

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

NAME OF PROCESSING ACTIVITY:

Facilitation by EMSA of the organisation of COVID-19 vaccination for EMSA staff and family members

1) Controller(s)¹ of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible for the processing activity: Unit 4.1, Human Resources and Internal Support</p> <p>Contact person: 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))²
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 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 x:</p> <p>Portuguese Authorities: Ministry of Foreign Affairs (<i>Ministério dos Negócios Estrangeiros (MNE)</i>) and General Health Directorate of the Ministry of Health (<i>Direção-Geral da Saúde (DGS-SNS)</i>).</p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p> <ul style="list-style-type: none"> - Portuguese Ministry of Foreign Affairs: epd@mne.pt - Portuguese Ministry of Health/ DGS : geral@dgs.min-saude.pt
3) Purpose of the processing (Article 31.1(b))

¹ In case of more than one controller (e.g. joint operations), all controllers need to be listed here

² Is EMSA itself conducting the processing? Or has a provider been contracted?

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.

EMSA has launched a questionnaire for the organisation of COVID-19 vaccination to collect data from EMSA staff and family members registered within the Ministry of Foreign Affairs to help to organise the administration of the Covid 19 vaccine, in line with the different phases established under the Portuguese Vaccination Plan (see the Recording of processing Activity Ref. Ares(2021)736158 - 29/01/2021).

While the pandemic evolved, the Portuguese government changed the vaccination strategy described in the Recording of processing Activity Ref. Ares(2021)736158 - 29/01/2021. Also, other staff members who have not answered the questionnaire requested EMSA's assistance for getting their COVID-19 vaccine in Portugal.

During the year of 2021, staff and their family members could handle their vaccination independently or ask for EMSA's assistance and engage in a process organised in partnership with the PT Ministry of Foreign Affairs and General Health Directorate of the Ministry of Health.

The process had the following steps:

- The PT Authorities presented the criteria for vaccination
- EMSA delivered a list of staff and family members meeting these criteria based on the data collected from the questionnaire and/or a general call of interest
- The PT Authorities presented a vaccination schedule
- EMSA informed the colleagues of their vaccination date, time and location
- EMSA confirmed the availability of the staff and family members to the PT authorities.
- Staff and family members presented themselves at the place and time indicated to get their COVID-19 vaccine

In the process described above, EMSA acted as a facilitator between the PT authorities and EMSA staff. This was deemed necessary, considering the high number of EMSA staff and their family members not registered within the Portuguese Public Health Services, consequently not having access to the Covid-19 vaccine in Portugal.

During the vaccination process those that have enrolled through the process described above received a PT Health number, allowing access to respective PT EU vaccination certificates and in making respective booking autonomously.

Currently, EMSA only intervenes in case of newcomers or when technical issues appear, always on a facilitator role.

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)



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). As part of the duty of care incumbent upon the Executive Director as Appointing Authority staff need to be assisted during disruptions affecting the normal functioning of EMSA and which may have consequences for the health and wellbeing of the staff.

- Article 1(e) (2) of the Staff Regulations of officials according to which "Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties"

- (b) compliance with a legal obligation to which EMSA is subject ☐
- (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

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

Whose personal data are being processed?

EMSA staff having PT diplomatic IDs ☒

Non-EMSA staff (contractors staff, external experts, trainees) ☐

Visitors to EMSA building ☐

Relatives of the data subject x

Family members having PT diplomatic IDs will be entitled to receive the vaccine and for this purpose their personal details also need to be provided together with certain health data, as indicated above.

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, e-mail address) ☒

Name, surname, e-mail address, date of birth, nationality, mobile phone number, diplomatic ID or Passport or Other identification document of the staff member and family members concerned.

Education & Training details ☐

Employment details ☐

Personnel number

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

(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 x

Date, time and location of vaccination and in some cases the time of vaccine received.

For staff and family members with special pathologies identified as priority for vaccination, a medical certificate was provided to the PT authorities.

Lawfulness of the processing sensitive personal data is Article 10 (b): the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject

in the field of employment and social security and social protection law insofar as it is authorised by Union law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

Information regarding an individual's sex life or sexual orientation

☐

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

Recipients are all parties who have access to the personal data

Data subjects themselves

☐

Managers of data subjects

☐

Designated EMSA staff members

☒

Only a very limited number of staff members within the Human Resources and Internal Support Unit who are involved in assembling the data and forwarding it to the Portuguese Ministry of Foreign Affairs:

- The Senior Project Officer responsible for the implementation of the Seat Agreement
- The Assistant responsible for the implementation of the Seat Agreement
- One HR Leave Manager

Unit 4.1 staff members dealing with personal data in the context of the Facilitation by EMSA of the organisation of the COVID-19 vaccination for EMSA staff and family members procedures, at any stage, sign a confidentiality declaration that is kept in ARES.

Data was placed in a shared space with limited access (only those involved in the vaccination at EMSA)

Designated Contractors' staff members

☐

Other (please specify):

Relevant staff at the Portuguese Ministry of Foreign Affairs who receive the data from EMSA and relevant staff at the Directorate General for Health who administrates the vaccine on the staff and family members.

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 (with restricted access to only those involved in vaccination) ☒

Outlook Folder(s) ☒

Hardcopy file ☐

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

Other (please specify): Servers of the Directorate General for Health and the Portuguese Ministry of Foreign Affairs.

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.

EMSA will delete the personal data by 31/03/2022. Some data will be kept for statistical purposes only.

Details on the handling and retention by Directorate General for Health can be found here:

<https://www.dgs.pt/site/notas-legais.aspx>

Details on the handling and retention by the Portuguese Ministry of Foreign Affairs can be found here:

<https://www.portaldiplomatico.mne.gov.pt/politica-de-privacidade>