

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

NAME OF PROCESSING ACTIVITY¹:

Provision of information related to staff members to Embassies and Permanent Representations of the nationality of the staff members concerned.

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: 4.1 Human Resources and Internal Support</p> <p>Contact person: Cristina Romay Lopez, Head of Unit 4.1 Human Resources and Internal Support</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 itself <input type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: 4.1 Human Resources and Internal Support</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party: Embassies and Permanent Representations x</p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): There are different contact points at each Embassy and Permanent Representation and Unit 4.1 Human Resources and Internal Support does not maintain a fixed list of these contact points.</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?

3) Purpose of the processing (Article 31.1(b))

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.

Data requested by the Embassies and Permanent Representations in order to update their databases, invite the staff concerned to events and for statistical purposes among others. Additional request on EMSA's organigramme with names and nationalities of managers might be requested eventually by the French Embassy.

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 (including management and functioning of the institution) x
(Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding regulation)
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).
Duty of loyal cooperation between the Agency and the Member States,
- (b) compliance with a legal obligation to which EMSA is subject: duty of loyal cooperation with the Member States x
- (c) necessary for the performance of a contract with the data subject or for the preparation of such a contract ☐
- (d) Data subject has given consent (*ex ante*, explicit, informed) ☒
Describe how consent will be collected and where the relevant proof of consent will be stored
The explicit consent is asked from the staff members by e-mail before data is sent to Embassies and Permanent Representation. The e-mails are stored in ARES.

5) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are being processed?	
EMSA staff	<input checked="" type="checkbox"/>
Current EMSA staff members, including SNEs	
Non-EMSA staff (contractors staff, external experts, trainees)	<input checked="" type="checkbox"/>
Ex-EMSA staff members and ex-SNEs	
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
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)	<input checked="" type="checkbox"/>
Name, gender, email, date of birth and nationality.	
Education & Training details	<input type="checkbox"/>
Employment details:	<input checked="" type="checkbox"/>
Grade, position and job title	
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input 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	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Head of Unit 4.1, Administrative Assistant to the Head of Unit 4.1 and HR Officers involved in preparing the data. • Head of Department 4, Corporate Services. • EMSA Data Protection Officer. • The Executive Director and the Head of the Executive Office in the case that the data is sent out by the Executive Director. 	
Designated Contractors' staff members	<input type="checkbox"/>
Other (please specify): Relevant staff of Embassies and Permanent Representations	x
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 network shared drive ☐

Outlook Folder(s) ☒

Hardcopy file ☐

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

Servers of external provider



Other (please specify): the information is extracted from the HR database and a table is normally sent by email to the Embassy/Permanent Representation with the data requested.

ARES

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 [here](#).

Once the data is provided by EMSA to the Embassies and Permanent Representations, as described above, EMSA does not retain the data in that specific format. Information is unavailable as to further retention arrangements by the Embassies and Permanent Representations.

The correspondence with the Permanent Representation, Embassies and staff members are stored in ARES. The data is kept for 10 years and then eliminated.