

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

NAME OF PROCESSING ACTIVITY¹:

Change of function group exercise for contract agents

1) Controller(s) of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible for the processing activity: Unit 4.1. Human Resources & Internal Support</p> <p>Contact person: Cristina ROMAY LOPEZ</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))
<p>The data is processed by EMSA itself <input type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 4.1. Human Resources & 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: The European Personnel Selection Office (EPSO) <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): DATA-PROTECTION-OFFICER@ec.europa.eu</p>

3) Purpose of the processing (Article 31.1(b))
--

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.

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.

Article 10 of the [Decision of the Administrative Board of 24 June 2019 on the general provisions for implementing Article 79\(2\) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof](#), foresees the possibility for the Appointing Authority to exceptionally organise an exercise enabling contract agents to advance to the next function group by taking part in a general selection procedure.

EMSA is launching the exercise and the procedure will consist of the following steps:

- Eligible contract agents in function group FGI, FGII and FGIII, who wish to take part in the exercise, submit their interest by sending an email to the Human Resources and Internal Support Unit (HR): CAFG@emsa.europa.eu with an explanation of how they meet the eligibility criteria and attach supporting documents in relation to the qualifications required;
- HR will check the eligibility of interested contract agents based on the above-mentioned eligibility criteria;
- Applicants to the change of function group procedure will be informed by email if they meet the eligibility criteria and are able to proceed with the next stage of the procedure;
- Applicants, who are deemed to be ineligible following the check by HR, may request further information by sending an email to CAFG@emsa.europa.eu, within 10 working days from the date they were informed of this;
- Admissible contract agents will have to [register with EPSO](#) on the Contract Agents Selection Tool (CAST) for [one or more of the calls for expression of interest](#) in the next higher function group and to inform HR once this is done. They can do this when they wish to do so and when they are ready to sit the tests. The EPSO calls for expression of interest cover various profiles;
- HR will then request that these contract agents sit the required computer-based multiple choice question (MCQ) selection tests organised by EPSO: 1. Reasoning tests: verbal, numerical and abstract; 2. Competency test and 3. Language comprehension test (further information can be found on [EPSO's website](#)). Candidates will be contacted directly by EPSO, through the candidate's EPSO account, who will provide information on the MCQ tests and will inform them of the relevant invitation dates to the tests;
- Once the contract agent has successfully passed the tests, they shall provide evidence of this to HR and will be placed on a list of successful candidates who are eligible for any vacancies that arise in the next higher function group at EMSA – please note that there is no automatic right to a post in the higher function group;
- When EMSA has a vacancy in the relevant function group and profile, the Appointing Authority will decide on how to proceed with the recruitment of this position as illustrated below:
 - Offer the post directly to a candidate on the list of contract agents that have succeeded in the above-mentioned procedure and who are placed on the EMSA list to change function group; or,
 - Launch a simplified internal call for those candidates on the list of contract agents that have succeeded in the above-mentioned procedure and who are placed on the EMSA list to

- change function group or who are on an existing EMSA reserve list in the same function group; or,
- Launch an internal call for a specific profile for all contract agents in the relevant function group.

If candidates require further information, they can contact HR via: CAFG@emsa.europa.eu to arrange a personal meeting to go through their particular case.

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 Article 10 of the [Decision of the Administrative Board of 24 June 2019 on the general provisions for implementing Article 79\(2\) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof](#), the exercise is possible.
- (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) ☐
- Interested candidates will be informed in the Administrative Notice that:
- They will have to state how they meet the eligibility criteria to EMSA's HR and attach supporting documents, thus providing personal data to EMSA;
 - They will register with EPSO, thus providing personal data to EPSO;
 - EMSA's HR Unit will ask EPSO for the eligible contract agent to sit the EPSO tests;
 - They will provide evidence of passing the EPSO tests to EMSA's HR and will be placed on a list at EMSA to change function group.
- In addition, a privacy statement will be published on the intranet.

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

Whose personal data are being processed?

EMSA staff: Contract agents in FGI, FGII and FGIII	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees)	<input type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
Other (please specify):	
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 (name, address etc) Name, surname and work email address.	<input checked="" type="checkbox"/>
Education & Training details Diplomas	<input checked="" type="checkbox"/>
Employment details Proof of employment of at least two years of service as a contract agent at EMSA, or in the Union agencies, or institutions without interruption between contracts to be eligible and should indicate this when expressing interest.	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details):	

Contracts Agents will follow the applicable procedure with EPSO and will fall under the [processing operation: Selection, by competition, of permanent staff for the European institutions or for Community bodies, offices and agencies](#).

(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 ☒

- The Head of Unit 4.1. Human Resources & Internal Support as the delegated controller
- The relevant EMSA Human Resources staff
- The members of the Selection Committee and/or the Heads and/or delegated staff of a recruiting service if a simplified internal procedure is used can consult the list of contract agents that have succeeded in the EPSO procedure and who are placed on the EMSA list to change function group or who are on an existing EMSA reserve list in the same function group;
- The Appointing Authority, i.e. EMSA's Executive Director;

- Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications;
- 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.

Designated Contractors' staff members



Other (please specify): EPSO will also handle the personal data of eligible contract agents who decide to sit the EPSO tests and will fall under the [processing operation: Selection, by competition, of permanent staff for the European institutions or for Community bodies, offices and agencies](#)

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

☒

The email expressing interest, proof that the contract agent has successfully passed the EPSO tests and any subsequent recruitment documents will be stored in folders on the H drive that are only accessible to relevant members of EMSA's HR Unit

Outlook Folder(s)

☒

For the dedicated email: CAFG@emsa.europa.eu

Hardcopy file

☐

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

☐

Servers of external provider

☐

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 at the Intranet of the Agency.

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

The data will be only retained for a maximum period as follows:

- The names of contract agents placed on the list of successful candidates who have been recruited into the next higher function group: 10 years after recruitment.
- The names of contract agents placed on the list of successful candidates who are eligible for any vacancies that arise in the next higher function group at EMSA: for the length of their career with EMSA or until they have been recruited by EMSA into the next higher function group (the above will apply if recruited);
- Non-eligible contract agents after the check by HR: 2 years after being informed of their non-eligibility;

- Contract agents invited to do the EPSO tests: EPSO retains the data and the contract agents fall under EPSO's [processing operation: Selection, by competition, of permanent staff for the European institutions or for Community bodies, offices and agencies](#)

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.