

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Provision of services for the assessment of candidates to managerial functions

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 A.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit A.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 unit conducting the processing activity is: Unit A.1, Human Resources and Internal Support.</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party x</p> <p>Hudson Belgium, Av. Marcel Thiry 75, 1200 Brussels, Belgium</p> <p>Contact point at external third party: Lieve Van Molle, Senior Manager, Public Sector EU, Hudson Belgium.</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.

To appoint the most suitable candidate to a middle management function (Head of Unit and Head of Department) following a selection procedure published pursuant to the Decision of the Administrative Board of 25 March 2015 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union and in line with the Decision of the EMSA Administrative Board of 25 July 2018 laying down implementing rules on the middle management staff.

To this end, the Agency collects, manages and stores data relating to candidates who apply for these functions.

Data relate to:

1. the professional and personal profile of candidates (i.e. CVs and accompanying documents: motivation letter, copies of certificates, references, ...);
2. the results of evaluations (during tests carried out externally at the request of the Agency or during interviews at different stages of the selection process).

Data under (1) is submitted by candidates themselves with their CVs (or afterwards when requested) and data under (2) are handled and / or consulted by different actors in the selection process: Specific staff members in the Human Resources sector (service responsible for the selection/appointment of middle managers), members of the (pre-)selection committees and external human resources consultants under a framework contract concluded with the Agency.

In the event the Agency decides to recruit an external candidate, additional data will be processed relating to their recruitment as 2(f) temporary agent, such as official Identity card or passport, recent criminal record file extract, academic qualifications, references from previous employers, marriage certificate/ divorce or legal separation judgment, birth certificate child(ren), declaration about military service. No copies are made of any data regarding marriage certificate / children's birth certificates or military service; these documents are stored in the personal file and uploaded to the e-personal file. Following their expiry the original criminal record file extracts are returned to their owner.

Furthermore, recruits are asked to fill in a specific declaration of conflict of interest for managers and to identify any personal interests, family or financial, or interests of third parties, which would actually or potentially impair a candidate's independence in the course of their duties in the specific job they are applying for. The declaration will be submitted to the immediate superior of the candidate at EMSA for a first

assessment as to the existence of a conflict of interest and its compatibility with the job which has been offered. Following this assessment, the Appointing Authority will issue a reasoned opinion.

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

The processing is necessary to help EMSA to recruit/select managers who possess the skills and competencies required to carry out their duties at the highest possible standard. Middle managers are central to the Agency's talent management efforts as they are both responsible for charting new course of action, driving change and achieving operational priorities and responsible for the management and development of their staff.

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
- (c) necessary for the performance of a contract with the data subject or for the preparation of such a contract

Important Note

Consent may not be the most appropriate legal basis, in particular in the employment context. However, if you wish to use consent as legal basis, ensure that it complies with the following: it must be freely given, specific, informed and unambiguous consent. Contact the DPO if you need further clarifications.

- (d) Data subject has given consent (*ex ante*, explicit, informed) x

Candidates to middle management recruitment procedures will be informed of their data rights and the manner in which their personal data will be handled during the recruitment procedure. In the act of submitting their application, they are acknowledging their agreement to the processing. All vacancy notices contain a link to the relevant privacy statement which can be consulted at any time.

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

Whose personal data are being processed?

EMSA staff

☐

Non-EMSA staff (contractors staff, external experts, trainees)

☐

Visitors to EMSA building

☐

Relatives of the data subject

☐

Other (please specify): Candidates to recruitment procedures.

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)

x

Education & Training details

x

Employment details

x

Financial details

x

Family, lifestyle and social circumstances

x

See point 3 above.

Goods or services provided

☐

Other (please give details):

(b) Sensitive personal data (Article 10)

The personal data reveals: data about the management skills and personal skills of the applicants in the form of a report made by the external HR consultants.

Racial or ethnic origin

☐ n/a

Political opinions

☐ n/a

Religious or philosophical beliefs

☐ n/a

Trade union membership

☐ n/a

Genetic, biometric or data concerning health

☐ n/a

Information regarding an individual's sex life or sexual orientation

☐ n/a

Important Note

If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.

7) Recipient(s) of the data (Article 31.1 (d))

Recipients are all parties who have access to the personal data

Data subjects themselves

x

partially: Candidates may have access upon request to a summary report on their results as well as oral feedback after EMSA'S Appointing Authority has taken a decision on the selection of the candidates.

Managers of data subjects

x

Their future manager could be involved in the recruitment procedure, however such persons will not be the managers of the data subject at the time of the recruitment.

Designated EMSA staff members

x

The Appointing Authority, the Human Resources sector (service responsible for the selection/appointment of middle managers) and members of the (pre-)selection committees and selection committees.

Designated Contractors' staff members

x

Other (please specify):

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 ☐

Important Note

If no safeguards are applicable, please contact the DPO before processing the data further.

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 x

Only accessible to staff members responsible for the recruitment procedure within Unit A.1, Human Resources and Internal Support. As well as access restriction, the files concerned will be password

protected.

Outlook Folder(s)

☐

Hardcopy file

☐

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

☐

Servers of external provider

x

Other (please specify):

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 recruitment files are destroyed 10 years after the end of the recruitment procedure. In case of legal action against the recruitment decision, the 10 years retention period is extended until one year after the final decision.

**Thank you for completing the form.
Now please send it to the DPO using the ARES workflow**