

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Payroll

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 responsible<sup>3</sup> 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: <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 units conducting the processing activity are: Unit 4.1, Human Resources and Internal Support at EMSA.</p> <hr/> <p>The data is processed by a third party (contractor) <input checked="" type="checkbox"/> or the processing operation is conducted together with an external third party <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li>PMO (Paymaster's Office of the European Commission) for the processing of the salaries.</li> <li>Directorate Generals of the Commission with whom Grant Agreements are signed</li> <li>OIB (Office of Infrastructure and Logistics of the European Commission in Brussels) for sending out the payslips.</li> </ul> <p>Contact point (e.g. Privacy/Data Protection Officer): Commission 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> 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?

2. The audit companies contracted by the DG owner of the funds for project financed staff

Name: BDO LLP audit company hired by DG NEAR based in UK

Contact point at external third party (e.g. Privacy/Data Protection Officer): In accordance with the applicable contractual provisions.

*The abovementioned subcontractor and other subcontractors can change, following the signature of new contracts with the DGs owner of the funds of the EMSA project financed staff.*

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 correctly process the payroll and payment of salaries as well as assess the entitlement to specific allowances based on the staff member's personal and/or professional situation.

Following the processing of the salaries by the Paymaster's Office of the Commission (PMO), staff members receive their salary slip in paper format in a sealed envelope which is sent to EMSA from OIB (the Office of Infrastructure and Logistics in Brussels) and subsequently distributed through EMSA's internal mail system. The payslip is also sent electronically from EMSA's Payroll Officer directly to the staff member's EMSA email.

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)



[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 Regulation \(CE\) n° 1406/2002](#), as amended, of the European Parliament and of the Council establishing a European Maritime Safety Agency.

- (b) compliance with a legal obligation to which EMSA is subject ☒  
 Staff Regulations of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, as amended, in particular Annex VII to the Staff Regulations.
- (c) necessary for the performance of a contract with the data subject or for the preparation of such a contract ☒  
 The data needs to be processed in the context of the payment of the salary of the staff member under the contract of employment between EMSA and the staff member.
- (d) Data subject has given consent (*ex ante*, explicit, informed)  
 Staff is informed of their data rights and the manner in which their personal data is handled during the payroll procedure by a Privacy Statement published in EMSA intranet.

#### 5) Description of the categories of data subjects (Article 31.1(c))

*Whose personal data are being processed?*

- |  |                                     |
|--|-------------------------------------|
| EMSA staff   | <input checked="" type="checkbox"/> |
| Officials, temporary agents, contract staff and project financed contract staff. |                                     |
| Non-EMSA staff (contractors staff, external experts, trainees)                   | <input type="checkbox"/>            |
| Visitors to EMSA building  | <input type="checkbox"/>            |
| Relatives of the data subject  | <input checked="" type="checkbox"/> |
| 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, date of birth, nationality(ies), place of recruitment and place origin, gender, marital status;
- Further relevant personal data as relevant for the entitlement to the expatriation allowance, rights on taking up duties, during the service and end of service.

Education & Training details

☐

Employment details

☒

- Personnel number, NUP number, category, grade, contract type, seniority in grade;
- Shift work, standby duties;

Financial details

- Bank account information.
- Removal cost
- Cost of school fees and transport cost for children
- Income spouse (as relevant for household allowance)

Family, lifestyle and social circumstances

☒

- Family situation as relevant for family allowances and travel/installation costs: names, dates of birth, address, school information, means of transport to go to school, situation and income spouse (as relevant for household allowance).

Goods or services provided

☐

Other (please give details):

☐

**(b) Sensitive personal data (Article 10)**

Racial or ethnic origin

☐

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))**

*Recipients are all parties who have access to the personal data*

<p>Data subjects themselves</p> <p>Data subjects have full access to information pertaining to them through E-Personal file and My HR Data.</p>	<input checked="" type="checkbox"/>
<p>Managers of data subjects</p>	<input type="checkbox"/>
<p>Designated EMSA staff members</p> <ul style="list-style-type: none"> <li>Head of Unit 4.1, Payroll Officer, HR Officers establishing individual rights.</li> <li>Head of Unit 4.2 and Legal Officer(s) of Unit 4.2, in the case of appeal and complaints.</li> <li>Financial Officer(s) of the Unit 4.2 and the Accountant for processing the salary payment</li> <li>Project Officers in the relevant units dealing with project financed actions.</li> </ul>	<input checked="" type="checkbox"/>
<p>Designated Contractors' staff members</p> <ul style="list-style-type: none"> <li>any audit company hired by the Commission Directorate General signing an agreement with EMSA where staff costs are covered.</li> </ul>	<input checked="" type="checkbox"/>
<p>Other (please specify):</p> <ul style="list-style-type: none"> <li>Designated staff members of PMO of the European Commission for the processing of the salaries</li> <li>Designated staff members of OIB of the European Commission for the packing and distribution of the paper payslips in sealed envelopes.</li> </ul>	<input checked="" type="checkbox"/>

Access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

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:**

United Kingdom – For audit purposes only, where the audit company contracted by the Commission Directorate General financing specific projects under Grant Agreements, is based in the United Kingdom)

**If yes, specify under which safeguards:**

[Adequacy Decision of the European Commission with the United Kingdom](#) ☒

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 ☒

H drive folder with restricted access to designated members of Unit 4.1.

Outlook Folder(s)



The functional mail box for the Payroll: [emsa.payroll@emsa.europa.eu](mailto:emsa.payroll@emsa.europa.eu)

Hardcopy file



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



Servers of external provider



Other (please specify):



- E-Personal file
- HR Database
- Salary changes data base
- ARES
- ABAC
- Payslip tool – the data is stored only during the processing. After payslips are sent out via e-mail, no data is stored anymore.

#### 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](#).*

Personnel files are destroyed 10 years following the termination of employment or the last pension payment. Payroll payment files are kept for 20 years.

Payslips are kept for 10 years following the termination of employment or the last pension payment.

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.