, as the binders are stored in the locked archive -1.</p> <p>After the implementation of the e-personal file in 2016, the paper personal files created contain</p>	

mainly certified true copies of documents and original forms. Documents provided in electronic format are kept only in the e-personal file.

Managers of data subjects



E-Personal file: Managers have limited access to the e-personal file of their staff. The following type of documents are accessible by the hierarchy of a staff member: CV, Probationary Report-Extension, Promotion contract amendment-Third language, Interagency Mobility-Internal Mobility-Internal Transfer, Leave on Personal Grounds, Part-time, Parental and Family leave, Teleworking, Military and Civil Service leaving, Retirement, End of Contract, Resignation, Outside Activity, Gifts, Conflict of Interest Declaration, Declaration of Confidentiality, Standing for public office-Election or appointment to a public office, Publishing a publication or speech, Receive a decoration or honour, Security Clearance, Under-performance, Job Description, Objectives, Training passport, CDR, Training Requests, MSS Annual Leave, Training Map, End of Service Declarations, Declaration of Consent, Authorisation to engage occupation after leaving service

Paper personal files: N/A as managers have the necessity access on a need to know basis in the e-personal file.

Designated EMSA staff members



The relevant EMSA Human Resources staff following a need to know basis principle;

The Document Management Officer/Archivist for the Archive Room -1

The Appointing Authority, i.e., the EMSA's Executive Director;

Specialised members of the ICT Unit involved in the management and development of the HR Database and E-Personal File

Designated Contractors' staff members



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	<input checked="" type="checkbox"/>
If yes, specify to which country:	
If yes, specify under which safeguards:	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>
9) Technical and organisational security measures (Article 31.1(g)) <i>Please specify where the data are stored during and after the processing</i>	
How is the data stored?	
EMSA network shared drive	<input checked="" type="checkbox"/>
Outlook Folder(s)	<input checked="" type="checkbox"/>
Hardcopy file	<input checked="" type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
Other (please specify): <i>The following ICT tools are used to process data of the staff members: the Requests in the E-Personal File, the Appraisal tool and ARES.</i> <i>The final recipient is the E-Personal File and the paper personal file, where the longest data retention is to be applied (see point 10 below).</i>	
10) Retention time (Article 4(e)) <i>How long will the data be retained and what is the justification for the retention period? Keep in mind that</i>	

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 personal files of the Officials, Temporary Agents and Contract Agents are kept for 10 years following the termination of Employment or the last pension payment. The criminal record is retained for 2 years after taking up duties.

The personal file of SNEs are kept for 10 years following the end of secondment.

The personal files of NEPTS are kept for 5 years following the end of secondment.

The personal files of Trainees are kept for 5 years following the end of traineeship.

In the case of NEPTS and trainee, the data necessary to issue a certificate of traineeship or secondment are kept for 50 years.

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.