

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of the Management of the Annual Appraisal Exercise v.1

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:

To assess the ability, efficiency and conduct in the service of staff members (PERM, TAs and CAs) with a view to career perspective, identification of training needs and mobility.

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:

- Personnel number, name, category, grade, contract type, department/unit/sector, seniority in grade and job title of the job holder.
- Name of the reporting officer and if involved the countersigning officer and appeal assessor
- Self-assessment completed by the jobholder for the reporting period on the basis of efficiency, ability and conduct in service.
- Assessment of the reporting officer of the reporting period as modified by the countersigning officer and/or appeal assessor, if appropriate.
- Responsibilities exercised completed by the jobholder.

- Assessment of the reporting officer of the responsibilities exercised as modified by the countersigning officer and/or appeal assessor, if appropriate.
- Use of languages completed by the jobholder.
- Assessment of the reporting officer of the use of languages as modified by the countersigning officer and/or appeal assessor, if appropriate.
- Mobility completed by the jobholder.
- Assessment of the reporting officer in relation to mobility as modified by the countersigning officer and/or appeal assessor, if appropriate.
- Objectives completed by the jobholder and modified by the reporting officer, if appropriate and countersigning officer and/or appeal assessor, if appropriate.
- General comments completed by the jobholder.
- General comments of the reporting officer and countersigning officer and/or appeal assessor, if appropriate.
- Final approval and signature of all actors.

Education and Training details: Learning and Development completed by the jobholder and modified by the reporting officer, if appropriate and countersigning officer and/or appeal assessor, if appropriate.

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 relevant staff in the Unit 4.1 Human Resources and Internal Support.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- The Data subject themselves: Jobholders (Officials, Temporary Agents and Contract Agents) have full access to reports pertaining to them in the Appraisal Reports tool. A printout of the completed appraisal report is kept in the e-personal file of each staff member.
- Current and/or Future Managers of data subjects.
- Designated EMSA staff members: Head of Unit 4.1, HR Officers and HR Assistants in charge of any stage of the process, Legal Officer(s), in the case of appeal and complaints, Reporting Officer, Countersigning Officer in the event of unsatisfactory performance, Appeal Assessor: in the case of an appeal of satisfactory performance, or in the event of unsatisfactory performance, Executive Director, when applicable, Members of the Administrative Board, Joint Committee (in the context of both appraisal and reclassification/promotion), Joint Promotion and Reclassification Committee, Staff Committee Delegation (in the context of reclassification/promotion), Joint Advisory Committee on Professional Incompetence, ICT colleague/s administering the online Appraisal Reports tool.

- 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 Management of the Annual Appraisal Exercise 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 Management of the Annual Appraisal Exercise 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 Unit 4.1, Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Management of Ethics Requests and Declarations 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:

- [Decision of the Administrative Board of 25 March 2015 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for officials and temporary staff.](#)
- [Decision of the Administrative Board of 25 March 2015 laying down general provisions for implementing Article 87\(1\) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations.](#)

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:

According to art. 26 of the SR, the appraisal reports are kept in the e-personal file of the staff member. The appraisal reports have to be kept as long as the personal file is retained.

Personnel files are destroyed 10 years following the termination of employment or the last pension payment. In case of legal action in relation to the appraisal exercise, the retention period is extended until one year after the final decision.

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.career@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.