

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Probation period for 2(f) temporary agents, 3(a) contract agents and management trial period for 2(f) temporary agent middle managers.

1) Controller(s) ² of data processing operation (Article 31.1(a))	
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible³ for the processing activity: Unit 4.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit A.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)) ⁴	
The data is processed by EMSA itself.	x
The organisational unit conducting the processing activity is: Unit 4.1, Human Resources and Internal Support.	
The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party	
	n/a
Contact point at external third party:	n/a

¹ **Personal** data is any information relating to an identified or identifiable natural person, i.e. someone who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

Processing means any operation or set of operations which is performed on personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

² In case of more than one controller (e.g. joint operations), all controllers need to be listed here

³ This is the unit that decides that the processing takes place and why.

⁴ Is EMSA itself conducting the processing? Or has a provider been contracted?

3) Purpose of the processing (Article 31.1(b))

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.

In order to fulfil its mandate, EMSA needs to employ high quality staff. For that reason, each newly recruited staff member, i.e. 2(f) temporary agents and 3(a) contract agents, needs to be evaluated in order to assess the quality of their work and as a result, establish whether or not their contract will be confirmed. In the case of 2(f) temporary agents and 3(a) contract agents in function groups II-IV, the probationary period shall be served for a period of nine months after taking up duties at EMSA and in the case of 3(a) contract agents in function group I, the probationary period shall be served for a period of six months after taking up duties at EMSA.

In addition, middle management staff need to be assessed as to whether or not they have the skills and competencies required to carry out their duties as middle managers at the highest possible standard. All newly appointed heads of unit/department shall serve a management trial period of nine months as a probationer head of unit, unless they have already successfully passed such a management trial period in a previous function in the EU institutions as referred in the Article 1(a) paragraph 2 of the Staff Regulations. A mid-term review shall also be conducted after four months on the basis of a previously agreed statement incorporating objectives and performance indicators (linked to standard management tasks/skills) for the individual and/or the unit which he is managing.

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) x

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).

Articles 14 and 84 of the Conditions of Employment of Other Servants.

Decision of the Administrative Board of 25 March 2015 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.

Decision of the Administrative Board of 24 June 2019 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof.

Decision of the EMSA Administrative Board of 25 July 2018 laying down implementing rules on the middle

management staff.

(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) x

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

Whose personal data are being processed?

EMSA staff x

Newly appointed 2(f) temporary agents, 3(a) contract agents and 2(f) temporary agent middle managers

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

Visitors to EMSA building ☐

Relatives of the data subject ☐

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, address etc) x

Personnel number, name, category, grade, contract type, department/unit/sector and job title of the job holder.

Education & Training details ☐

Employment details x

Only in terms of current employment with EMSA.

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

(b) Sensitive personal data (Article 10)

Racial or ethnic origin ☐ n/a

Political opinions ☐ n/a

Religious or philosophical beliefs ☐ n/a

Trade union membership ☐ n/a

Genetic, biometric or data concerning health ☐ n/a

Information regarding an individual's sex life or sexual orientation ☐ n/a

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

Recipients are all parties who have access to the personal data

Data subjects themselves x

The completed report is kept in the electronic personal file of each staff member. Data subjects have full access to the probationary report pertaining to them in the electronic tool.

Managers of data subjects x

Yes, as Reporting Officer.

Designated EMSA staff members x

Head of Unit 4.1, Senior HR Officer, relevant HR Officers and HR Assistants.

Jobholder, Reporting Officer, Executive Director.

For middle managers, if there is disagreement on the conclusions of the mid-term review, the probationer Head of Unit/Department may request the Executive Director to designate two Heads of Unit in the Agency who are the most senior in the highest grade to give their opinions to the Executive Director. The mid-term review, as confirmed or modified by the Executive Director, after receiving this opinion, shall be considered final.

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.

Designated Contractors' staff members

☐

Other (please specify):

n/a

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

x

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	<input type="checkbox"/>
Outlook Folder(s)	<input type="checkbox"/>
Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
Other (please specify):	x
The documentation is stored in ARES and the electronic personal file of each staff member.	
10) Retention time (Article 4(e)) <i>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 here.</i>	
Personnel files are destroyed 10 years following the termination of employment or the last pension payment. In case of legal action against the recruitment decision, the retention period is extended until one year after the final decision.	

Thank you for completing the form.
Now please send it to the DPO using the ARES workflow