

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Procurement process in EMSA

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> for the processing activity: EMSA Units performing and managing a procurement procedure</p> <p>Contact person: Responsible EMSA manager (EMSA HoU/ HoD) of the EMSA Unit performing the procurement procedure as referenced in the published procurement documents for the respective call for tenders. General e-mail: <a href="mailto:information@emsa.europa.eu">information@emsa.europa.eu</a></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>3</sup>
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Refer to information in section 1 above</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 type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</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> 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.*

Personal data is processed in the context of performance of the main stages in the procurement process in order to reply Questions received from economic operators during submission deadline, to perform Opening Sessions (public for OPs), to assess the content of the received bids in the context of Evaluation, to provide feed back to tenderers (award/ non-award letters), to provide additional information as per FR provisions.

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)
- (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 ☐

**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

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) ☒

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) ☒

Education & Training details ☒

Employment details ☒

Financial details ☒

Family, lifestyle and social circumstances ☐

Goods or services provided ☒

Other (please give details):

Criminal offence data (criminal record)

(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"/> |

**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              | <input checked="" type="checkbox"/> |
| Managers of data subjects             | <input checked="" type="checkbox"/> |
| Designated EMSA staff members         | <input checked="" type="checkbox"/> |
| Designated Contractors' staff members | <input type="checkbox"/>            |
| 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

☒

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

☐

Servers of external provider

☐

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 at the Intranet of the Agency.*

In line with EU legislation the procurement related data shall be retained for 5 years while the offer for the successful tenderer, as part of the contract shall be retained together with the contract documentation for 10 years.

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