

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Selection, Recruitment and Engagement of Seconded National Experts and National Experts in Professional Training

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 unit conducting the processing activity is: Unit 4.1, Human Resources and Internal Support.</p> <hr/> <p>The data is processed by a third party (contractor) x or the processing operation is conducted together with an external third party x</p> <p>External Medical Service Provider : If a recruited SNE/NEPT has any physical disabilities, he/she is requested to send a medical report including the special arrangements needed and/or the disability decision of the national health insurance in a sealed envelope inside the envelope with the other documents for his/her secondment. This envelope will be transmitted sealed to the EMSA Medical Advisor for his opinion.</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?

Sickness Insurance External Provider: Under Article 16 of the EMSA SNE Rules, an SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by EMSA. Article 16.

Please note that the service providers referred to above may change at the end of their respective contracts with EMSA following a new procurement for the services concerned.

The Permanent Representations of the Member States forward to EMSA the applications from their nationals, as and where provided for in the vacancy notice, by the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.

The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the E-Personal File, where a reduced list of personal data of EMSA Staff is available. However, the contractor will have access to the E-Personal File back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes.

Contact point at external third party: there is a different contact point at each Permanent Representation.

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.

Seconded National Experts (SNEs) and National Experts in Professional Training (NEPTs) should enable the Agency to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available.

Application stage

A publication for the position is published on the website of the Agency and the vacancy notice is sent to the Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs.

SNEs Applicants complete their CV in Europass format, a [Declaration of Honour](#) (to confirm that the information they have provided in their CV is true and complete as well as confirming that they work for an administration/organisation which is eligible for the purposes of the secondment.) and also provide a motivation letter to be sent by email to the Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs. The latter shall in turn forward the applications to EMSA.

All the forms and templates related to the SNEs call for publications are available in the following

Ares(2020)1497414

NEPTs Applicants complete their Application Form to be sent by email to the Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs. The latter shall in turn forward the applications to EMSA.

All the forms and templates related to the NEPTs call for publications are available in the following **Ares(2020)581387**

The secondment and the professional traineeship shall be implemented by an exchange of letters among the candidate, the Executive Director and the Permanent Representations of the Member States or, as the case may be, by the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs

In all cases, the secondment and the professional traineeship procedure will be published in line with the [Decision of the Executive Director on Guidelines on Recruitment of Seconded National Experts and pursuant the Decision of the Administrative Board of 20 November 2007 laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training.](#)

SNE Interview and written test stage

To this end, the Agency collects, manages and stores data relating to candidates who apply for an SNE position as follows:

Data relate to:

1. the professional and personal profile of candidates (i.e. CVs and motivation letter)
 2. the results of written tests or interviews during at different stages of the selection process;
- Data under (1) is submitted by candidates themselves and data under (2) are handled and / or consulted by different actors in the selection process: Specific staff members in the Human Resources sector, members of the selection committees and relevant managers.

If a candidate for an SNE position is invited for an interview, the following documents will be requested:

- a copy of the identity card/passport,
- copies of the degrees, diplomas or educational certificates and employment statements/contracts/certificates,

- [The Legal Entity](#)
- [The Financial Identification](#)

Following the interview, the travel and accommodation expenses incurred will be reimbursed to the candidate. The reimbursement file is composed of a completed and signed Declaration of Expenses Form and the supporting documents listed in the form, i.e. documents proving the price of the travel for the flight (e.g. e-ticket, copy of the travel agency invoice) or of any other mode of public transport such as train or bus (e.g. copy of the ticket) and evidence of costs incurred for accommodation upon request, as well as the legal entity and the bank account details. The reimbursement file will be handled by a Human Resources Assistant/Officer, verified by the relevant colleagues in the Legal and Financial Affairs Unit and subsequently signed off by the Authorising Officer, prior to final processing by the Accountant.

In the invitation to interview, candidates will be asked if they need any special arrangements due to a disability to be made for their participation.

NEPTs are not invited for interview and written tests. The selection is based on the application form only.

SNE Recruitment

In the event the Agency decides to recruit an SNE and an offer of secondment is made, the successful candidate needs to complete a series of forms :

- SNE Personal Details Form
- SNE Previous places of residence
- SNE Statement on honour
- Emergency Contact Detail Form

The employer of the successful candidate is also requested to complete the following forms:

Employer Declaration of absence of conflict of interest

- Employer Declaration of SNEs' time in service
- Employer Declaration on the nature of the employer
- Employer Declaration on expenses and allowances
- S1 Form (formerly E106 Form) - European Health Certificate.

All the forms and templates related to the SNEs recruitment are available in the following [Ares\(2020\)1711163](#)

Once the SNE is at EMSA, she/he may receive subsistence allowances for which personal and financial data need to be processed by the designated persons in HR and by the relevant actors in the financial circuit (initiating agent, verifying agent, delegated authorising officer, accounting officer).

For payments (allowances and travel expenses) the relevant persons in the Human Resources and Internal Support Unit, the relevant staff of the Legal, Financial and Facilities Unit and the Accounting Officer have access to the necessary data.

NEPTs Recruitment

In the event the Agency decides to offer a professional traineeship to a NEPT candidate, and an offer is made, the successful candidate needs to complete a series of forms and provide the following documents:

- Copy of your ID or passport
- A copy of the university diploma (first cycle of a higher education course) which gives you access to the professional traineeship
- Proof of sickness insurance valid in Portugal
- NEPT Declaration on Social Security
- NEPT Emergency Contact Details Form
- NEPT Statement on my Honour

The employer of the successful candidate is also requested to complete the following forms:

- Employer Declaration on Remuneration and Social Security
- Employer declaration of the NEPT's time in service
- Employer Declaration on the nature of the employer

All the forms and templates related to the NEPTs recruitment are available in the following [emsa.4.1\(2020\)1777033](#)

For both procedures, either NEPTs or SNEs recruitment, the originals and certified true copies provided are kept in the paper personal file, i.e. original completed forms, educational and employment testimonials. These documents are stored in the personal file and all documents are uploaded to the e-personal file of the SNE and NEPT concerned.

The personal data is mainly processed by the responsible HR staff and the Appointing Authority or delegated appointing authority for the establishment of rights.

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 select SNEs/NEPTs to be seconded at EMSA.

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

Candidates to secondment and professional traineeship 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.

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, **SNEs and NEPTS**) X

Visitors to EMSA building ☐

Relatives of the data subject X

In the Personal Details Form, successful SNE candidate is requested to provide the professional activity of the wife or husband in order to access any conflict of interest and the number and age of dependent

children for the purpose of potential assistance with schooling.

Other (please specify): Candidates to secondment and professional training 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

First name, Family name, date of birth, place and country of birth, gender, nationality, marital status and employment of spouse (for the conflict of interest evaluation), number and age of dependent children (i.e. for the purpose of potential assistance with schooling).

Private telephone number, Work telephone number, Mobile number, Email, Home address and previous place of residence.

Address for correspondence (if different from home address).

Education & Training details

x

Secondary and higher education, University or equivalent, Other education/Training received.

Knowledge of languages: working languages.

Employment details

x

Dates of employment, employer information (name, address, etc), title/description of work, place of work, if different, date of entry into service of the employer. Confirmation if the activity is within the public or private sector. Other professional activities before the current employment.

Financial details

x

Legal Entity and Financial Identity forms for those attending an interview and who have the right to reimbursement of travel and accommodation costs and payments of the subsistence allowances.

Family, lifestyle and social circumstances

x

Information will be provided on the professional activity of the spouse if the SNE candidate is seconded.

Family composition in the event that the candidate is seconded.

Goods or services provided

☐

Other (please give details):

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

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

If a recruited SNE/NEPT has any physical disabilities, he/she is requested to send a medical report including the special arrangements needed in a sealed envelope inside the envelope with the other documents for his secondment. This envelope will be transmitted sealed to the EMSA Medical Advisor for his opinion.

Information regarding an individual's sex life or sexual orientation ☐ n/a

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 can ask EMSA for additional information upon completion of the secondment or professional traineeship procedure.

Managers of data subjects x

Their current and/or future manager could be involved in the secondment procedure or consult the file if the SNE candidate's name is placed on a reserve list.

The future adviser of the NEPT can have access to his/her application form.

Designated EMSA staff members x

- The relevant staff of the Human Resources and Internal Support Unit;
- The Appointing Authority, i.e., the EMSA's Executive Director;
- Members of Selection Committees, and/or the Heads or delegated staff of a recruiting service;
- The Accountant, the relevant staff of the Legal, and Financial and Facilities Unit staff may have access to certain documents for the payment and verification of rights, allowances in addition to the documents related to the reimbursement of the travel expenses;

- The Document Management Officer/Archivist for the Archive Room;
- the Heads of Units and Departments have access to only some administrative and career documents in the personal file;
- Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications;

Designated Contractors' staff members



- External Medical Service Provider : If a recruited SNE/NEPT has any physical disabilities, he/she is requested to send a medical report including the special arrangements needed and/or the disability decision of the national health insurance in a sealed envelope inside the envelope with the other documents for his/her secondment. This envelope will be transmitted sealed to the EMSA Medical Advisor for his opinion.
- Sickness Insurance External Provider: Under Article 16 of the EMSA SNE Rules, an SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by EMSA. Article 16.
- The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the E-Personal File, where a reduced list of names, surnames and EMSA Staff members personnel numbers is available. However, the contractor will have access to the E-Personal File back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes

Please note that the contractors mentioned above may change following the end of their contract with EMSA.

Other (please specify):

- the Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs assist in the recruitment of the SNE and NEPT. The evaluation at the end of the secondment is sent to them upon request from the latter. Additional evaluation reports may be requested by the national authorities.
- 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))

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 ☒

Only accessible to staff members responsible for the secondment procedure within Unit 4.1, Human Resources and Internal Support.

Outlook Folder(s) ☒

There is a dedicated Outlook folder created for each secondment procedure.

Hardcopy file ☒

For the personal file only.

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

☐

Servers of external provider

☐

Other (please specify):

x

The full set of documentation related to the secondment and professional traineeship procedures is stored in ARES.

If an applicant is seconded or offered a professional traineeship, his/her personal and professional documents are stored in the E-Personal file.

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](#).

For Recruitment procedures for a position of short-term contract duration, on the basis of a sampling and selection, the files can be destroyed 5 years after the expiry of the reserve list.

SNEs files on candidates not invited for a selection interview are destroyed after 2 years after the expiry of the reserve list.

NEPTs files on candidates not selected are destroyed after 2 years following the closing of the traineeship session.

For SNEs, personnel files are destroyed 10 years following the end of secondment.

The personnel files for each NEPT are eliminated after 5 years.

For NEPTs, the form for the reconstruction of one's career (minimum data required to issue a certificate) are kept for 50 years.

For files related to reimbursements of candidates invited to take part in a secondment procedure, the payments are stored in ABAC and destroyed after 7 years.