

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: REGISTRATION AND DE-REGISTRATION OF STAFF AND FAMILY MEMBERS WITH THE PORTUGHESE MINISTRY OF FOREIGN AFFAIRS V.2

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>Contact person: Rui Fernandes / José Baptista</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 unit conducting the processing activity is: Unit 4.1. Human Resources and Internal Support</p>
<p>The data is processed by a third party or the processing operation is conducted together with an external third party – Portuguese Ministry of Foreign Affairs <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): epd@mne.pt</p> <p>Privacy statement published here: Política de privacidade - Portal Diplomático (mne.gov.pt)</p>

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?

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.

According to Article 6 of the [Seat Agreement between EMSA and Portugal \(Protocol\)](#), staff members and their families shall be registered upon arrival and de-registered upon departure with the Portuguese Ministry Foreign Affairs. The registration provides a permit of residence in Portugal (Diplomatic ID card) and access to the privileges and immunities under the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency.

EMSA staff concerned are Officials, Temporary Agents, Contract Agents and Seconded National Experts, also when applicable, their families members: children, spouse, parents and domestic help.

This specific procedure is owned by the Portuguese authorities, who have a dedicated form and require specific supporting documents. Since 09/2020, the procedure has been implemented via the Request Module in the E-Personal File at EMSA, where the staff member is asked to complete a EMSA form and provide the following supporting documents per person:

FIRST REGISTRATION

- 1 registration form from Portuguese Ministry Foreign Affairs;
- 1 photo;
- Copy of the ID card or Passport;
- If applicable, copy of the marriage certificate/legal partnership contract;
- If applicable, for domestic help staff: their passport, 5 photos, contract of employment and a declaration from the staff member. Such staff receive an ID card with the indication 'Pessoal Auxiliar.'
- If applicable, for children older than 18:
 - School or University Attendance certificate in Portugal. In cases where a child is unable to present such documentation due to medical reasons, the Ministry of Foreign Affairs accepts a medical certificate or an invalidity certificate as substitute proof.
 - [Term of responsibility by the staff member confirming the dependence status.](#)

RENEWAL OF DIPLOMATIC ID CARD

- Copy of Passport or National ID Card;

The expired Diplomatic ID card(s) are returned to the Ministry of Foreign Affairs once a renewed Diplomatic ID card is issued.

DE-REGISTRATION

Once the staff member terminates his/her functions at EMSA, they are obliged to return their Diplomatic ID and if applicable, those of their family members, parents or domestic help.

For the First Registration and the Renewal of the Diplomatic ID card, once the request form and the supporting documents are submitted by the staff member in the E-Personal File, EMSA Protocol contacts the Portuguese authorities to initiate the procedure within their services. During the process, staff and family members will be contacted by EMSA for an appointment established by the PT Ministry of Foreign Affairs in their premises to collect their respective data.

The Diplomatic ID card is usually delivered to staff 6 weeks thereafter. EMSA informs the staff member once the Diplomatic ID card(s) are ready to be collected.

In addition to a copy of the whole file mentioned above, EMSA Protocol keeps a copy of the Diplomatic ID Card(s) to be able to manage the privileges of the staff member.

EMSA Protocol collects an acknowledgement of receipt from the staff member every time a Diplomatic ID card is delivered.

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).
- (b) compliance with a legal obligation to which EMSA is subject ☒
[Seat Agreement between EMSA and Portugal \(Protocol\)](#)
- (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 (*ex ante*, explicit, informed) ☐

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 Agents	
Non-EMSA staff (Seconded National Experts, contractors staff, external experts, trainees)	<input checked="" type="checkbox"/>
Seconded National Experts	
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input checked="" type="checkbox"/>
Children and parents, if applicable.	
Other (please specify):	
Domestic Help or other employees of the staff member which are part of his/her household, if applicable.	
6) Categories of personal data processed (Article 31.1(c))	
<i>Please tick all that apply and give details where appropriate</i>	
(a) General personal data:	
The personal data contains:	
Personal details:	<input checked="" type="checkbox"/>
Name, Place and date of birth, Nationality(s), Civil Status, Passport or ID card number, Passport or ID card emission and expire date, gender, address, telephone number, Name of parents, NIF number, PT Health Number (Numero Utente Saude).	
Education & Training details:	<input checked="" type="checkbox"/>
If applicable, for children aged 18 years old or older:	
<ul style="list-style-type: none"> School or University Attendance certificate in Portugal; Term of responsibility by the staff member confirming the dependence status. 	
Employment details:	<input checked="" type="checkbox"/>
Place of Recruitment, Type of Contract and Contract duration	
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input checked="" type="checkbox"/>

If ID Cards are requested for families' members (children, spouse, parents) and domestic help, the same personal data is processed as for the staff member.

Goods or services provided

☐

Other (please give details):

- Date of arrival in Portugal and date from Departure from Portugal
- Photo
- in cases where a child is unable to present school certificate due to medical reasons, the Ministry of Foreign Affairs accepts a medical certificate or an invalidity certificate as substitute proof.

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

The personal data reveals:

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

☐

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	<input checked="" type="checkbox"/>
EMSA Protocol team	
Head of Unit 4.2	
Head of Department 4	
Designated Contractors' staff members	<input type="checkbox"/>
Other (please specify):	
Relevant staff at the Ministry of Foreign Affairs in charge of the registration process.	
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.	
8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))	
<i>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.</i>	
Data are transferred to third country recipients:	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
If yes, specify to which country:	
If yes, specify under which safeguards:	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>

<p>9) Technical and organisational security measures (Article 31.1(g))</p> <p><i>Please specify where the data are stored during and after the processing</i></p>	
<p>How is the data stored?</p> <p>EMSA network shared drive <input checked="" type="checkbox"/> P drive folder with restricted access to designated members of Unit 4.1 dealing with protocol issues.</p> <p>Outlook Folder(s) <input checked="" type="checkbox"/> Exchanges with staff members and the protocol team on a working basis.</p> <p>Hardcopy file <input checked="" type="checkbox"/> In a locked cupboard with access only to the protocol team.</p> <p>Cloud (give details, e.g. public cloud) <input type="checkbox"/></p> <p>Servers of external provider <input checked="" type="checkbox"/> Servers of relevant Portuguese Ministry of Foreign Affairs.</p> <p>Other (please specify):</p>	
<p>10) Retention time (Article 4(e))</p> <p><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></p>	
<p>In line with the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, EMSA keeps the data is retained 20 years after the staff member has terminated his/her contract of employment/secondment with EMSA.</p> <p>After that period and according to the EMSA specific retention list, the data is submitted to sample or selection and to a second review (Category EMSA 1.6 of the specific retention list).</p>	