

Data Protection Statement/Privacy Statement on the processing of personal data in the context of Interim recruitment procedure at EMSA

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 of the processing is to engage interim staff through temping agencies on a temporary basis to cover exceptional workload peaks or replace staff absent on long leave.

At the explicit request of EMSA, a temping agency that has signed a contract with EMSA, may send CVs of candidates whose profiles are sought by the units. Recruiting services in Unit 4.1, Human Resources and Internal Support, may use this information to organise interviews with candidates. EMSA engages selected candidates and arranges their onboarding in the organisation (IT, HR, Logistics, office supplies). The interim staff member signs contracts with the temping agency and, once engaged, signs a declaration of confidentiality and data protection and records their working time via their badges at EMSA which timesheets are submitted in a weekly basis to the temping agency.

In the recruitment procedure, EMSA process limited amount of personal data to engage the interim staff by receiving their CV only.

On the other hand, the temping agency collects the following documentation in order to hire the interim staff as per the local labour legislation:

- "Ficha do Colaborador" (see annex 1)
- Non-Disclosure Agreement (see annex 2)
- Portrait photo
- Copy of the ID Card, copy of the NIF, copy of the Social Security Number
- Proof of IBAN
- CV
- Criminal record

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

The processing is not intended to be used for any automated decision making, including profiling.

2. Categories/types of personal data processed

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

- Personal details: Name, surname, private address, date and place of birth, mobile number, e-mail address, ID Card number and expired date, NIF, Number of the Social Security, SNS number, education degree, gender and civil status.
- Education and Employment Details: as per their CVs
- Financial details: IBAN number and bank
- Family, lifestyle and social circumstances: Emergency contact details of a family member.
- Other: proto and criminal record

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 and Internal Support, acting as delegated EMSA data controller.

Personal data are processed by:

- EMSA designated staff in the Unit 4.1 in charge of the contract with the interim support services,
- The interim support services contractor: Solidnetworks - Business Consulting, LDA, Praçeta José Saramago, N°3 – C/V ESQª 2630-166 Arruda dos Vinhos Portugal

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Data subjects themselves: Data subjects have in principle full access to information pertaining to them.
- Managers of the data subjects: The Head of services and authorised personnel of the requesting service
- Designated EMSA staff members:
 - The members of the HR Unit dealing with interim staff
 - Head of Unit 4.1 – Human Resources and Internal Support Unit
 - Head of Department 4 – Corporate Services
 - Executive Director
 - EMSA Teams responsible for the preparation of the arrival and leaving of the interim agent
- Designated Contractors Staff members: The temping agency on the basis of the framework contract

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 Interim recruitment 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. 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 the Interim recruitment procedure at EMSA 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.

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, which are the general rule and any application of the limitations foreseen in Article 25 (must be considered on the basis of a case-by-case analysis). 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, Head of Unit 4.1 Human Resources and Internal Support.

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.

8. Storing Personal data

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected. Personal and professional documents of interims are kept for 50 years after their end date of contract and then eliminated.

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 and Internal Support under the following mailbox: cristina.romay-lopez@emsa.europa.eu .

Any data subject may also consult EMSA Data Protection Officer at: 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.