

## **Data Protection Statement/Privacy Statement on the processing of personal data in the context of Establishing a Disciplinary Board at EMSA**

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 to set-up and replace members of the Disciplinary Board at EMSA in line with Article 9.1, third indent of the Staff Regulations. In accordance with Article 5.2 of Annex IX to the Staff Regulations, the Board shall consist of a Chair and four full members, who may be replaced by alternates and, in cases involving an official up to AD 13, two additional members in the same function group and grade as the official subject to disciplinary proceedings. In accordance with Article 5.3 of Annex IX to the Staff Regulations, the members and alternates of the Board shall be appointed from amongst the officials in grade 14 or above in active employment in respect of all cases other than those concerning officials in grade AD 16 or AD 15.

The unit 4.1 identifies the appropriate staff in each grade and following the approval of the Executive Director, contacts the staff concerned to ascertain their availability to represent the Administration.

The Staff Committee uses a list of EMSA staff provided by HR to identify possible members/alternates and contact them to ascertain their availability to represent the Staff Committee.

### **2. Categories/types of personal data processed**

The categories/types of personal data processed are the following:

- Personal details: Name, email address
- Employment Details: Type of Contract, Grade and name of the Employer (Agency or Commission DG)

### **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:

- EMSA designated staff: the Head of Unit for Human Resources, the Senior HR Officer and any member of the Human Resources Unit as appropriate, the Head of Department of Corporate Services, the Executive Director and the Staff Committee.
- Certain members of the Disciplinary Board may also come from outside the Agency.

### **4. Access to and disclosure of personal data**

The personal data is disclosed to the following recipients:

- Data subjects themselves: Data subjects have in principle full access to information pertaining to them
- Designated EMSA staff members: Head of Unit for Human Resources, the Senior HR Officer and any member of the Human Resources Unit as appropriate, the Head of Department of Corporate Services, the Executive Director and the Staff Committee for the purposes of selecting the members and alternates (permanent and extended) of the Disciplinary Board.
- The lists of the members and alternates (permanent and extended) including their names, type of contract and grades of the Disciplinary Board will be published in the relevant section of the HR intranet.

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 the Establishing a Disciplinary Board at EMSA procedure at EMSA 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 the Establishing a Disciplinary Board at EMSA procedure at EMSA 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.

## **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, which are the general rule and any application of the limitations foreseen in Article 25 (must be considered on the basis of a case-by-case analysis). 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 4.1 Human Resources and Internal Support.

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:

- Under 15.2(e) of the EMSA Founding Regulation, Regulation (EC) No 1406/2002, as amended, the Executive Director shall exercise (e) he/she shall exercise, in respect of the staff, the powers laid down in Article 6(2).
- Under 10.2(i) of the EMSA Founding Regulation, Regulation (EC) No 1406/2002, as amended, the Administrative Board shall exercise disciplinary authority over the Executive Director and the Heads of Department referred to in Article 16.
- Staff Regulations of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, as amended, in particular Article 86 and Annex IX to the Staff Regulations and Articles 49, 50 and 119 of the CEOS.
- Decision of the Administrative Board of EMSA of 24 January 2014 laying down General Implementing Provisions on the conduct of administrative inquiries and disciplinary procedures.

## **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:

The lists will be retained for the period of their validity, in principle three years from appointment of the members and alternates (permanent and extended) of the Disciplinary Board.  
Personal data is kept for 10 years after the nomination and then eliminated.

## **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: [cristina.romay-lopez@emsa.europa.eu](mailto:cristina.romay-lopez@emsa.europa.eu).

Any data subject may also consult EMSA Data Protection Officer at: [DPO@emsa.europa.eu](mailto: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](mailto:edps@edps.europa.eu).