

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

NAME OF PROCESSING ACTIVITY:

Management of Job Descriptions (JD) 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 4.1, Human Resources and Internal Support</p>
<p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third-party: n/a</p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p>

3) Purpose of the processing (Article 31.1(b))
<p><i>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.</i></p>
<p>The purpose of the processing is to have meaningful and up-to-date JDs that enable effective staff resource management at EMSA. In addition, to manage the work and assess staff performance, it is important to have accurate JDs. As a management tool, JDs clarify which Functions, Responsibilities and Competencies are expected from the job holder that will occupy a job.</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?

All EMSA staff have access and can view the content of their individual JD in their e-personal file. Job descriptions containing the job title, field of activity, job holder's and reporting officer's name, initial contract start date, department/unit, contract type, job responsibility range, job family, position occupied from, functions and duties, skills and competencies are published on the intranet through a link to a Sharepoint folder that is available to all EMSA officials, temporary and contract agents, Seconded National Experts and National Experts in Professional Training. This enables EMSA to foster harmonisation in job titles and job descriptions for staff in the same job family and for managers and job holders to have an overview of jobs available in the organisation and make more informed career and mobility choices in addition to enhance transparency within the organisation.

The term Job Description (JD) includes the Job Holder Details and the Job Profile which is divided as follows:

1. Department/unit
2. Contract type: Official, temporary agent, contract agent
3. Job responsibility range: These are based on the [guidance on job responsibilities](#) and are separated by grades and function groups
4. Job families – These are taken from the [job families document](#)
5. The date the position is occupied from
6. Functions & Duties: list of activities and tasks to be carried out, using the [job families document](#) as reference.
7. Skills and Competences: Experience, Languages, Competencies and Knowledge considered essential to fulfil the specific job, , using the [job families document](#) as reference.

Procedure Steps for the completion of the job description:

1. The job description templates for each staff member in their department/unit are available for managers on a Sharepoint drive to complete or HR sends by email the job description template to the Job Holder (JH) and their Reporting Officer (RO) /Head of Unit (HoU).
2. The JH and Reporting Officer discuss the content of the job description. The Reporting officer returns a draft job description to HR by email to check.
3. Once informed by HR that the draft is ok, the secretariat of the unit circulates the job description in ARES for the e-signature of both, JH and RO.
4. The signed job description is filed in ARES, stored in the e-personal file of the JH concerned.
5. The job description is published on the intranet through a link to a Sharepoint folder.

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
- JDs are a written confirmation of the duties, expressed in general terms, to be performed by staff occupying a job. As such, they are the application of Article 21 of the Staff Regulations, which stipulates that the official “shall be responsible for the performance of the duties assigned to him”.

(b)	compliance with a legal obligation to which EMSA is subject	<input type="checkbox"/>
(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"/>
<p>Staff will be informed of their rights in relation to the data being handled and the manner in which their personal data will be handled during the procedure by a data protection privacy statement published in the intranet.</p>		
5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>		
EMSA staff		<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 <ul style="list-style-type: none"> For the staff member: Name and Surname For the Reporting Officer: Name and Surname 		<input checked="" type="checkbox"/>
Education & Training details		<input type="checkbox"/>
Employment details <ul style="list-style-type: none"> For the staff member: Job title, field of activity, personnel number, contract start date, Department/Unit, Contract Type, job responsibility range, job family, date of position occupation of activity, functions and duties, skills and competencies. For the Reporting Officer: job title 		<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):	
(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"/>
The job description is filed the e-personal file of the concerned staff member and is published on the intranet through a link to a Sharepoint folder.	
Managers of data subjects	<input checked="" type="checkbox"/>
Reporting Officers of the staff members	
Designated EMSA staff members	<input checked="" type="checkbox"/>

All EMSA officials, temporary and contract agents have access to the Sharepoint folder where the job descriptions are saved.

Members of the ICT Unit assisting with the e-Personal file.

Designated Contractors' staff members

☐

Other (please specify):

Seconded National Experts and National Experts in Professional Training, who have access to the Sharepoint folder link through the intranet.

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:

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

☒

Outlook Folder(s)

☒

Hardcopy file

☐

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

☐

Other (please specify):

ARES, Intranet through a link to a Sharepoint folder.

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.

According to art. 26 of the SR, job descriptions are kept in the personal file of the staff member. The job descriptions have to be kept as long as the personal file is retained.

Personal files are destroyed 10 years following the termination of employment or the last pension payment.