

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

NAME OF PROCESSING ACTIVITY¹: **Microsoft 365 Copilot - Pilot Project for Department 4 Services**

1) Controller(s)² of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible³ for the processing activity: Department 4 Corporate Services</p> <p>Contact person: dominika.lempicka-fichter@emsa.europa.eu</p> <p>Data Protection Officer (DPO): dpo@emsa.europa.eu</p>
2) Who is actually conducting the processing? (Article 31.1(a))⁴
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Department 4 Corporate Services</p> <hr/> <p>The data is processed by a third party (contractor) <input checked="" type="checkbox"/> or the processing operation is conducted together with an external third party [indicate third party] <input type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p> <p>Microsoft NV/SA Business Element - Belgium</p>

3) Purpose of the processing (Article 31.1(b))
<i>Why are the personal data being processed? Specify the rationale and underlying reason for the processing</i>

¹ **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.

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

³ This is the unit that decides that the processing takes place and why.

⁴ Is EMSA itself conducting the processing? Or has a provider been contracted?

and describe the individual steps used for the processing.

The purpose of the processing is to manage a pilot project to integrate artificial intelligence into the services provided by Department 4. The project aims to harness the transformative potential of AI to enhance corporate services, improve efficiency, accuracy, and decision-making processes, and ensure the organisation remains competitive and innovative.

The project is divided into three phases, each focusing on different AI use cases:

- Standard usage of Microsoft Copilot: This phase involves minimal configuration from IT and mainly requires purchasing licenses and assigning them to test users.
- Chatbots: This phase requires additional configuration from IT, external consultancy, and business input to train the chatbot.
- Custom developments: This phase involves more tailored AI solutions for specific needs

The project aims to test the following cases:

From 4.1 Unit – Human Resources and Internal Support:

- Improving Recruitment Experience (Phase 1)
- Improving Onboarding Experience (Phase 1)
- Improve drafting of document such as ED decisions, Administrative Notices, etc (Phase 1)
- HR/Support Services Chatbot (Phase 2)

From 4.2 Unit – Legal, Finance and Facilities

- Support on preparation of procurement and contract management documents (Phase 1)
- Automatic distribution of verification (legal and finance) tasks (Phase 1)
- Legal Chat bot (Phase 2)
- Contract management checks (Phase 3)

The pilot project entails the purchase of a number of Microsoft Copilot for 365 licenses to be distributed among a limited number of staff in the department 4 for testing the potential cases listed above.

The purpose of the processing is limited to testing the feasibility and the performance of integrating artificial intelligence, in this case **with Microsoft 365 Copilot**, into the services provided by Department 4.

Microsoft 365 Copilot is an assistant based on AI that supplements existing applications with additional functions. Copilot's functions are useful for the productivity and collaboration as well as any other M365 apps, e.g. Microsoft Word, Excel, PowerPoint, Teams, One Note, etc. The functions of Copilot include among others:

- Creation of text and wording suggestions in Word. Users can use a prompt to describe what content they want to create, analyse or summarise.
- Optimisation of tables in Excel. Users can analyse data entered in a table and have formulas created.
- Creation of visuals, text and wording suggestions in PowerPoint. Users can use a prompt to describe what content they want to create, analyse or summarise.
- Summarising chat communications in terms of key topics and transcribing phone calls and video conferences in teams and creating summary of these phone calls and video conferences. Copilot can include communication from the last 30 days in the summary of chat messages.

If the Controller decides to proceed with the integration, a record of processing activity will be created to each case.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for: <i>Mention the legal basis which justifies the processing</i>	
(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)	<input checked="" type="checkbox"/>
(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"/>
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>	
EMSA staff Officials, Temporary Agents and Contract Agents	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees) Seconded National Experts, Trainees, Interims, NEPTs	<input checked="" type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input checked="" 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)	<input checked="" type="checkbox"/>

Education & Training details	<input checked="" type="checkbox"/>
Employment details	<input checked="" type="checkbox"/>
Financial details	<input checked="" type="checkbox"/>
Family, lifestyle and social circumstances	<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 type="checkbox"/>
Managers of data subjects	<input type="checkbox"/>

Designated EMSA staff members



The Department 4 staff having a Microsoft Copilot for 365

Designated Contractors' staff members



[Microsoft copilot](#)

Other (please specify):

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



Copilot is part of the MICROSOFT ILA (DI/07880), from which EPDS issued a decision with corrective measures on the use of M365. As per the letter attached REF. ARES (2024)8367282 – 25/11/2024, DIGIT is negotiating a new ILA with Microsoft in view of the EDPS Decision C2021-0518 of 08/03/2024 focusing on the topics of international transfers of personal data, clarity of processing purposes and the processed data types.

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) ☒

- Copilot operates within Microsoft Azure Cloud environment and Microsoft 365 (M365)

Servers of external provider ☐

Other (please specify):

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.

Data will be retained for the duration of the contract for the licensed software.