

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Management of the Anti-harassment policy at EMSA – **Selection of the Confidential Counsellors** - Record of Processing Activity + Privacy Statement

1) Controller(s) <sup>2</sup> of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible<sup>3</sup> for the processing activity: Unit 4.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit 4.1, Human Resources and Internal Support.</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: <a href="mailto:dpo@emsa.europa.eu">dpo@emsa.europa.eu</a></p>
2) Who is actually conducting the processing? (Article 31.1(a)) <sup>4</sup>
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational units conducting the processing activity are: Unit 4.1 Human Resources and Internal Support at EMSA.</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party: N/A</p>
3) Purpose of the processing (Article 31.1(b))

<sup>1</sup> **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.

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

<sup>3</sup> This is the unit that decides that the processing takes place and why.

<sup>4</sup> Is EMSA itself conducting the processing? Or has a provider been contracted?

*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 purpose of the processing is to select and identify best qualified candidates to assume the role of confidential counsellors, to administratively manage the applications and the relevant selection procedure.

The processing operation is necessary to implement the anti-harassment policy as defined by the Decision of the [Administrative Board of 20<sup>th</sup> November of 2009 on protecting the dignity of the person and preventing psychosocial harassment and sexual harassment](#), also foreseen by the Staff Regulations and the Conditions of Employment of Other Servants.

The Controller may envisage anonymous statistical analyses with the purpose of improving the quality of the processes.

EMSA selects and appoints candidates to assume the role of confidential counsellors. During the pre-selection, candidates send their candidacies to the HR Unit, which include the motivation letter and CV. The HR Unit assesses the applications against the eligibility criteria. The list of eligible candidates and their applications are sent to the selection panel. Pre-selected candidates are invited to an interview. The shortlist of candidates will be submitted to the Director who shall nominate the Confidential Counsellors. A reserve list may also be elaborated. The selected candidates will then take part in specific and compulsory trainings. An assessment is done by the trainer after completion of the training. The final list of appointed Confidential Counsellors is published on the Intranet. Confidential Counsellors are appointed for a mandate of 2 years. Renewals of mandate are possible. Confidential Counsellors can withdraw from their mandate at any time.

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) ☒  
Article 1d, Article 12, Article 12a of the Staff Regulations and Articles 11 of the Conditions of Employment of Other Agents.  
[Administrative Board of 20<sup>th</sup> November of 2009 on protecting the dignity of the person and preventing psychosocial harassment and sexual harassment](#)  
[Manual of Procedures Prevention of Harassment updated 07 10 2020 inc annexes](#)
- (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	<input type="checkbox"/>
(d) Data subject has given consent (ex ante, explicit, informed)	<input type="checkbox"/>
<b>5) Description of the categories of data subjects (Article 31.1(c))</b> <i>Whose personal data are being processed?</i>	
EMSA staff Officials, Temporary Agents, Contract Staff	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees) The selection panel may include an external expert in the field	<input checked="" type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
Other (please specify):	
<b>6) Categories of personal data processed (Article 31.1(c))</b> <i>Please tick all that apply and give details where appropriate</i>	
<b>(a) General personal data:</b> The personal data contains:	
Personal details (name, address etc) Name, Surname, Personnel Number	<input checked="" type="checkbox"/>
Education & Training details CV including any information on activities in the relevant field, knowledge of languages and other data related to the suitability of a candidate for the position of Confidential Counsellor	<input checked="" type="checkbox"/>
Employment details Administrative Status, Grade, e-mail address	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>

Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details):	<input type="checkbox"/>
<b>(b) Sensitive personal data (Article 10)</b>	
Racial or ethnic origin	<input type="checkbox"/>
Political opinions	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Trade union membership	<input type="checkbox"/>
Genetic, biometric or data concerning health	<input type="checkbox"/>
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/>
In principle, EMSA does not process sensitive personal data within the Selection of the Confidential Counsellors however candidates may spontaneously reveal further types of data.	
<b>7) Recipient(s) of the data (Article 31.1 (d))</b>	
<i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	<input checked="" type="checkbox"/>
Managers of data subjects	<input checked="" type="checkbox"/>
Managers are informed at the end of the process that members of their staff have been appointed as confidential counsellor.	
Designated EMSA staff members	<input checked="" type="checkbox"/>
• Members of the selection panel;	

- The EMSA Executive Director
- Authorised personnel in the HR Unit dealing with the Selection of Confidential Counsellor;

Designated Contractors' staff members



- External expert in the field, if appropriate.

Other (please specify):



- EMSA staff as the list of appointed Confidential Counsellors will be published on the EMSA Intranet;
- 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.

#### 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



<p>9) Technical and organisational security measures (Article 31.1(g))</p> <p><i>Please specify where the data are stored during and after the processing</i></p>	
<p>How is the data stored?</p>	
EMSA network shared drive	<input checked="" type="checkbox"/>
Outlook Folder(s)	<input checked="" type="checkbox"/>
By email	
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): E-Personal File and ARES	<input checked="" type="checkbox"/>
<p>10) Retention time (Article 4(e))</p> <p><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 <a href="#">here</a>.</i></p>	
<p>The Confidential Counsellors appointment decisions are kept in the e-personal file of the staff member concerned: Officials', Temporary Agents', Contract Agents' personal data are kept for 10 years following the termination of employment or the last pension payment.</p>	