

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

NAME OF PROCESSING ACTIVITY¹:

Carrying-out inspections, including the reporting thereof, as referred to in Article 3 of Regulation (EC) No 1406/2002, as amended, to assist the Commission in the effective implementation of relevant binding legal acts of the Union.

1) Controller(s)² of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA) – Joint Controllershship with the Directorate-General for Mobility and Transport of the European Commission (DG MOVE)</p> <p>Organisational unit responsible³ for the processing activity: Unit 1.2, EMSA and Unit D.2, DG MOVE</p> <p>Contact person: Mario Mifsud, Unit 1.2, EMSA</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))⁴
<p>The data is processed by EMSA and DG MOVE <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 1.2 in EMSA and Unit D.2 in DG MOVE</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party <input type="checkbox"/></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>

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?

Article 2.2(b) of Regulation (EC) No 1406/2002, as amended, states that, “The Agency shall assist the Commission in the effective implementation of relevant binding legal acts of the Union, in particular by carrying-out visits and inspections as referred to in Article 3 of this Regulation”.

Article 3 ‘Visits to Member States and inspections’ states:

“1. [...].

2. [...].

3. The Agency shall carry out inspections on behalf of the Commission as required by binding legal acts of the Union regarding organisations recognised by the Union in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations, and regarding the training and certification of seafarers in third countries in accordance with Directive 2008/106/EC.

4. At the end of each visit or inspection, the Agency shall draw up a report and send it to the Commission and to the Member State concerned.”

The organisation and reporting of the inspections requires that personal data concerning the persons participating in an inspection, including their names, job titles, responsibilities and work carried out by them, is recorded in various documents including the inspection programme, documents or other evidence obtained before, during and after an inspection, and in the report compiled afterwards and submitted to the Commission and to the organisation inspected. In some cases, this documentation or evidence may also include personal data of persons who did not participate in an inspection but are referred to in the evidence obtained. This evidence may be provided orally or in documentary form.

This personal data needs to be referred to in EMSA’s inspection reports as a formal record of the persons who provided input or evidence, or are referred to therein, based on which the conclusions of an inspection, including any findings identified concerning the effective implementation of the Union law the subject of the inspection, have been based.

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 and DG MOVE (including management and functioning of the institution) | <input checked="" type="checkbox"/> |
| | (Legal basis: Article 2 ‘Core tasks of the Agency’, par. 2 (b) and Article 3 ‘Visits to Member States and inspections’ EMSA founding regulation) | |
| (b) | compliance with a legal obligation to which EMSA or DG MOVE 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))

Whose personal data are being processed?

Staff from third country administrations, Classification Societies and other inspected entities, and companies or organisations carrying out work on their behalf.

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) ☒

Education & Training details ☒

Employment details ☒

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☒

Other (please give details): Work carried out in the performance of their employment and/or the role(s) they perform in the organisation.

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

The personal data reveals:

Racial or ethnic origin ☐

Political opinions ☐

Religious or philosophical beliefs ☐

Trade union membership ☐

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"/>
Managers of data subjects	<input checked="" type="checkbox"/>
Designated EMSA and DG MOVE staff members	<input checked="" type="checkbox"/>
Designated Contractors' staff members	<input type="checkbox"/>
Other (please specify): Responsible staff members of the administrations of the Member States, Classification Societies and other entities that have been inspected by EMSA.	
8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e)) <i>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.</i>	
Data are transferred to third country recipients:	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
If yes, specify to which country:	
If yes, specify under which safeguards:	
Adequacy Decision of the European Commission	<input type="checkbox"/>

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 and DG MOVE networks

☒

Outlook Folder(s)

☒

Hardcopy file

☐

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

☐

Servers of external provider

☐

Other (please specify): ARES, CIRCABC, EMSA Maritime Applications – e-delivery portal.

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.

The personal data is stored in accordance with the applicable retention policies. In the case of EMSA, this is for 20 years in accordance with EMSA's Records Management Policy and Procedure. Following the expiry of the aforementioned Administrative Retention Period, Sampling and selection and Second Review shall be performed in compliance with the provisions of the above policy. For the Commission this is 5 years in accordance with the Commission's Common level retention policy.