

Data Protection Privacy Statement on the processing of personal data in the context of Remotely Piloted Aircraft Systems (RPAS) and SATCOM services

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 number 2018/1725 of the European Parliament and of the Council on the protection of individuals with regards 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 number 2018/1725.

1. Nature and the purpose(s) of the processing operation

The purpose(s) of the processing of personal data is/are:

The Article 2b of the EMSA founding Regulation establishes that EMSA, in cooperation with the European Border and Coast Guard Agency (Frontex) and the European Fisheries Control Agency (EFCA), shall support national authorities carrying out coastguard functions at a national and Union level, by providing surveillance and communication services based on state-of-the-art technology, including space-based, aerial and ground infrastructures.

This broader concept of providing surveillance and communication services embraces several activities, which currently include Remotely Piloted Aircraft Systems (RPAS and SATCOM services.)

With Remotely Piloted Aircraft Systems (RPAS), EMSA provides a set of services to authorities in the maritime domain that includes: the aircraft system, relevant payload, piloting, communication means, data dissemination and integration with the Agency's maritime information systems. RPAS services have been developed to assist in maritime surveillance operations to support authorities involved in Coast Guard functions undertaken by Member States.

The request for RPAS services can be made by Maritime Authorities of the European Union (EU) Member States, EFTA Member States (Norway and Iceland only), or by the European Agencies FRONTEX and EFCA.

1. Personal data of staff in the user authorities (Member States, EFTA Member States (Norway and Iceland only) and/or EU Agencies (Frontex, EFCA) are communicated to EMSA:
 - In the RPAS service request form when operations are requested to EMSA;
 - In the RPAS operations coordination documents shared with participants;
 - In the operational documentation for the RPAS operation (authorizations for use of airspace, of take off and landing areas,...).
2. Personal data of RPAS and SATCOM contractor's staff could be processed by EMSA when:
 - Pilots and staff in general are deployed on site and their ID has to be communicated to the user (copy to EMSA) of the service or to the vessel contractor by the RPAS and SATCOM contractor;

- Personal data of RPAS pilots or staff entering ports or vessels are displayed in EMSA supporting letters for National Security clearance;
- RPAS and SATCOM contractor's staff data are referenced in the RPAS operational documentation (authorizations to fly, for use of airspace, for frequencies use, for access to take-off and landing areas,...).

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: Name, address, date of birth, identification documents/numbers, RPAS pilots qualification certificates, job title, professional phone number, address and e-mail.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Unit 2.2. Surveillance, acting as delegated EMSA data controller.

Personal data are processed by EMSA designated staff and contractors.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

EMSA designated staff, contractors and user authorities' staff (Member States, EFTA Member States (Norway and Iceland only) and/or EU Agencies (Frontex, EFCA)

The information concerning personal data processed in the relation to RPAS services will only be shared with people necessary for the implementation of such services *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 RPAS services 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.

The database is password protected under single sign-on system and automatically connected to the user ID. The e-records are held securely so as to safeguard the confidentiality and privacy of the data therein.

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 number 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 2.2. Surveillance.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the RPAS operations.

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 number 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 5.1 (a) of the Regulation number 2018/1725.

The personal data are collected and processed in accordance with the Article 2b of the EMSA founding Regulation establishes that EMSA, in cooperation with the European Border and Coast Guard Agency (Frontex) and the European Fisheries Control Agency (EFCA), shall support national authorities carrying out coastguard functions at a national and Union level, by providing surveillance and communication services based on state-of-the-art technology, including space-based, aerial and ground infrastructures.

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 for a maximum period of 5 years after the end of the service operation in accordance with EMSA Records Management Policy and Procedure.

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 2.2 Surveillance under the following mailbox: HoU.Surveillance@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.