

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Enhancement and Maintenance Services for IT Corporate Applications

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:

EMSA has in place a series of HR Applications to facilitate the management of EMSA Staff from a human resources perspective. To this end, the Agency collects, manages and stores data relating to staff members.

EMSA wishes to maintain the existing Corporate IT Applications and to have the possibility of making further enhancements to the existing modules. In addition, new applications could be requested for further corporate IT solutions to support horizontal processes.

For this purpose, EMSA has signed a framework contract for four years with an external contractor to provide development, maintenance and enhancement services for existing and new Corporate IT Applications based on Microsoft technology.

The main applications concerned are the Human Resources Central Database, the HR Reporting tool, the Employee Appraisal tool, Travel Management tool, Leave Management tool, Time Management tool, E-recruitment tool, the E-personal file application and the Requests tool, as explained further below.

1. The Human Resources Central Database: This database contains all relevant Human Resources related information for each staff member in EMSA, in particular: the primary data for the employee, the personal data of the employee, the nationality, the details of whom to contact in case of emergency, data on the employee's children, the data related to the position of the employee within the organisation, the employee's current and past grades, the employee's current and past contracts, data related to individual entitlements, part-time or other leaves and other related data. This module is accessible to all users and allows them to review their data stored in the HR Central Database.
2. HR Reporting: This application is used to generate statistics and reports from the HR Central database. These are used for statistical and reporting purposes.
3. Employee Appraisal: This application is used by all EMSA employees to submit their yearly performance appraisal report. EMSA staff also has access to previous performance assessments.

4. Travel Management: This application (MiMa) is used to track all of the arrangements for business trips and the calculation of the subsequent reimbursements. The module includes an internal approval workflow linked to Outlook. The related reporting module has been integrated with the leave management module mentioned below. In addition, reports on budget allocated to travel are available.
5. Leave Management: This application (LeaMa) is used for the management of absences of staff members and covers normal leave, illness, special leave and business trips. It allows the user to upload supporting documentation.
6. TiMa: (Time Management) This application is a time registration system collecting data from Actatek card readers. It is integrated with the leave management application (LeaMa). This module calculates overtime worked by staff members allowing them to request compensation in the form of leave by way of an approval workflow. It also has a reporting module.
7. E-Personal file: The E-Personal file contains documents that relate to the employee's recruitment, career, certifications, leaves, evaluations, protocol or other kinds of private and administrative documents. Staff members can consult their e-personnel file directly and can upload relevant documents, which then need to be approved by the Human Resources Section before being officially added to the file.
8. Requests: This module allows staff to submit electronic requests related to their professional situation (i.e. training requests, requests for language classes, etc.) and to electronically notify changes in their personal situation (i.e. birth of a child, change of address etc.). Management and HR can electronically approve these requests and the respective supporting documents are automatically stored in the relevant section of the personal file.
9. E-recruitment: EMSA's external calls for applications for temporary and contract agents are published through the E-recruitment tool. The HR team publishes the vacancies on EMSA's website. Candidates are obliged to submit their applications through the tool. The HR team then follows the procedure in the e-recruitment tool. Correspondence with candidates (acknowledgement of receipt letters, invitations, etc.) takes place through the tool.

It should be noted that specific data protection records are in place covering the various activities related to the applications mentioned.

Data processed by tools 1-8 relate to both the personal and professional situation of staff members. With the exception of TiMa, data under tools 1-8 is submitted by the staff members themselves. Internally, this data is handled and/or consulted by specific staff members in the Human Resources and Internal Support Unit.

Tool 9 relates to the personal and professional situation of candidates. Data is submitted by candidates themselves with their CVs (or afterwards when requested). Internally, this data is subsequently handled

and/or consulted by different actors in the selection process: specific staff members in the Human Resources sector (service responsible for selection/appointment) and members of the selection committee.

Personal data is not provided directly to the contractor as such. However the contractor will have access to the applications mentioned and therefore access to the back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes. The data will not be processed as such by the Contractor but will simply be used to debug and find issues related to e-HR applications.

Video tutorials of the systems may be produced and uploaded to the agency's intranet for educational purposes only. The names of staff members working on developing and maintaining the tools may be displayed in the videos with their agreement.

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
- Education & Training details
- Employment details
- Financial details,
- Family, lifestyle and social circumstances.

3. Processing the personal data

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

Personal data are processed by EMSA and European Dynamics Luxembourg SA (contractor).

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Designated EMSA staff members: EMSA staff in the 4.2 and 3.1 units involved in the Enhancement and Maintenance Services for IT Corporate Applications. Backups will also be available to the ICT system administrators.
- Designated Contractors' staff members: the contractor uses the EMSA VPN to securely access EMSA servers and take the data to their virtual machines where they can debug the issues

The information concerning Enhancement and Maintenance Services for IT Corporate Applications 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 Enhancement and Maintenance Services for IT Corporate Applications 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 EMSA staff dealing with personal data in the context of the to Enhancement and Maintenance Services for IT Corporate Applications procedures, 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 Enhancement and Maintenance Services for IT Corporate Applications 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 processing is necessary to help EMSA manage their staff in an efficient manner and in the case of the e-recruitment tool, to recruit/select staff who possess the necessary skills and competencies required to carry out their duties at the highest possible standard.

Staff members in signing a contract of employment with the Agency and providing the required information accordingly, agree that the Human Resources Unit will manage such data for relevant purposes.

Candidates to recruitment procedures are informed of their data rights and the manner in which their personal data will be handled during the recruitment procedure. In the act of submitting their application, they are acknowledging their agreement to the processing. The relevant page for each vacancy notice contains a link to the personal data protection page where a privacy statement which can be consulted

8. Storing Personal data

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected.

Please consult the specific data protection records in place covering the various activities related to the applications mentioned for the data retention. .

The contractor will not retain any data as such and access to the EMSA applications will be withdrawn upon the completion of the contract

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 4.1, Human Resources and Internal Support under the following mailbox: hr.info@[emsa.europa.eu](mailto: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.