

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Identification and management of conflict of interest of Selection Committee members

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 A.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>	
The data is processed by EMSA itself.	x
The organisational unit conducting the processing activity is: Unit 4.1, Human Resources and Internal Support.	
<hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party <input type="checkbox"/></p> <p>Contact point at external third party <input type="checkbox"/></p>	

<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?

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.*

EMSA strives to recruit highly skilled and highly competent staff on the widest geographical basis possible, taking into account the need for a gender balance in the Agency. In conducting its recruitment procedures, EMSA seeks to ensure full transparency and the equal treatment of all candidates. For each recruitment procedure, a Selection Committee composed of members and alternates is appointed by the Executive Director as Appointing Authority, as well as one member and one alternate designated by the Staff Committee. Selection Committee members need to ensure that they have no conflict of interest or appearance of such a conflict of interest and immediately declare such a situation if it becomes apparent. For this purpose, several distinct steps are taken by EMSA during the recruitment procedures:

- Prior to the appointment of a member/alternate to a Selection Committee, whether by the Appointing Authority or designation by the Staff Committee, the Human Resources and Internal Support Unit will assess the existence of a potential conflict of interest on the part of the proposed member/alternate, if necessary, a meeting with the person concerned to discuss the matter in further detail will be organised. Should a potential conflict of interest be deemed to exist, the proposed member/alternate shall not be retained for the final proposal as Selection Committee member/alternate.
- Prior to the preparation of the questions for the interview and written test, the appointed members and alternates shall complete a Declaration of absence of conflict of interest and confidentiality. In the event that an appointed member/alternate declares such a potential conflict of interest, it shall be assessed by the Human Resources and Internal Support Unit. If necessary a meeting with the person concerned to discuss the matter in further detail will be organised. Should a potential conflict of interest be deemed to exist, the member/alternate shall be withdrawn from for the Selection Committee by the Appointing Authority and an alternative member/alternate appointed.
- Once the list of candidates is made known to the Selection Committee, the Selection Committee members shall complete a Declaration of personal and/or professional links with the candidates. If such a link exists, the Selection Committee member shall specify the nature of the personal or professional link. In the latter case, details of professional link shall be mentioned, in particular if there is any form of hierarchical link between the Selection Committee member and the candidate concerned. The Human Resources and Internal Support Unit and the Appointing Authority shall assess the links declared. The Appointing Authority will decide whether or not the member of the Selection Committee should be maintained or withdrawn from the Selection Committee.

- Before the coordination meeting for the screening of applications starts, the Chair of the Selection Board will remind the members of their obligations to make known any potential conflict of interest in the light of the applications received. Should a potential conflict of interest be declared at that stage, the meeting will be suspended. In the latter case, the alternate member shall take the place of the member, subject to the previous assessment under being carried out.

The information submitted by the Selection Committee Members may constitute personal data, depending upon the particular nature of the information provided. Pursuant to the Regulation (EU) 2018/1725 on the protection of individuals with regard to the processing of personal data by the European Union institutions and bodies and on the free movement of such data, recipients of this information can process the data only for the purpose of which these were provided to them.

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).
  - Staff Regulations of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, as amended.
  - 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 Administrative Board of 20 March 2007 on Rules Applicable to Detached National Experts on Secondment to EMSA.
- (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) ☐

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

*Whose personal data are being processed?*

EMSA staff

x

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

x

In the event that external members are appointed to the Selection Committee. Such members are typically from other Agencies or Institutions.

SNEs

x

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

Only name, position and grade.

Education & Training details

☐

Employment details

x

Potentially if a Selection Committee member declares having a potential conflict of interest related to being familiar with an external candidate due to past professional experience.

Financial details

☐

Family, lifestyle and social circumstances

x

Potentially if a Selection Committee member declares having a potential conflict of interest related to a situation involving family members or situation involving a close friendship.

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 data subject completes the declaration of absence of conflict of interest and confidentiality and the declaration of personal and/or professional links with the candidates. Before the coordination meeting for the screening of applications starts, they also provide information on any potential conflict of interest directly to the Chair of the Selection Board, if applicable.

Managers of data subjects x

In the case that their manager is the Head of Unit 4.1, Human Resources and Internal Support, Head of Department 4, Corporate Services, the Executive Director or the Chair of the Selection Board, as these entities could be involved in assessing the existence of a conflict of interest on the basis of the information provided by the selection committee member.

Designated EMSA staff members x

Relevant staff members within the Human Resources and Internal Support Unit.

Designated Contractors' staff members ☐

Other (please specify):

**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 ☐

**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 ☒

Only accessible to staff members responsible for the recruitment procedure within Unit 4.1, Human Resources and Internal Support.

Outlook Folder(s) ☐

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 in a dedicated folder for the recruitment concerned.	

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](#).*

For recruitment procedures for a position with a contract of indefinite duration, on the basis of a sampling and selection, the files can be destroyed 10 years after the expiry of the reserve list. For Recruitment procedures for a position of short-term contract duration, on the basis of a sampling and selection, the files can be destroyed 5 years after the expiry of the reserve list.

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