

## **Data Protection Privacy Statement on the processing of personal data in the context of the change of function group for contract agent exercise**

The protection of privacy is of high importance to the European Maritime Safety Agency ('EMSA'). EMSA is responsible for the personal data it processes. Therefore, we are committed to respecting and protecting the personal data of every individual and to ensuring efficient exercising of data subject's rights. All the data of personal nature, namely data that can identify an individual directly or indirectly, will be handled fairly and lawfully with the necessary due care.

This processing operation is subject to Regulation 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. The information in this Privacy Statement is given pursuant to Articles 15 and 16 of the Regulation 2018/1725.

### **1. Nature and the purpose(s) of the processing operation**

The purpose(s) of the processing of personal data:

Article 10 of the [Decision of the Administrative Board of 24 June 2019 on the general provisions for implementing Article 79\(2\) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof](#), foresees the possibility for the Appointing Authority to exceptionally organise an exercise enabling contract agents to advance to the next function group by taking part in a general selection procedure.

EMSA is launching the exercise and the procedure will consist of the following steps:

- Eligible contract agents in function group FGI, FGII and FGIII, who wish to take part in the exercise, submit their interest by sending an email to the Human Resources and Internal Support Unit (HR): [CAFG@emsa.europa.eu](mailto:CAFG@emsa.europa.eu) with an explanation of how they meet the eligibility criteria and attach supporting documents in relation to the qualifications required;
- HR will check the eligibility of interested contract agents based on the above-mentioned eligibility criteria;
- Applicants to the change of function group procedure will be informed by email if they meet the eligibility criteria and are able to proceed with the next stage of the procedure;
- Applicants, who are deemed to be ineligible following the check by HR, may request further information by sending an email to [CAFG@emsa.europa.eu](mailto:CAFG@emsa.europa.eu), within 10 working days from the date they were informed of this;
- Admissible contract agents will have to [register with EPSO](#) on the Contract Agents Selection Tool (CAST) for [one or more of the calls for expression of interest](#) in the next higher function group and to inform HR once this is done. They can do this when they wish to do so and when they are ready to sit the tests. The EPSO calls for expression of interest cover various profiles;
- HR will then request that these contract agents sit the required computer-based multiple choice question (MCQ) selection tests organised by EPSO: 1. Reasoning tests: verbal, numerical and abstract; 2. Competency test and 3. Language comprehension test (further information can be found

on [EPSO's website](#)). Candidates will be contacted directly by EPSO, through the candidate's EPSO account, who will provide information on the MCQ tests and will inform them of the relevant invitation dates to the tests;

- Once the contract agent has successfully passed the tests, they shall provide evidence of this to HR and will be placed on a list of successful candidates who are eligible for any vacancies that arise in the next higher function group at EMSA – please note that there is no automatic right to a post in the higher function group;
- When EMSA has a vacancy in the relevant function group and profile, the Appointing Authority will decide on how to proceed with the recruitment of this position as illustrated below:
  - Offer the post directly to a candidate on the list of contract agents that have succeeded in the above-mentioned procedure and who are placed on the EMSA list to change function group; or,
  - Launch a simplified internal call for those candidates on the list of contract agents that have succeeded in the above-mentioned procedure and who are placed on the EMSA list to change function group or who are on an existing EMSA reserve list in the same function group; or,
  - Launch an internal call for a specific profile for all contract agents in the relevant function group.

If candidates require further information, they can contact HR via: [CAFG@emsa.europa.eu](mailto:CAFG@emsa.europa.eu) to arrange a personal meeting to go through their particular case.

EMSA will not reuse the personal data for another purpose that is different to the one stated above.

## **2. Categories/types of personal data processed**

The categories/types of personal data processed are the following:

- Personal details: Name, surname and work email address.
- Education & training details: Diplomas.
- Employment details: Proof of employment of at least two years of service as a contract agent at EMSA, or in the Union agencies, or institutions without interruption between contracts to be eligible and should indicate this when expressing interest.
- Others: Contracts Agents will follow the applicable procedure with EPSO and will fall under the processing operation: Selection, by competition, of permanent staff for the European institutions or for Community bodies, offices and agencies.

## **3. Processing the personal data**

The processing of the personal data is carried out under the responsibility of the Head of Unit 4.1 Human Resources & Internal Support, acting as delegated EMSA data controller.

Personal data are processed by:

- The relevant EMSA Human Resources staff members;

- EPSO will handle the personal data of eligible contract agents who decide to sit the EPSO tests and will fall under the [processing operation: Selection, by competition, of permanent staff for the European institutions or for Community bodies, offices and agencies.](#)

#### **4. Access to and disclosure of personal data**

The personal data is disclosed to the following recipients:

- The Head of Unit 4.1. Human Resources & Internal Support as the delegated controller;
- The relevant EMSA Human Resources staff;
- The members of the Selection Committee and/or the Heads and/or delegated staff of a recruiting service if a simplified internal procedure is used can consult the list of contract agents that have succeeded in the EPSO procedure and who are placed on the EMSA list to change function group or who are on an existing EMSA reserve list in the same function group;
- The Appointing Authority, i.e. EMSA's Executive Director;
- Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications;
- Also, if appropriate, 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.

The information concerning the change of function group for contract agents exercise will only be shared with people necessary for the implementation of such measures *on a need to know* basis. The data are not used for any other purposes nor disclosed to any other recipient.

The information in question will not be communicated to third parties, except where necessary for the purpose(s) outlined above.

Personal data are not intended to be transferred to third countries.

#### **5. Protecting and safeguarding personal information**

EMSA implements appropriate technical and organisational measures in order to safeguard and protect data subjects' personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them.

All personal data related to change of function group for contract agents exercise are stored in secure IT applications according to the security standards of the Agency as well as in specific electronic folders accessible only to the authorised recipients. Appropriate levels of *access are granted* individually only to the above recipients.

All EMSA staff dealing with personal data in the context of the change of function group for contract agents exercise, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure.

#### **6. Access, rectification, erasure or restriction of processing of personal data**

Data subjects have the right to access, rectify, erase, and receive their personal data, as well as to restrict and object to the processing of the data, in the cases foreseen by Articles 17 to 24 of the Regulation 2018/1725.

If data subjects would like to exercise any of these rights, they should send a written request explicitly specifying their query to the delegated data controller, the Head of Unit 4.1. Human Resources & Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the change of function group for contract agents exercise by EMSA.

The above requests will be answered without undue delay, and in any event within one month of receipt of the request. However, according to article 14 (3) of the Regulation 2018/1725, that period may be extended by two further months where necessary, taking into account the complexity and number of the requests. EMSA shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

## **7. Legal basis for Data processing**

Processing is based on Article 5(a) of the Regulation 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data., providing that : (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).

The personal data are collected and processed in accordance with:

- [Article 10 of the EMSA Administrative Board Decision of 24/06/2019 on the procedure governing the engagement and use of contract staff at EMSA](#)

## **8. Storing Personal data**

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected.

The data will be only retained for a maximum period as follows:

- The names of contract agents placed on the list of successful candidates who have been recruited into the next higher function group: 10 years after recruitment.
- The names of contract agents placed on the list of successful candidates who are eligible for any vacancies that arise in the next higher function group at EMSA: for the length of their career with EMSA or until they have been recruited by EMSA into the next higher function group (the above will apply if recruited);
- Non-eligible contract agents after the check by HR: 2 years after being informed of their non-eligibility;
- Contract agents invited to do the EPSO tests: EPSO retains the data and the contract agents fall under EPSO's [processing operation: Selection, by competition, of permanent staff for the European institutions or for Community bodies, offices and agencies](#)

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.

## **9. Data protection points of contact**

Should data subjects have any queries/questions concerning the processing of your personal data, they should address them to the data controller, Head of Unit 4.1 Human Resources & Internal Support under the following mailbox: [CAFG@emsa.europa.eu](mailto:CAFG@emsa.europa.eu)

Any data subject may also consult EMSA Data Protection Officer at: [DPO@emsa.europa.eu](mailto:DPO@emsa.europa.eu).

### **Recourse:**

Complaints, in cases where the conflict is not resolved by the Data Controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: [edps@edps.europa.eu](mailto:edps@edps.europa.eu).