

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Remotely Piloted Aircraft Systems (RPAS) and SATCOM services

1) Controller(s) <sup>2</sup> of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit <b>responsible</b><sup>3</sup> for the processing activity: Unit 2.2 Surveillance</p> <p>Contact person: Pedro Lourenço, Head of Unit 2.2. (HoU.Surveillance@emsa.europa.eu)</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)) <sup>4</sup>
<p>The data is processed by EMSA itself <span style="float: right;">YES</span></p> <p>The organisational unit conducting the processing activity is: Unit 2.2 Surveillance</p> <hr style="border: 0.5px solid #ccc;"/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party <span style="float: right;">YES</span></p> <p style="margin-top: 10px;"><i>Explanatory note: Contractors in charge of management of the RPAS Data Centre or Contractors in charge of RPAS services might process occasionally personal data of users of the RPAS services.</i></p>

<sup>1</sup> **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.

<sup>2</sup> In case of more than one controller (e.g. joint operations), all controllers need to be listed here

<sup>3</sup> This is the unit that decides that the processing takes place and why.

<sup>4</sup> Is EMSA itself conducting the processing? Or has a provider been contracted?

Contact point at external third party (e.g. Privacy/Data Protection Officer): contact details for Data protection officers at contractors are available under the following link: [Personal Data Protection - Personal Data Protection - EMSA - European Maritime Safety Agency \(europa.eu\)](#)

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.*

The Article 2b of the EMSA founding Regulation establishes that EMSA, in cooperation with the European Border and Coast Guard Agency (Frontex) and the European Fisheries Control Agency (EFCA), shall support national authorities carrying out coastguard functions at a national and Union level, by providing **surveillance and communication services based on state-of-the-art technology, including space-based, aerial and ground infrastructures.**

This broader concept of providing surveillance and communication services embraces several activities, which currently include Remotely Piloted Aircraft Systems (RPAS and SATCOM services.)

With Remotely Piloted Aircraft Systems (RPAS), EMSA provides a set of services to authorities in the maritime domain that includes: the aircraft system, relevant payload, piloting, communication means, data dissemination and integration with the Agency's maritime information systems. RPAS services have been developed to assist in maritime surveillance operations to support authorities involved in Coast Guard functions undertaken by Member States.

The request for RPAS services can be made by Maritime Authorities of the European Union (EU) Member States, EFTA Member States (Norway and Iceland only), or by the European Agencies FRONTEX and EFCA.

To provide the above mentioned services, personal data are communicated to or collected by EMSA as follows:

1. Personal data of staff in the user authorities (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA) are communicated to EMSA:
  - In the RPAS service request form when operations are requested to EMSA;
  - In the RPAS operations coordination documents shared with participants;
  - In the operational documentation for the RPAS operation (authorisations for use of airspace, of take off and landing areas,...).
2. Personal data of RPAS and SATCOM contractor's staff could be processed by EMSA when:
  - Pilots or staff in general are deployed on site and their ID has to be communicated to the user (copy to EMSA) of the service or to the vessel contractor by the RPAS contractor;
  - Personal data of RPAS pilots or contractors staff entering ports and embarking vessels are displayed in EMSA supporting letters for National Security clearance;
  - RPAS and SATCOM contractor's staff data are referenced in the RPAS operational documentation (authorizations to fly, for use of airspace, for frequencies use, for access to take-off and landing areas, etc...).
- 3.

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).	YES																		
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(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	<input type="checkbox"/>																		
(d)	Data subject has given consent ( <i>ex ante</i> , explicit, informed)	<input type="checkbox"/>																		
Describe how consent will be collected and where the relevant proof of consent will be stored																				
5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>																				
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">EMSA staff</td> <td style="width: 30%; text-align: right;">YES</td> </tr> <tr> <td>Officials, TAs and CAs</td> <td></td> </tr> <tr> <td>Non-EMSA staff (contractors staff, external experts, trainees)</td> <td style="text-align: right;">YES</td> </tr> <tr> <td>SNEs, NEPTs, Interims and Trainees</td> <td></td> </tr> <tr> <td>Staff in the user authorities (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA)</td> <td></td> </tr> <tr> <td>RPAS and SATCOM contractor's staff</td> <td></td> </tr> <tr> <td>Visitors to EMSA building</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td>Relatives of the data subject</td> <td style="text-align: right;"><input type="checkbox"/></td> </tr> <tr> <td colspan="2" style="padding-top: 10px;">Other (please specify):</td> </tr> </table>			EMSA staff	YES	Officials, TAs and CAs		Non-EMSA staff (contractors staff, external experts, trainees)	YES	SNEs, NEPTs, Interims and Trainees		Staff in the user authorities (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA)		RPAS and SATCOM contractor's staff		Visitors to EMSA building	<input type="checkbox"/>	Relatives of the data subject	<input type="checkbox"/>	Other (please specify):	
EMSA staff	YES																			
Officials, TAs and CAs																				
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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)

YES

Name, address, date of birth, identification documents/numbers

Education & Training details

YES

RPAS pilots qualification certificates that are sometimes needed to get the authorizations to fly the RPAS in the beneficiary country

Employment details

YES

Job title, professional phone number, address and e-mail

Financial details

☐

Family, lifestyle and social circumstances

☐

Goods or services provided

☐

Other (please give details):

(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	<input type="checkbox"/>
<b>7) Recipient(s) of the data (Article 31.1 (d))</b> <i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	YES <input checked="" type="checkbox"/>
Managers of data subjects	<input type="checkbox"/>
Designated EMSA staff members	YES
Designated Contractors' staff members	YES
Other (please specify): User authorities staff (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA))	
<b>8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))</b> <i>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.</i>	
Data are transferred to third country recipients:	NO
RPAS services are offered to Norway and Iceland: <a href="https://european-council.europa.eu/media/404044/attachment/declaration-decision-2018-01-26-01.pdf">Adequacy decisions (europa.eu)</a> : The effect of such a decision is that personal data can flow from the EU (and Norway, Liechtenstein and Iceland) to that third country without any further safeguard being necessary. In other words, transfers to the country in question will be assimilated to intra-EU transmissions of data.	
<b>If yes, specify to which country:</b>	
<b>If yes, specify under which safeguards:</b>	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>

To be assessed and decided on an ad-hoc basis	<input type="checkbox"/>
<b>9) Technical and organisational security measures (Article 31.1(g))</b> <i>Please specify where the data are stored during and after the processing</i>	
How is the data stored?	
EMSA network shared drive	YES
Outlook Folder(s)	YES
Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	YES
Other (please specify): <i>EMSA / Commission systems: ARES, PCM, Outlook contacts, JIRA</i>	
<b>10) Retention time (Article 4(e))</b> <i>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.</i>	
Personal data is to be deleted five years after the end of the operation.	