

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

NAME OF PROCESSING ACTIVITY: Management of the Staff Learning and Development Activities at EMSA

1) Controller(s)¹ 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 and Internal Support</p> <p>Contact person: Head of Unit 4.1, Human Resources and Internal Support</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))²
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit - Human Resources and 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: <input checked="" type="checkbox"/></p> <p>EMSA uses the EU Commission learning management system (EU Learn) via the SLA with DG HR. The system owner is the European Commission 's Learning and Development unit, HR.B.3. EMSA also uses a number of the Framework Contracts managed by the European Commission 's Learning and Development unit, HR.B.3, for certain learning and development activities. In addition, EMSA has its own contract toolbox of active contract/agreements (See Annex 1) in a wide variety of areas with different training providers, for learning activities not covered by the European Commission framework contracts.</p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p> <p>For EU Learn and European Commission Framework Contracts: European Commission DPO: data-protection-officer@ec.europa.eu</p> <p><u>For the contractors/agreements: please consult the Annex 1</u></p>

¹ In case of more than one controller (e.g. joint operations), all controllers need to be listed here

² Is EMSA itself conducting the processing? Or has a provider been contracted?

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 4.1 Unit processes personal data to plan, organise, deliver and reimburse online and presential learning and development activities to staff and family members.

Participants to learning and development activities are staff members of EMSA, and where applicable other EU Agencies/ Institutions and, in case of Portuguese language courses, spouses or registered partners of EMSA staff.

Learning and Development activities may be recorded for learning purposes. The host shall announce that no recordings of any kind shall be made by the attendees. If participants do not wish their image to be recorded, they shall to turn-off their camera. Further information about video recording can be found in the Zoom and Teams Records of Processing Activity.

Staff members make a request through the E-Personal File. The different request forms are as follows depending on the type of training:

Requests for training:

-Training request*

- Training on initiative of the staff member request*
- Language classes request (online)
- Language PT classes request (spouse/ partner – online)
- Third Language course prior Authorisation
- Third Language test prior Authorisation

Reimbursements requests:

- Training reimbursement request*
- Third language reimbursement request*

In addition to the request, some supporting documents are provided which confirm registration with the training provider, financial information, proof of payments, invoice, proof of attendance.

*The above request and supporting documents are uploaded into ARES and circulate as a digital payment reimbursement file in ABAC to enable reimbursement of the cost to the staff member.

Names of participants are given to external contractor training providers in advance, which may include background/ educational information to determine suitability for that course. Additionally, depending on the learning and development activity requested e.g., for on-line language training, further personal information may be requested and be provided e.g. work telephone number, work e-mail address. Regarding spouse's personal data (amongst other; email, telephone number, names) is shared with providers to deliver and organise the PT Language lessons.

For certain courses, such as those provided by the European Commission, or European School of Administration, staff members must also register through the European Commission Learning portal EULearn (covered by their own data protection notification).

Staff indicate their learning and development needs/courses they wish to attend in the Annual CDR Appraisal system, these are exported into an Excel spreadsheet and stored on the H Drive under HR Development > Training.

Participants in training courses sign attendance lists which are given to the training provider, and a copy given to EMSA, for the purposes of managing training and payment of subsequent invoices. Attendance lists are part of the digital payment file uploaded in ARES with the training invoice, as proof that the learning and development activity was delivered. The payment file is subsequently filed in the appropriate contract management folder in the training section of Ares.

Participants complete evaluation sheets after each Learning and Development activity to monitor and improve services delivered; these are anonymous (although the participant can provide their name if they wish). These are sent to the provider, and digitally stored on the H drive under HR Development > Training.

The training attendance lists are used to complete a record of all trainings attended by staff, known as a Training Passport. This data is stored in a MS Access database on the H Drive under HR Development > Training. At the end of the year, each staff member is provided with an extract of their records, which is subsequently uploaded in their E-personal file.

EMSA provides with certificates of attendance for each staff member, these are stored in paper files, digitally in the H Drive, as well as given to the staff member.

For certain trainings, especially with official certification, personal details are transferred to the certification authority to approve and issue the official certification, or it may be requested by the contractor that personal information is inserted directly in the contractor's online platform, for this purpose.

Any training related information may also be stored on the H drive under HR Development > Training and in MS Outlook e-mail functional mailbox HR Training.

Contractors' staff delivering presential courses at the EMSA premises need to sign a registration list at the EMSA reception, which is stored according to that data protection procedure.

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) ☒

Legal basis of processing:

- Article 24a of the Staff Regulations and Article 11 and Article 81 of the Conditions of Employment of Other Servants of the EU (CEOS)
- [Decision of the Administrative Board on the Framework for Learning and Development of 07/02/2018](#)
- [Decision of the Executive Director regarding supporting staff for their ability to work in a third language of 27/10/2011](#)
- [EMSA Learning and Development Policy of 29/06/2018](#)

- (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 ☐

(Bank account details of staff member in case of a training reimbursement)	<input checked="" type="checkbox"/>
Family, lifestyle and social circumstances (Name and Surname of spouses and partners if they apply for Portuguese classes)	<input checked="" type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details):	
(b) Sensitive personal data (Article 10)	
The personal data reveals:	
Racial or ethnic origin	<input type="checkbox"/>
Political opinions	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Trade union membership	<input type="checkbox"/>
Genetic, biometric or data concerning health	<input type="checkbox"/>
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/>
7) Recipient(s) of the data (Article 31.1 (d))	
<i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	<input checked="" type="checkbox"/>
Managers of data subjects	<input checked="" type="checkbox"/>
Manager approves the training requests of the staff member	
Designated EMSA staff members	<input checked="" type="checkbox"/>

Only a very limited number of staff members within the Human Resources and Internal Support Unit who deal with the training procedure.

Head of Unit Human Resources and Internal Support Unit

Head of Department Corporate Services

Head of Executive Office

Executive Director

Also Members of the ICT Unit assisting with the e-Personal file and Legal and Financial staff handling the verification of reimbursement and payment of training costs.

Designated Contractors' staff members



Staff from the external providers involved in the organisation and deliver of the training such as teachers, trainers, etc.

Other (please specify):

Staff from DG HR for EU Learn

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.

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: USA

Transfers of personal data to third countries take place as a result of using audio-video conference tools employed by the EMSA, or by the European Commission and by external providers such as Microsoft Teams, Skype for business, WebEx and Zoom as a result of enrolling and participating in e-learning. EMSA has licenses for Teams and Zoom, which records are found here:

- Update in the Notification to the Data Protection Officer of the Recording of Processing Activity for the usage of Microsoft Teams and Skype for Business (Article 31 Regulation (EU) 2018/1725) [Ares\(2020\)4165662](#)
- Notification to the Data Protection Officer: Usage of ZOOM tool for virtual meetings/trainings (DPIA), updated version [Ares\(2022\)932039](#)

If yes, specify under which safeguards:

- | | |
|--|-------------------------------------|
| Adequacy Decision of the European Commission | <input type="checkbox"/> |
| Standard Contractual Clauses | <input checked="" type="checkbox"/> |
| Binding Corporate Rules | <input type="checkbox"/> |
| Memorandum of Understanding between public authorities | <input type="checkbox"/> |

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 (with restricted access to only those involved) | <input checked="" type="checkbox"/> |
| Outlook Folder(s) | <input checked="" type="checkbox"/> |
| Hardcopy file | <input type="checkbox"/> |
| Cloud (give details, e.g. public cloud) | <input type="checkbox"/> |

Other (please specify): ARES, E-Personal File and ABAC

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.

A summary of the time periods is:

- 10 year for data related to contract management e.g. payment of invoices with attached attendance lists containing personal data
- 7 years for General administrative support management for financial files not related to implementation of a contract e.g. reimbursement of training costs to staff member or reimbursement under Training on initiative of staff
- 4 years for day-to-day management of human resources e.g. other files not related to the above.
- 10 years following the termination of employment or the last pension payment for documents files in the personal file like training requests and certificates.