

Privacy Statement on the processing of personal data in the questionnaire for organisation of the COVID-19 vaccination for EMSA staff and family members

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 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(s) of the processing of personal data is/are:

EMSA is launching a Questionnaire for organisation of COVID-19 vaccination for EMSA staff and family members.

The purpose of the questionnaire is to collect data from EMSA staff and members of their family registered within the Ministry of Foreign Affairs, as requested by the Portuguese Protocol Services, in order to be able to organise the administration of the Covid 19 vaccine, in line with the different phases established under the Portuguese General Vaccination Plan. This is necessary as most EMSA staff and their family members are not registered within the Portuguese Health Services.

The questionnaire is to be completed on-line on emsanet. Participation in the vaccination campaign and completion of the survey and supporting documents, if appropriate, will be done on a purely voluntary basis.

There are three phases identified in the Portuguese General Vaccination Plan and staff members, who wish to be vaccinated, must provide data on any health conditions that they or their family members may have which would entitle them to participate in Phase I or Phase II of the vaccination campaign. If none of the relevant health conditions are present, then staff members simply need to indicate that they will participate in Phase III of the programme.

In the event that a staff member or a family member has a health condition which may have which would entitle them to participate in Phase I or Phase II of the vaccination campaign, then they will need to provide a certificate confirming such a condition. The certificate is to be submitted at the same time as the submission of the questionnaire.

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: Name, surname, e-mail address, date of birth, mobile phone number, diplomatic ID or Passport or Other identification document of the staff member and family members concerned.

In the event that a staff member or a family member has a health condition which would entitle them to participate in Phase I or Phase II of the vaccination campaign, then they will need to provide confirmation of the health condition and a certificate confirming such a condition.

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.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

The information collected through the questionnaire will only be shared with people necessary for the implementation of the vaccination scheme *on a need to know* basis. Access to the personal data collected will only be granted to a limited number of identified staff within the Human Resources and Internal Support Unit who will be responsible for assembling the data.

After the information is gathered by EMSA, the Agency shall transfer it to Portuguese Authorities (State Protocol, Ministry of Foreign Affairs: Ministério dos Negócios Estrangeiros (MNE) and General health Directorate of the Ministry of Health: Direção-Geral da Saúde (GNS). Based on the information provided the Portuguese authorities will include the relevant EMSA staff and their family members into the respective phase of the Portuguese General Vaccination Plan. Details on the handling and retention by Directorate General for Health can be found here: <https://www.dgs.pt/site/notas-legais.aspx>

Details on the handling and retention by the Portuguese Ministry of Foreign Affairs can be found here:

<https://www.portaldiplomatico.mne.gov.pt/politica-de-privacidade>

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.

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 Survey 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.

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 right of rectification can only apply to inaccurate or incomplete factual data processed within the Survey in subject of this Privacy Statement.

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.

The personal data are collected and processed in accordance with Article 15.2(e) of the EMSA Founding Regulation, Regulation (EC) No 1406/2002, as amended. Pursuant to the above Article, the Executive Director shall exercise (e) he/she shall exercise, in respect of the staff, the powers laid down in Article 6(2). As part of the duty of care incumbent upon the Executive Director as Appointing Authority, staff need to be assisted during disruptions affecting the normal functioning of EMSA and which may have consequences for the health and wellbeing of the staff.

Additional legal basis: Law no. 58/2019 of 8 August 2019 ("Portuguese Data Protection Law"), which adapts Portuguese law to the GDPR.

8. Storing Personal data

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

EMSA will delete the data as soon as it has been submitted to the Portuguese Ministry of Foreign Affairs.

Details on the handling and retention by Directorate General for Health can be found here:

<https://www.dgs.pt/site/notas-legais.aspx>

Details on the handling and retention by the Portuguese Ministry of Foreign Affairs can be found here:

<https://www.portaldiplomatico.mne.gov.pt/politica-de-privacidade>

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

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 4.2 under the following mailbox: HelpdeskFM@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.