

Data Protection Statement on the processing of personal data in the procedure/context of ROV services provision to MS

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 operation¹

The purpose(s) of the processing of personal data is/are:

Among its tasks, art.2.4.c of Regulation (EC) No 1406/2002 envisages that the Agency shall, if requested by the relevant Member States and assuming that no conflict of interest arises, provide operational support on safety investigations as per Directive 2009/18/EC1 on serious or very serious casualties.

Within the Permanent Cooperation Framework for Accident Investigation, established by art.10 of the Directive, the Accident Investigative Bodies (AIB) expressed interest in EMSA establishing a new operational service for the provision of underwater surveys via ROV supporting safety investigations.

The provision of ROVs service for accident investigation further strengthens the AIBs' capability to gather evidence from submerged/sunken ships with the potential to increase the quality of safety investigations and, ultimately, to enhance shipping safety.

To request the service, MS users shall fill-in and send to EMSA a dedicated form providing factual information about the type of intervention required, its geographic position, the estimated depth of the target etc. Moreover, being such intervention directed by the MS, the form will also indicate the professional details of the coordinator appointed by the requesting organisation.

The personal data processing is needed to allow:

- MS to request the ROV services
- EMSA and the ROV contractor to contact, in case of need, the appointed coordinator for possible clarification about the intervention

¹ Please, provide a brief description of the processing operation and clearly define the purpose(s).

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

Professional details include address, telephone, fax, business email, and organisation to which the user belongs to.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Unit 2.1, acting as delegated EMSA data controller.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

The information concerning the professional details of the appointed coordinator 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 ROV service requests 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.

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 2.1.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the ROV service request.

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(s) 5, a) of the Regulation 2018/1725 and art.2.4.c of the EMSA founding Regulation 1406/2002 as amended.

The personal data are collected and processed in accordance with ED decision 2020/018 amending the Implementing Rules concerning Protection of Personal Data by the European maritime Safety Agency.

The legal basis justifying the data processing is:

Under art.2.4.c of the EMSA founding Regulation 1406/2002, [...] in the field of the investigation of marine casualties and incidents in accordance with Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector; the Agency shall, if requested by the relevant Member States and assuming that no conflict of interest arises, provide operational support to these Member States concerning investigations related to serious or very serious casualties [...]

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 5 years in accordance with EMSA Records Management Policy and Procedure.

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

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 2.1 under the following mailbox under the following mailbox: information@emsa.europa.eu

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.