

## **Data Protection Statement/Privacy Statement on the processing of personal data in the context of Management of the exit questionnaire/interview for staff departing from EMSA**

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 of the processing is:

One of the objectives under the Sustainable Engagement pillar of the HR Strategy is to ensure staff engagement/retention. As well as measures addressed to existing staff and newcomers, EMSA can also learn from those staff members that decide to move on from the agency for one reason or another.

Often these staff members have spent many years at the agency and their experience as well as the reasons for their decision to leave the agency can provide valuable lessons from a human resources perspective.

The means to implement this action would be through an exit questionnaire. Areas that can be explored in this way could include their interaction with their management, their impression of the service provided by Human Resources, career prospects and training offered at the agency, working conditions at EMSA, salary and related allowances, the location of the Agency, etc. Such feedback will enable the Agency to identify the areas where the Agency is doing well and those where improvement is needed to retain talented staff.

Information obtained from staff in this manner will be treated in a confidential manner and any follow up actions will ensure that the staff concerned cannot be identified.

The exit questionnaire could be used in its own right, or as a basis for a structured interview. Once the departing staff member has completed the questionnaire, a follow-up interview may take place with the staff member and the Head of Human Resources and Internal Support, or a Senior HRM delegated by the Head of Unit.

One month prior to the end of service, the exit questionnaire will be sent to the Staff Member by email and they will return it by email. The interview will take place after the questionnaire has been returned and prior to the departure of the staff member. There is no obligation to complete the questionnaire, or to participate in the interview.

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:

- Personal details: Name
- Employment Details: Grade, Contractual status and duration, Unit
- Other: Areas that can be explored through the questionnaire/interview could include the interaction of the departing staff member with their management, their impression of the service provide by Human Resources, career prospects and training offered at the agency, working conditions at EMSA, salary and related allowances, the location of the Agency, etc. Such feedback will enable the Agency to identify the areas where the Agency is doing well and those where improvement is needed to retain talented staff

## **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 the Head of Unit for Human Resources, the Senior HRM Officer and any member of the Human Resources Unit as appropriate.

## **4. Access to and disclosure of personal data**

The personal data is disclosed to the following recipients:

- Data subjects themselves: Data subjects have full access to information pertaining to them.
- Designated EMSA staff members: Head of the Corporate Services, Head of Unit for Human Resources, the Senior HR Officer and any member of the Human Resources Unit as appropriate. Human Resources and Internal Support will report to the Executive Director and Senior Management on the feedback obtained through the exit questionnaire and the follow-up interview on an annual basis, however no personal data will be presented in this context.

Other: 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 the exit questionnaire/interview for staff departing from EMSA 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 the Interim recruitment procedure at EMSA 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, which are the general rule and any application of the limitations foreseen in Article 25 (must be considered on the basis of a case-by-case analysis). 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 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.

## **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 questionnaires can be eliminated on an annual basis once the report has been prepared for Senior Management and the Executive Director.

## **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](mailto: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](mailto:edps@edps.europa.eu).