

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Registration of EMSA staff and their families by the PT 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: Unit 4.1. Human Resources and Internal Support</p> <p>Contact person: Rui Fernandes / José Baptista</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: 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 - Ministry of Foreign Affairs and Immigration Services <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p> <p>Assistant of the Department of Protocol of the Ministry of Foreign Affairs.</p> <p>There is no contact with the Immigration Services, the contact is done through the Ministry of Foreign Affairs.</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.*

In order to have a permit of residence in Portugal and to enjoy the privileges under the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency (Annex I), EMSA staff i.e. Officials, Temporary Agents, Contract Agents and Seconded National Experts and in the case of staff having to change their residence to take up functions with EMSA, also their families (children, spouse, parents and domestic help) need to register themselves within the relevant services of the Ministry of Foreign Affairs.

The registration process detailed below is initiated by the staff member through a dedicated EMSA form in E-personal file. Processes are then delivered to the relevant authorities, involving the presence of the staff members, spouses and dependents at Portuguese Ministry of Foreign Affairs in order to finalise the registration process. The same take place at the renewal of registrations.

**FIRST REGISTRATION** there is a specific process is owned by the Portuguese authorities who have dedicated forms and require specific supporting documents which EMSA needs deliver.

In order to obtain the Diplomatic ID cards the following documents shall be submitted:

- 1 registration form per family member (in annex);
- 1 photo per family member;
- Copy of the ID card or Passport of each person to be registered;
- Copy of the marriage certificate/legal partnership contract, for staff members who wish to register his/her spouse or partner.
- For domestic help staff: their passport, 1 photo, contract of employment and a declaration from the staff member. Non-Portuguese citizens living and working in Portugal have the obligation to be registered with the Immigration Services. Such staff receive an ID card with the indication '*Pessoal Auxiliar*.'
- For children older than 18: a statement from the school that they attend in Portugal.
- A 'Terms of responsibility statement' signed by the staff member.

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).  
Article 6 of the Protocol between EMSA and the Government of the Republic of Portugal. EMSA staff members and non-PT citizens living in Portugal have the obligation to be registered with the Portuguese authorities.  
Decree-Law N° 81/2019 of the 17 June 2019 of the Republic of Portugal, which establishes and regulates the issue and use of diplomatic identity cards issued by the Ministry of Foreign Affairs.
- (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) ☐  
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 ☒  
Officials, Temporary Agents, Contract Agents
- Non-EMSA staff (Seconded National Experts, contractors staff, external experts, trainees) ☒

Seconded National Experts.

Visitors to EMSA building

☐

Relatives of the data subject

☒

Children and parents, if appropriate.

Other (please specify): Domestic Help or other employees of the staff member which are part of his/her household.

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, Birthplace, Birthday, Category, Nationality, Address and Passport or ID card number, image.

Education & Training details (for children of the staff member)

☒

School's statement when children of the staff member are older than 18.

Employment details

☒

Day of the end of functions.

Financial details

☐

Family, lifestyle and social circumstances

☒

Single/Married, children, dependents.

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

☐

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

☐

Other (please specify): Relevant staff at the Ministry of Foreign Affairs and Immigration Services in charge of the registration process.

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 ☒

P drive folder with restricted access to designated members of Unit 4.1 dealing with protocol issues.

Outlook Folder(s) ☒

Exchanges with staff members and the protocol team on a working basis.

Hardcopy file ☒

In a locked cupboard with access only to the protocol team.

Cloud (give details, e.g. public cloud) ☐

Servers of external provider ☐

Other (please specify): Servers of the relevant Ministries and other governmental bodies with whom the protocol team cooperates.

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](#).*

In line with the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, the data is retained 20 years after the staff member has terminated his/her contract of employment/secondment with EMSA.

After that period and according to the EMSA specific retention list, the data is submitted to sample or selection and to a second review (Category EMSA 1.6 of the specific retention list).

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