

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Payroll

1) Controller(s) <sup>2</sup> of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible<sup>3</sup> for the processing activity: Unit 4.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit 4.1, Human Resources and Internal Support.</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: <a href="mailto:dpo@emsa.europa.eu">dpo@emsa.europa.eu</a></p>
2) Who is actually conducting the processing? (Article 31.1(a)) <sup>4</sup>
<p>The data is processed by EMSA itself <span style="float: right;">x</span></p> <p>The organisational units conducting the processing activity are: Unit 4.1, Human Resources and Internal Support at EMSA.</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party x PMO.1 at the European Commission</p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): Gillian.Kenny@ec.europa.eu</p>

<sup>1</sup> **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.

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

<sup>3</sup> This is the unit that decides that the processing takes place and why.

<sup>4</sup> Is EMSA itself conducting the processing? Or has a provider been contracted?

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 and describe the individual steps used for the processing.</i>	
To correctly process the payroll and payment of salaries as well as assess the entitlement to specific allowances based on the staff member's personal and/or professional situation.	
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)	x 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).
(b) compliance with a legal obligation to which EMSA is subject	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 Annex VII to the Staff Regulations.
(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract	x The data needs to be processed in the context of the payment of the salary of the staff member under the contract of employment between EMSA and the staff member.
(d) Data subject has given consent ( <i>ex ante</i> , explicit, informed)	x Staff will be informed of their data rights and the manner in which their personal data will be handled during the procedure.
5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>	
EMSA staff	x
Officials, temporary agents and contract staff.	
Non-EMSA staff (contractors staff, external experts, trainees)	<input type="checkbox"/>

Visitors to EMSA building

☐

Relatives of the data subject

☐

Other (please specify):

6) Categories of personal data processed (Article 31.1(c))

*Please tick all that apply and give details where appropriate*

(a) **General personal data:**

The personal data contains:

Personal details (name, address etc)

x

- Name, address, date of birth, nationality, place of recruitment and place origin
- Further relevant personal data (as relevant for expatriation allowance, etc.);

Employment details

x

- Personnel number, category, grade, contract type, department/unit/sector, seniority in grade.
- Shift work, standby duties

Family, lifestyle and social circumstances

x

- Family situation (as relevant for family allowances and travel/installation costs, etc.): names, dates of birth, address, school information, means of transport to go to school, situation and income spouse (as relevant for household allowance.

Goods or services provided

☐

Other (please give details):

x

Financial details

- Bank account information.
- Removal cost
- Cost of school fees and transport cost for children

Income spouse (as relevant for household allowance

(b) **Sensitive personal data** (Article 10)

Racial or ethnic origin	<input type="checkbox"/> n/a
Political opinions	<input type="checkbox"/> n/a
Religious or philosophical beliefs	<input type="checkbox"/> n/a
Trade union membership	<input type="checkbox"/> n/a
Genetic, biometric or data concerning health	<input type="checkbox"/> n/a
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/> n/a

7) Recipient(s) of the data (Article 31.1 (d))

*Recipients are all parties who have access to the personal data*

Data subjects themselves	x
Data subjects have full access to information pertaining to them through E-Personal file and My HR Data.	

Managers of data subjects	<input type="checkbox"/>
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Designated EMSA staff members	x
Head of Unit 4.1, Payroll Officer, HR Officers establishing individual rights upon taking up duties. Head of Unit 4.2 and Legal Officer(s) of Unit 4.2, in the case of appeal and complaints. Jobholder.	

Designated Contractors' staff members	<input type="checkbox"/>
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Other (please specify):	x
Designated staff members of PMO of the European Commission	

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 H drive only accessible to designated HR staff on a need to know basis ☒

ARES Official repository of EMSA

Outlook Folder(s) ☐

Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
Other (please specify):	x
E-Personal file HR Database Salary changes data base	
10) Retention time (Article 4(e)) <i>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 <a href="#">here</a>.</i>	
For supporting documents which are part of the personnel files: They are destroyed 10 years following the termination of employment or the last pension payment. In case of legal action, the retention period is extended until one year after the final decision. The payment order and payment request (i.e. payroll files) and relevant commitments are retained in accordance with the retention schedule for payments and treated as serial files.	

**Thank you for completing the form.**  
**Now please send it to the DPO using the ARES workflow**