

Data Protection Privacy Statement

on the processing of personal data in relation to online automated proctoring of written tests in the context of recruitment procedures

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 (EU) No. 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 (EU) No. 2018/1725.

1. Nature and the purpose(s) of the processing operation¹

The purpose(s) of the processing of personal data is to allow written tests to be conducted remotely.

At the start of the process, during an enrolment session, candidates are required to present an ID document to their webcam in order to verify their identity. Facial recognition technology is then used to confirm that the person sitting the test is indeed the person whose face appears on the presented ID document.

While candidates complete the test, the TalView platform records video, audio and actions undertaken on the computer and creates a log of events that could potentially indicate suspicious/fraudulent behaviour. Such events are listed in the attached annex to this privacy statement.

This results in the creation of an 'integrity score' for each candidate which indicating whether their behaviour while completing the test warrants further examination. If such a case should arise, the recording of the candidate along with the event log is provided to EMSA's Human Resources and Internal Support Unit for further examination. This data is not provided to members of the Selection Board and neither are the Selection Board informed of the 'integrity scores' of candidates nor that individual candidates' test data has been flagged as requiring further examination.

Depending on the outcome of this further examination of the data, candidates may be disqualified from the selection procedure.

2. Categories/types of personal data processed

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

- Image of candidate's ID document captured during enrolment session
- Video/ screen /audio recording of candidate while they are completing the test

¹ Please, provide a brief description of the processing operation and clearly define the purpose(s).

- Log of events potentially indicating suspicious/fraudulent behaviour and associated 'integrity score' per candidate

3. Processing the personal data

Data is processed on EMSA's behalf by the contractor Price Waterhouse Cooper (PwC), using the platform Talview, which stores data on servers located in the EU.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Relevant staff within Head of Unit 4.1, Human Resources and Internal Support involved in the specific recruitment procedure.
- Relevant staff handling the written test and follow-up from the side of the Contractor PwC.

The information in question will not be communicated to any other third parties, except those 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 personal data concerned are stored in a secure IT application according to the security standards of the Agency accessible only to the authorised recipients. Appropriate levels of *access are granted* individually only to the above recipients.

All staff within the Human Resources and Internal Support Unit dealing with personal data sign a confidentiality declaration that is kept in his/her personal file.

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 (EU) No. 2018/1725.

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, the Head of the Unit 4.1 Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the current procedure.

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 (EU) No. 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 (EU) No. 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., providing that:

(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).

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Article 6 and Article 15.2(e) of the Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency (as amended).

The personal data are collected and processed in accordance with 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.

8. Storing Personal data

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected.

All associated data (recordings of candidates undertaking test; event logs; integrity scores; image of ID document captured during enrolment session) is erased three months after the conclusion of the selection procedure, unless it needs to be kept for a longer period in the case of a dispute over disqualification, in which case it will be retained only for as long as is necessary.

The Contractor complies with Regulation 2016/679 (GDPR) while ensuring confidentiality and anonymity of candidates, high level of data quality, as well as security in the collection, storage and processing of personal data.

9. Data protection points of contact










Data subjects have the right to access and receive a copy of their data. Only if they withdraw from the selection procedure may they request for their data to be erased earlier than the regular retention period specified above. Such requests or any queries/questions that data subjects may have concerning the processing of their personal data, should be addressed to the data controller, the 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.

ANNEX

Proctor Event	Description		
 Window focus out / tab switch	When a candidate moves out of the test window while attempting the test this event will be logged.	 Camera switched	When a candidate changes his camera during the test, this event will be logged.
 Multiple faces detected	When Multiple faces are detected by the webcam while the candidate is attempting the test this event will be logged.	 Microphone switched	When a candidate changes his microphone during the test, this event will be logged.
 Face not detected for two consecutive 30 seconds while attempting a test	If a user's face is not detected / user physically moves away from the test window, this event will be logged.	 Face authentication	Candidate's face captured during the enrolment session is authenticated against the candidate's photo during the test.
 Camera not detected during the test after the initial hardware check.	If a user physically blocks the webcam or the camera is switched off during the course of the assessment, this proctor log will be logged.	 Voice authentication	Candidate's voice sample captured during the enrolment session is authenticated against the candidate's voice sample captured in the test.
 Copying text from another window and pasting it.	When a user pastes text in the test window this event will be logged. This is a case in coding questions, where the user can copy-paste the text into the code editor.		