

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Management of Ethics Requests and Declarations - Record of Processing Activity + Privacy Statement

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 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) or the processing operation is conducted together with an external third party: N/A</p>
3) Purpose of the processing (Article 31.1(b))

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?

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.

The purpose of the processing of personal data is to ensure compliance with the legal obligations concerning ethics stemming from the Staff Regulations (SR) and the Conditions of Employment of Other Servants (CEOS). Specifically, the purpose is to avoid the appearance of a conflict of interest to avoid possible accusations of bias and partiality in decision-making processes the staff member may be involved in, and consequently to maintain the EMSA's independence and credibility.

The Controller may envisage anonymous statistical analyses to improve the quality of the processes and the management of human resources.

EMSA has put in place measures to ensure that staff members hold themselves to rigorous ethical standards, guaranteeing transparency and accountability and preventing reputational risks. For this reason, staff members are required to submit a request to seek authorisation or provide notification, to limit the risk of conflict of interest of a reputational risk for the Agency or the EU institutions or bodies.

Non-active staff members send their requests via e-mail. Active staff members encode their requests in the e-personal file (see list below). The approval of the request may be done directly in the e-personal file or ARES.

The following forms are available in the E-Personal File:

- Authorisation to engage outside activity (during the service, during leave on personal grounds or after leaving the service for the next two years)
- Conflict of interest declaration
- Authorisation to publish a text or a speech
- Authorisation to accept a decoration or honour
- Authorisation to accept a gift or a favour
- Tenure of public office declaration
- Candidature for public office declaration
- Spouse or Recognised partner gainful employment declaration
- Declaration of Confidentiality and Data protection
- Declaration on Obligations related to Outside Activities and Assignments on leaving the service

The declarations of **Absence of Conflict of Interest and Confidentiality upon recruitment** for statutory staff and non-statutory staff (SNEs, NEPTs, Trainees and Interims) are covered in their respective records.

The processing of personal data is necessary to manage these staff requests and to guarantee the Agency's independence and credibility.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for:

Mention the legal basis which justifies the processing

- 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) ☒
- **Request for Authorisation to Engage in an Outside Activity, whether gainful or not, or carry out an Assignment outside the Communities:** Legal basis for CAs, TAs and Officials: the second and fourth paragraphs of Article 11, Article 11a, Article 12, Article 12b, Article 15, Article 16, Article 17, Article 17a, Article 19, Article 55(1) of the Staff Regulations, Articles 13(2) and 40 of Annex VIII to the Staff Regulations, and Articles 11, 17, 81 and 91 of the Conditions of Employment of Other Agents. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.

Commission Decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the service as applicable by analogy at EMSA as of 05/04/19.
- **Within the application for Leave on Personal Grounds:** Legal basis for CAs, TAs and Officials: Article 12b, 15, 37, 40, 110(2) and Article 33 of Annex XIII of the Staff Regulations and Articles 11, 17, 52 and 91 of the of the Conditions of Employment of Other Servants.
- **Declaration in the event of a possible Conflict of Interest:** Legal basis for CAs, TAs and Officials: Article 11a of the Staff Regulations, Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Application for Authorisation to Publish a Text or a Speech** - Whether paid or unpaid: Legal basis for CAs, TAs and Officials: Article 17a(2) of the Staff Regulations and Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the

Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.

- **Authorisation to Accept a Gift or a Favour: Legal basis for CAs, TAs and Officials:** Article 11 of the Staff Regulations, Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Application for Authorisation to accept a Decoration or Honour:** Legal basis for CAs, TAs and Officials: Article 11 of the Staff Regulations and Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Declaration of Candidature for Public Office:** Article 15 of the Staff Regulations and Article 11 and 81 of the CEOS.
- **Declaration Of Gainful Employment Of Spouse Or Recognised Partner** Legal basis for CAs, TAs and Officials: Article 13 of the Staff Regulations and Articles 11 and 81 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Declaration on Obligations related to Outside Activities and Assignments on Leaving the Service:** in accordance with Article 21 of the Commission Decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the service as applicable by analogy at EMSA as of 05/04/19.

EMSA Guidelines:

- [EMSA practical guide to staff ethics and conduct](#)
- [Guidelines on conflict of interest](#)
- [Guidelines on the Identification and Management of Sensitive Functions](#)
- [Guidelines on Gifts and Hospitality](#)

- compliance with a legal obligation to which EMSA is subject ☐
- necessary for the performance of a contract with the data subject or for the preparation of such a contract ☐
- Data subject has given consent (ex ante, explicit, informed) ☐

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

Whose personal data are being processed?

- EMSA staff ☒
Officials, Temporary Agents and Contract Staff.
- Non-EMSA staff (contractors staff, external experts, trainees) ☒
SNEs, NEPTs
- Visitors to EMSA building ☐
- Relatives of the data subject ☒
Spouse or recognised partner for the gainful employment declaration
- Other (please specify): Non active staff: staff on leave on personal grounds, former staff members for two years after leaving EMSA.

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, surname, Personnel Number, private address (permanent or temporary), private and professional e-mail address/phone numbers, marital status.
- Education & Training details ☐

Employment details ☒

Administrative Status, Grade, Department/Unit, staff member's duties.

Financial details ☒

Information about the remuneration linked to external activities, publications, or speeches, including relevant IP rights, if holding public office, reimbursement of expenses by third parties; value of gifts/hospitalities, decorations/honours; ownership, etc.

Family, lifestyle and social circumstances ☒

Information on spouse's or recognised partner's gainful employment activity

Goods or services provided ☐

Other (please give details): ☒

Information on outside activities, publications/speeches, gifts/hospitalities, requests to run for or hold public office in general, reason(s) leading to a possible conflict of interest, acceptance of decorations/honours, among others.

(b) Sensitive personal data (Article 10)

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 ☒

In order to manage ethics requests, EMSA may process special categories of personal data such as information revealing political opinions, religious or philosophical beliefs or trade-union membership, health data or sexual orientation. This personal information may be disclosed in the request for outside activities, to run for or hold public office or when submitting the spouse declaration of employment.

The personal data processed during the management of ethics requests may encompass more than one of the above categories. Data subjects may voluntarily provide sensitive personal information.

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 ☒

- the members of the HR Unit dealing with the management of ethics requests.

- Head of Unit 4.1

- Head of Department 4

- EMSA Executive Director

- EMSA Joint Committee

Designated Contractors' staff members ☐

Other (please specify): ☒

- 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:

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 ☒

Outlook Folder(s) ☒

By email

Hardcopy file ☐

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

Servers of external provider ☐

Other (please specify): E-Personal File and ARES ☒

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](#).

The ethics requests are filed in the e-personal file of the staff member concerned.

Officials', Temporary Agents', Contract Agents' and SNEs' personal data are kept in their personal file for 10 years following the termination of employment or the last pension payment.

Trainees' and NEPT's personal data are kept in their personal file for 50 years and then eliminated.