

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Selection of the Confidential Counsellors

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 operation

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

The purpose of the processing is to select and identify best qualified candidates to assume the role of confidential counsellors, to administratively manage the applications and the relevant selection procedure.

The processing operation is necessary to implement the anti-harassment policy as defined by the Decision of the [Administrative Board of 20th November of 2009 on protecting the dignity of the person and preventing psychosocial harassment and sexual harassment](#), also foreseen by the Staff Regulations and the Conditions of Employment of Other Servants.

The Controller may envisage anonymous statistical analyses with the purpose of improving the quality of the processes.

EMSA selects and appoints candidates to assume the role of confidential counsellors. During the pre-selection, candidates send their candidacies to the HR Unit, which include the motivation letter and CV. The HR Unit assesses the applications against the eligibility criteria. The list of eligible candidates and their applications are sent to the selection panel. Pre-selected candidates are invited to an interview. The shortlist of candidates will be submitted to the Director who shall nominate the Confidential Counsellors. A reserve list may also be elaborated. The selected candidates will then take part in specific and compulsory trainings. An assessment is done by the trainer after completion of the training. The final list of appointed Confidential Counsellors is published on the Intranet. Confidential Counsellors are appointed for a mandate of 2 years. Renewals of mandate are possible. Confidential Counsellors can withdraw from their mandate at any time.

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

The categories/types of personal data processed are the following:

General personal data:

Personal details: Name, Surname, Personnel Number

Education & Training details: CV including any information on activities in the relevant field, knowledge of languages and other data related to the suitability of a candidate for the position of Confidential Counsellor

Employment details: Administrative Status, Grade, e-mail address

Sensitive personal data: In principle, EMSA does not process sensitive personal data within the Selection of the Confidential Counsellors however candidates may spontaneously reveal further types of data.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Unit 4.1 Human Resources and Internal Support at EMSA, acting as delegated EMSA data controller.

Personal data are processed by Unit 4.1 Human Resources and Internal Support at EMSA.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

Data subjects themselves

Managers of data subjects: Managers are informed at the end of the process that members of their staff have been appointed as confidential counsellor.

Designated EMSA staff members: Members of the selection panel; The EMSA Executive Director;

Authorised personnel in the HR Unit dealing with the Selection of Confidential Counsellor;

Designated Contractors' staff members: External expert in the field, if appropriate

Other (please specify): EMSA staff as the list of appointed Confidential Counsellors will be published on the EMSA Intranet;

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.

The information concerning Selection of the Confidential Counsellors 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 **Selection of the Confidential Counsellors** 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.

All persons dealing with personal data in the context of the **Selection of the Confidential Counsellors** procedure, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure.

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 4.1, Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Selection of the Confidential Counsellors procedure.

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 5(a) of the Regulation 2018/1725.

The personal data are collected and processed in accordance with:

Article 1d, Article 12, Article 12a of the Staff Regulations and Articles 11 of the Conditions of Employment of Other Agents.

[Administrative Board of 20th November of 2009 on protecting the dignity of the person and preventing psychosocial harassment and sexual harassment](#)

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 as following:

The Confidential Counsellors appointment decisions are kept in the e-personal file of the staff member concerned: Officials', Temporary Agents', Contract Agents' personal data are kept for 10 years following the termination of employment or the last pension payment.

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 4.1, Human Resources and Internal Support under the following mailbox: hr.info@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.