

Data Protection Privacy Statement

on the processing of personal data in the context of the Secondment and Management of Personal Files of SNEs and NEPTS at EMSA

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 (EU) No. 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 (EU) No. 2018/1725.

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

The purpose(s) of the processing of personal data:

The purpose of processing of the data that is submitted by a candidate is to manage his/her documents in a view of his/her secondment as a SNE or a NEPT at the Agency. If a candidate is seconded or offered a professional traineeship, a personal file is established to store all the documents concerning the management of the SNE's/NEPT's administrative status and all reports relating to his/her secondment.

EMSA will not reuse the personal data for another purpose that is different to the one stated above.

2. Categories/types of personal data processed

The categories/types of personal data processes are the following: general personal data such as personal details, education and training details, employment details, financial details, family, lifestyle and social circumstances.

The categories/types of personal data processed are the following: sensitive personal data concerning the health are processed by EMSA Medical Advisor for his opinion only in the case a recruited SNE/NEPT has any physical disabilities which require special arrangements in EMSA premises.

The data which is processed includes the information contained in the candidate's application and any additional data which is gathered or provided as part of the secondment and professional traineeship processes.

Data processed during the secondment period at EMSA:

If a candidate has been selected, in addition to the data he/she provided during the selection process (Please consult the Data Protection Privacy Statement on the processing of personal data in the context of the Selection of SNEs and NEPTS at EMSA), additional data contained in the following documents will be processed:

SNEs: Personal Details Form, Previous Places of Residence Form, Statement on Honour, Emergency Contact Detail Form. The employer is also requested to provide the following forms/documents: The S1 Form (formerly E106 Form) European Health Certificate, Declaration of Conflict of Interest, Declaration of SNE's time in service, Declaration on expenses and allowances, Declaration on the nature of the employer.

NEPTs: Copy of your ID or passport, a copy of the university diploma, proof of sickness insurance valid in Portugal, Declaration on Social Security, Emergency Contact Details Form and Statement on my Honour. The employer is also requested to provide the following forms/documents: Declaration on Remuneration and Social Security, Declaration of the NEPT's time in service and Declaration on the nature of the employer.

If a recruited SNE/NEPT has any physical disability, he/she is requested to send a medical report including the special arrangements needed in a sealed envelope inside the envelope with the other documents mentioned above. This envelope will be transmitted sealed to the EMSA Medical Advisor for his opinion.

Other documents may be added during the course of the secondment to the personal file of the SNE/NEPT: training requests, objectives, training passport, secondment/professional traineeship certificates, secondment evaluation reports, secondment renewal letters, leaving form, etc.
The list above is non exhaustive.

Once the SNE is at EMSA, she/he may receive subsistence allowances for which personal and financial data need to be processed by the designated persons in HR and by the relevant actors in the financial circuit (initiating agent, verifying agent, delegated authorising officer, accounting officer).
For payments (allowances and travel expenses) the relevant persons in the Human Resources and Internal Support Unit, Financial and Legal Staff and the Accounting Officer have access to the necessary data.

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 & Internal Support, acting as delegated EMSA data controller.

Personal data are processed by EMSA Human Resources Staff and contractors (occasionally) when needed to subscribe to the medical insurance provided by EMSA contractor, by the contractor providing medical services to EMSA only in the case a recruited SNE/NEPT has any physical disabilities that requires special arrangements for his/her secondment at EMSA. The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the E-Personal File, where a reduced list of personal data of EMSA Staff is available. However, the contractor will have access to the E-Personal File back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes.

In all cases appropriate administrative and security measures are undertaken to ensure the protection of personal data.

On an ad-hoc and need to know basis other entities such as the Permanent Representations of the Member States forward to EMSA the letter of agreement and forms of the candidate's employer to be seconded from their nationals, as and where appropriate, by the EFTA Secretariat, the diplomatic missions of the non-

member countries whose nationals are eligible for the secondment and the administrations of the IGOs may act as processors of the data.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- The relevant EMSA Human Resources staff;
- The Appointing Authority, i.e., the EMSA's Executive Director;
- The members of the Selection Committee, and/or the Heads or delegated staff of a recruiting service (limited access);
- The Accountant, the Legal and Financial staff may have access to certain documents for the payment and verification of rights, allowances in addition to the documents related to the reimbursement of the travel expenses;
- The Document Management Officer/Archivist for the Archive Room;
- the Heads of Units and Departments have access to only some administrative and career documents in the personal file;
- Occasionally, specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications; `
- The External Medical Service Provider (see point 3 above);
- The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications (see point 3 above);
- The Sickness Insurance External Provider (see point 3 above);
- The Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs assisting in the recruitment of the SNEs and NEPTs;
- Also, if appropriate, 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 personal information processed concerning the secondment and management of the personal files of SNEs and NEPTS will only be shared as 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 the secondment and management of the personal files of SNEs and NEPTS procedures 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* on an individual basis only to the above-mentioned recipients (point 4 above).

All EMSA staff dealing with personal data in the context of the secondment and management of the personal files of the SNEs and NEPTS procedures, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure or in his/her personal file.

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 (EU) No. 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, the Head of Unit A.1. Human Resources & Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the secondment and management of the personal files of the SNEs and NEPTS procedures. On the other hand, data demonstrating compliance with the admissibility criteria may not be updated or corrected after the closing data for the respective selection procedure (call for applications).

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 (EU) No. 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 the Article 5 (a) of the Regulation (EU) No. 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., providing that : (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).

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Article 6 of the Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency (as amended).

The personal data are collected and processed in accordance with the [Decision of the Executive Director on Guidelines on Recruitment of Seconded National Experts and pursuant to the Decision of the Administrative Board of 20 November 2007 laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training](#).

[EMSA Rules on Contribution to Expenses of Candidates in Recruitment procedures](#)

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 stored in the personal files will be retained as described below:

- Recruited SNE: for 10 years following the termination of the secondment.
- Recruited NEPTS: for 5 years following the termination of the secondment however the data of each NEPT data necessary for providing a copy of the secondment certificate (i.e. information on the duration, the department to which the SNE/NEPT was assigned, the nature of work performed) are kept for 50 years.

Data contained in certain files relating to the selection procedure of SNEs/NEPTS are kept for 5 years and then a group of files is chosen for preservation and the remainder is destroyed.

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 A.1. Human Resources & Internal Support, under the following mailbox: recruitment@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.