

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

NAME OF PROCESSING ACTIVITY¹: **Establishment of the EMSA Transparency Register**

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: Executive Office</p> <p>Contact person: Andrea Tassoni / Tom Van Hees</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
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Executive Office</p> <hr/> <p>The data is processed by a third party or the processing operation is conducted together with an external third party: <input type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): In accordance with the applicable contractual provisions.</p> <p>N/A</p>

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.

The European Maritime Safety Agency (EMSA or “the Contracting Authority”) was established under Regulation (EC) No 1406/2002 of the European Parliament and of the Council as amended for the purpose of ensuring a high, uniform and effective level of maritime safety.

The Treaty on the European Union (TEU) provides a framework for and seeks to foster relations between the European institutions and European political leaders, on the one hand, and civil society, EU citizens and representative associations, on the other. It specifically provides that, the institutions must, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action.

EMSA also interacts with a range of groups and organisations representing specific interests and in certain cases, also undertaking lobbying activities. This is a legitimate and necessary part of the daily work of the Agency, to make sure that EMSA’s activities take into account a.o. specific expertise and developments in numerous technical, environmental and scientific areas, input of various stakeholders in the maritime domain and ultimately people’s real needs. The various interest representatives can be private, public or non-governmental bodies.

At the same time, EMSA is committed to enhance transparency on contacts between its staff and such organisations or self- employed individuals. Moreover, citizens have already a right of access to documents of the institutions. In its 5-year Strategy EMSA fully acknowledges the importance of this principle and has included in its 5-years strategy that it will implement efficient, transparent, SMART, client-oriented and gender balanced management principles.

In light of the above, the organisation of meetings between EMSA staff and civil society, EU citizens and representative associations should be organised and reported in such way that they do comply with the principle of transparency as foreseen in the TEU. The Agency will therefore make public information on meetings held with organisations or self-employed individuals. Data subjects will be informed upfront that data will be made public.

The information to be made public shall consist of:

- the name(s) and titles of EMSA staff that attended the meeting;
- the date of the meeting;
- the location;
- the name of the organisation or self-employed individual;
- the subject of the meeting.

It should be noted that the data subjects, attending those meetings representing organisations, or self-employed individuals will be required to register in the EU Transparency Register. The Transparency Register is a tool to allow European citizens to see what interests are being represented at Union level and on whose behalf, as well as the financial and human resources dedicated to these activities.

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) ☒

EMSA 5-years strategy

■ **Article 11(1) and (2) of the Treaty on European Union (TEU):** “the institutions must, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. They are also required to maintain an open, transparent and regular dialogue with representative associations and civil society.”

■ **Article 298 TFEU:** “in carrying out their missions, the institutions, bodies, offices and agencies of the Union must have the support of an open, efficient and independent European administration.”

■ **EMSA Staff regulations and CEOS**

- (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 ☐

Important Note

Consent may not be the most appropriate legal basis, in particular in the employment context. However, if you wish to use consent as legal basis, ensure that it complies with the following: it must be freely given, specific, informed and unambiguous consent. Contact the DPO if you need further clarifications.

- (d) Data subject has given consent (*ex ante*, explicit, informed) ☒

Describe how consent will be collected and where the relevant proof of consent will be stored

Data subjects will be informed upfront that data will be made public by e-mail. Also, the Data subject will be required to register in the EU Transparency Register. All info on this register can be found on the relevant EU website⁵.

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

Whose personal data are being processed?

⁵ <https://ec.europa.eu/transparencyregister/public/homePage.do>

EMSA staff

☐

Non-EMSA staff (data subjects, attending those meetings representing organisations, or self-employed individuals)

☒

Visitors to EMSA building

☐

Relatives of the data subject

☐

Other (please specify):

(a) General personal data:

The personal data contains:

Personal details (name, address etc)

☒

Employment details

☒

Family, lifestyle and social circumstances

☐

Goods or services provided

☐

Other (please give details):

Date of meeting with EMSA Staff;

Location of meeting;

Subject of meeting;

(b) Sensitive personal data (Article 10)

The personal data reveals:

Racial or ethnic origin

☐

Political opinions

☐

Religious or philosophical beliefs

☐

Trade union membership

☐

Genetic, biometric or data concerning health

☐

Information regarding an individual's sex life or sexual orientation

☐

Important Note

If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.

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

Recipients are all parties who have access to the personal data

Data subjects themselves

☒

Managers of data subjects

☐

Designated EMSA staff members

☒

Designated Contractors' staff members

☐

Other (please specify):

Data will be made public on the EMSA website, thus will be accessible to the general public.

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



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

☐

Important Note

If no safeguards are applicable, please contact the DPO before processing the data further.

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

☒

Outlook Folder(s)

☒

Hardcopy file

☐

Cloud (give details, e.g. public cloud)

☐

Servers of external provider

☐

Other (please specify):

10) Retention time (Article 4(e))

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](#).

The Data will be retained 7 years for Administrative Retention Period (ARP), and after that it will be eliminated. This duration of the ARP is linked to the financial files of payments and reimbursements.

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