

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Management of Ethics Requests and Declarations

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 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:

The purpose of the processing of personal data is to ensure compliance with the legal obligations concerning ethics stemming from the Staff Regulations (SR) and the Conditions of Employment of Other Servants (CEOS). Specifically, the purpose is to avoid the appearance of a conflict of interest to avoid possible accusations of bias and partiality in decision-making processes the staff member may be involved in, and consequently to maintain the EMSA's independence and credibility.

The Controller may envisage anonymous statistical analyses to improve the quality of the processes and the management of human resources.

EMSA has put in place measures to ensure that staff members hold themselves to rigorous ethical standards, guaranteeing transparency and accountability and preventing reputational risks. For this reason, staff members are required to submit a request to seek authorisation or provide notification, to limit the risk of conflict of interest of a reputational risk for the Agency or the EU institutions or bodies.

Non-active staff members send their requests via e-mail. Active staff members encode their requests in the e-personal file (see list below). The approval of the request may be done directly in the e-personal file or ARES.

The following forms are available in the E-Personal File:

- Authorisation to engage outside activity (during the service, during leave on personal grounds or after leaving the service for the next two years)
- Conflict of interest declaration
- Authorisation to publish a text or a speech
- Authorisation to accept a decoration or honour
- Authorisation to accept a gift or a favour
- Tenure of public office declaration
- Candidature for public office declaration
- Spouse or Recognised partner gainful employment declaration

- Declaration of Confidentiality and Data protection
- Declaration on Obligations related to Outside Activities and Assignments on leaving the service

The declarations of Absence of Conflict of Interest and Confidentiality upon recruitment for statutory staff and non-statutory staff (SNEs, NEPTs, Trainees and Interims) are covered in their respective records.

The processing of personal data is necessary to manage these staff requests and to guarantee the Agency's independence and credibility.

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:

General personal data:

Personal details: Name, surname, Personnel Number, private address (permanent or temporary), private and professional e-mail address/phone numbers, marital status.

Employment details: Administrative Status, Grade, Department/Unit, staff member's duties.

Financial details: Information about the remuneration linked to external activities, publications, or speeches, including relevant IP rights, if holding public office, reimbursement of expenses by third parties; value of gifts/hospitalities, decorations/honours; ownership, etc.

Family: Information on spouse's or recognised partner's gainful employment activity

Other: Information on outside activities, publications/speeches, gifts/hospitalities, requests to run for or hold public office in general, reason(s) leading to a possible conflict of interest, acceptance of decorations/honours, among others.

Sensitive personal data: In order to manage ethics requests, EMSA may process special categories of personal data such as information on racial or ethnic origin, political opinions, religious or philosophical beliefs or trade-union membership, health data or sexual orientation. This personal information may be disclosed in the request for outside activities, to run for or hold public office or when submitting the spouse declaration of employment.

The personal data processed during the management of ethics requests may encompass more than one of the above categories. Data subjects may voluntarily provide sensitive personal information.

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.

Personal data are processed by relevant staff in the Unit 4.1 Human Resources and Internal Support.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- The Data subject themselves.
- Managers of the data subjects.
- Designated EMSA staff members: the members of the HR Unit dealing with the management of ethics requests, Head of Unit 4.1, Head of Department 4, EMSA Executive Director and EMSA Joint Committee.
- Other: 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.

The information concerning Management of Ethics Requests and Declarations will only be shared with people necessary for the implementation of such measures *on a need to know* basis. 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.]

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 Management of Ethics Requests and Declarations 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.

The e-records are held securely to safeguard the confidentiality and privacy of the data therein.

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 Unit 4.1, Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Management of Ethics Requests and Declarations 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 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:

- **Request for Authorisation to Engage in an Outside Activity, whether gainful or not, or carry out an Assignment outside the Communities:** Legal basis for CAs, TAs and Officials: the second and fourth paragraphs of Article 11, Article 11a, Article 12, Article 12b, Article 15, Article 16, Article 17, Article 17a, Article 19, Article 55(1) of the Staff Regulations, Articles 13(2) and 40 of Annex VIII to the Staff Regulations, and Articles 11, 17, 81 and 91 of the Conditions of Employment of Other Agents. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.

Commission Decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the service as applicable by analogy at EMSA as of 05/04/19.
- **Within the application for Leave on Personal Grounds:** Legal basis for CAs, TAs and Officials: Article 12b, 15, 37, 40, 110(2) and Article 33 of Annex XIII of the Staff Regulations and Articles 11, 17, 52 and 91 of the of the Conditions of Employment of Other Servants.
- **Declaration in the event of a possible Conflict of Interest:** Legal basis for CAs, TAs and Officials: Article 11a of the Staff Regulations, Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Application for Authorisation to Publish a Text or a Speech** - Whether paid or unpaid: Legal basis for CAs, TAs and Officials: Article 17a(2) of the Staff Regulations and Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Authorisation to Accept a Gift or a Favour: Legal basis for CAs, TAs and Officials:** Article 11 of the Staff Regulations, Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down

rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.

- **Application for Authorisation to accept a Decoration or Honour:** Legal basis for CAs, TAs and Officials: Article 11 of the Staff Regulations and Articles 11, 81 and 124 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Declaration of Candidature for Public Office:** Article 15 of the Staff Regulations and Article 11 and 81 of the CEOS.
- **Declaration Of Gainful Employment Of Spouse Or Recognised Partner** Legal basis for CAs, TAs and Officials: Article 13 of the Staff Regulations and Articles 11 and 81 of the CEOS. Legal basis for SNEs: Article 6 of the Decision of the Administrative Board laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training dated 20/11/2009, as amended.
- **Declaration on Obligations related to Outside Activities and Assignments on Leaving the Service:** in accordance with Article 21 of the Commission Decision C(2018) 4048 on outside activities and assignments and on occupational activities after leaving the service as applicable by analogy at EMSA as of 05/04/19.

EMSA Guidelines:

- [EMSA practical guide to staff ethics and conduct](#)
- [Guidelines on conflict of interest](#)
- [Guidelines on the Identification and Management of Sensitive Functions](#)
- [Guidelines on Gifts and Hospitality](#)

8. Storing Personal data

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 as following:

Officials', Temporary Agents', Contract Agents' and SNEs' personal data are kept in their personal file for 10 years following the termination of employment or the last pension payment.

Trainees' and NEPT's personal data are kept in their personal file for 50 years and then eliminated.

The ethics requests are filed in the e-personal file of the staff member concerned.

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 4.1, Human Resources and Internal Support under the following mailbox: hr.info@[emsa.europa.eu](mailto:hr.info@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.