

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Establishing a Disciplinary Board at EMSA

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. x</p> <p>The organisational units conducting the processing activity are: Unit 4.1 Human Resources and Internal Support Unit</p> <p>Personal data are processed by the Head of Unit for Human Resources, the Senior HR Officer and any member of the Human Resources Unit as appropriate, the Head of Department of Corporate Services, the Executive Director and the Staff Committee.</p>
<p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party:</p> <p>- Contact point (e.g. Privacy/Data Protection Officer): 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(s) of the processing of personal data is to set-up and replace members of the Disciplinary Board at EMSA in line with Article 9.1, third indent of the Staff Regulations. In accordance with Article 5.2 of Annex IX to the Staff Regulations, the Board shall consist of a Chair and four full members, who may be replaced by alternates and, in cases involving an official up to AD 13, two additional members in the same function group and grade as the official subject to disciplinary proceedings. In accordance with Article 5.3 of Annex IX to the Staff Regulations, the members and alternates of the Board shall be appointed from amongst the officials in grade 14 or above in active employment in respect of all cases other than those concerning officials in grade AD 16 or AD 15.

Unit 4.1 Human Resources and Internal Support identifies the appropriate staff in each grade and following the approval of the Executive Director, contacts the staff concerned to ascertain their availability to appear on the Disciplinary Board lists on behalf of the Administration.

The Staff Committee uses a list of EMSA staff provided by Unit 4.1 Human Resources and Internal Support to identify possible members/alternates and contacts them to ascertain their availability to appear on the Disciplinary Board lists on behalf of the Staff Committee.

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) x

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).

Under 10.2(i) of the EMSA Founding Regulation, Regulation (EC) No 1406/2002, as amended, the Administrative Board shall exercise disciplinary authority over the Executive Director and the Heads of Department referred to in Article 16.

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 Article 86 and Annex IX to the Staff Regulations and Articles 49, 50 and 119 of the CEOS.

Decision of the Administrative Board of EMSA of 24 January 2014 laying down General Implementing Provisions on the conduct of administrative inquiries and disciplinary procedures.	
(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 (<i>ex ante</i> , explicit, informed)
5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>	
<p>EMSA staff <input checked="" type="checkbox"/></p> <p>Officials, temporary agents and contract staff</p> <p>Non-EMSA staff (contractors staff, external experts, trainees) <input checked="" type="checkbox"/></p> <p>Members and alternates (permanent and extended) of the Disciplinary Board may be appointed from outside EMSA, i.e. from other agencies or institutions.</p> <p>Visitors to EMSA building <input type="checkbox"/></p> <p>Relatives of the data subject <input type="checkbox"/></p> <p>Other (please specify):</p>	
6) Categories of personal data processed (Article 31.1(c)) <i>Please tick all that apply and give details where appropriate</i>	
<p>(a) General personal data:</p> <p>The personal data contains:</p> <p>Personal details (name, address etc) <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Name, email address <p>Employment details <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> Type of Contract Grade Name of the employer (Agency or Commission DG) 	

Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details):	<input type="checkbox"/>
(b) Sensitive personal data (Article 10)	
Racial or ethnic origin	<input type="checkbox"/> n/a
Political opinions	<input type="checkbox"/> n/a
Religious or philosophical beliefs	<input type="checkbox"/> n/a
Trade union membership	<input type="checkbox"/> n/a
Genetic, biometric or data concerning health	<input type="checkbox"/> n/a
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/> n/a
7) Recipient(s) of the data (Article 31.1 (d))	
<i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	x
Data subjects have in principle full access to information pertaining to them	
Managers of data subjects	<input type="checkbox"/>
Designated EMSA staff members	x
Head of Unit for Human Resources, the Senior HR Officer and any member of the Human Resources Unit as appropriate, the Head of Department of Corporate Services, the Executive Director and the Staff Committee for the purposes of selecting the members and alternates (permanent and extended) of the Disciplinary Board.	

The lists of the members and alternates (permanent and extended) including their names, type of contract and grades of the Disciplinary Board will be published in the relevant section of the HR intranet.

Designated Contractors' staff members

☐

Other: ☒

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 Establishing a Disciplinary Board at EMSA procedure at EMSA 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.

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

x

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	<input type="checkbox"/>
9) Technical and organisational security measures (Article 31.1(g)) <i>Please specify where the data are stored during and after the processing</i>	
How is the data stored?	
EMSA network shared drive	<input type="checkbox"/>
Outlook Folder(s)	<input type="checkbox"/>
The members and alternates (permanent and extended) of the Disciplinary Board are contacted by email to ascertain their availability.	
Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
Other (please specify):	x
ARES	
10) Retention time (Article 4(e)) <i>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.</i>	
The lists will be retained for the period of their validity, in principle three years from appointment of the members and alternates (permanent and extended) of the Disciplinary Board. Personal data is kept for 10 years after the nomination and then eliminated.	