

**Data Protection Statement/Privacy Statement on the processing of personal data in the
procedure/context of Registration and De-Registration of staff and family members with the
Portuguese Ministry of Foreign Affairs V.2**

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/are:

According to Article 6 of the [Seat Agreement between EMSA and Portugal \(Protocol\)](#), staff members and their families shall be registered upon arrival and de-registered upon departure with the Portuguese Ministry Foreign Affairs. The registration provides a permit of residence in Portugal (Diplomatic ID card) and access to the privileges and immunities under the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency.

EMSA staff concerned are Officials, Temporary Agents, Contract Agents and Seconded National Experts, also when applicable, their families members: children, spouse, parents and domestic help.

This specific procedure is owned by the Portuguese authorities, who have a dedicated form and require specific supporting documents. Since 09/2020, the procedure has been implemented via the Request Module in the E-Personal File at EMSA, where the staff member is asked to complete a EMSA form and provide the following supporting documents per person:

FIRST REGISTRATION

- 1 registration form from Portuguese Ministry Foreign Affairs;
- 1 photo;
- Copy of the ID card or Passport;
- If applicable, copy of the marriage certificate/legal partnership contract;
- If applicable, for domestic help staff: their passport, 5 photos, contract of employment and a declaration from the staff member. Such staff receive an ID card with the indication 'Pessoal Auxiliar.'

- If applicable, for children older than 18:
 - School or University Attendance certificate in Portugal. In cases where a child is unable to present such documentation due to medical reasons, the Ministry of Foreign Affairs accepts a medical certificate or an invalidity certificate as substitute proof.
 - [Term of responsibility by the staff member confirming the dependence status](#).

RENEWAL OF DIPLOMATIC ID CARD

- Copy of Passport or National ID Card;

The expired Diplomatic ID card(s) are returned to the Ministry of Foreign Affairs once a renewed Diplomatic ID card is issued.

DE-REGISTRATION

Once the staff member terminates his/her functions at EMSA, they are obliged to return their Diplomatic ID and if applicable, those of their family members, parents or domestic help.

For the First Registration and the Renewal of the Diplomatic ID card, once the request form and the supporting documents are submitted by the staff member in the E-Personal File, EMSA Protocol contacts the Portuguese authorities to initiate the procedure within their services. During the process, staff and family members will be contacted by EMSA for an appointment established by the PT Ministry of Foreign Affairs in their premises to collect their respective data.

The Diplomatic ID card is usually delivered to staff 6 weeks thereafter. EMSA informs the staff member once the Diplomatic ID card(s) are ready to be collected.

In addition to a copy of the whole file mentioned above, EMSA Protocol keeps a copy of the Diplomatic ID Card(s) to be able to manage the privileges of the staff member.

EMSA Protocol collects an acknowledgement of receipt from the staff member every time a Diplomatic ID card is delivered.

EMSA will not reuse the personal data for another purpose that is different to the one stated above.

The processing is not intended to be used for any automated decision making, including profiling.

2. Categories/types of personal data processed

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

- Personal details: Name, Place and date of birth, Nationality(s), Civil Status, Passport or ID card number, Passport or ID card emission and expire date, gender, address, telephone number, Name of parents, NIF number, PT Health Number (Numero Utente Saude).
- Education & Training details: If applicable, for children aged 18 years old or older: School or University Attendance certificate in Portugal; [Term of responsibility by the staff member confirming the dependence status](#).

- Employment details: Place of Recruitment, Type of Contract and Contract duration
- Family details: If Diplomatic ID Cards are requested for families' members (children, spouse, parents) and domestic help, the same personal data is processed as for the staff member.
- Other: Date of arrival in Portugal and date from Departure from Portugal and photo. in cases where a child is unable to present school certificate due to medical reasons, the Ministry of Foreign Affairs accepts a medical certificate or an invalidity certificate as substitute proof.

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 Protocol Team and Portuguese Ministry of Foreign Affairs.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Data subjects themselves: Officials, Temporary Agents, Contract Agents, Seconded National Experts, Children and Parents (if applicable) and Domestic Help (if applicable).
- Designated EMSA staff members: EMSA Protocol team, Head of Unit 4.1 and Head of Department 4
- Other: Relevant staff at the Ministry of Foreign Affairs in charge of the registration process. Also, if appropriate, 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 Registration and De-Registration of staff and family members with the Portuguese Ministry of Foreign Affairs 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 Registration and De-Registration of staff and family members with the Portuguese Ministry of Foreign Affairs 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.

Paper documents are kept in safe cupboards.

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.

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 right of rectification can only apply to inaccurate or incomplete factual data processed within the Registration and De-Registration of staff and family members with the Portuguese Ministry of Foreign Affairs procedure.

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 [Seat Agreement between EMSA and Portugal \(Protocol\)](#).

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 for a maximum period of 20 years after the staff member has terminated his/her contract of employment/secondment with EMSA. After that period and according to the EMSA specific retention list, the data is submitted to sample or selection and to a second review.

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 protocol@emsa.europa.eu.

Contact point at external third-party, Portuguese Ministry of Foreign Affairs, is epd@mne.pt.

Any data subject may also consult EMSA Data Protection Officer at: 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.