

**Privacy Statement on the processing of personal data in the context of implementation of Internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Maritime Safety Agency (EMSA), adopted by a Decision of the EMSA Administrative Board of 6<sup>th</sup> April 2020**

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 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 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 purpose of the present processing operation is to: send information on data subjects to OLAF, send information on data subjects to IDOC, open an internal administrative procedure on a data subject, open an investigation or any other purpose, which is legally justified under the provisions of regulation 2018/1725.

Within this context, Data Subjects have the rights of access, rectification, right to erasure, to restriction of processing, of notification in case of rectification or erasure or restriction of processing and right to data portability. A breach concerning personal data will be communicated to the Data Subject affected, under certain circumstances. EMSA should also ensure the confidentiality of electronic communications.

Nevertheless, Data Subjects should be informed that by virtue of Article 25 of Regulation No 2018/1725 and of the Internal Rules laid down under the relevant Decision that one or several of these rights may be restricted for a temporary period of time inter alia on the grounds of prevention, investigation, detection and prosecution of criminal offences or other ground. Any such restriction will be limited in time, proportionate and respect the essence of the above-mentioned rights. It will be lifted as soon as the circumstances justifying the restriction are no longer applicable. Data subjects affected will receive a more specific data protection notice when this period has passed.

As a general rule, Data subjects will be informed on the principal reasons for a restriction unless this information would cancel the effect of the restriction as such.

Data subjects have the right to make a complaint to the EDPS concerning the scope of the restriction.

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: Personal details (name, address etc), Employment details, Financial details, goods or services provided

## **3. Processing the personal data**

The processing of the personal data is carried out under the responsibility of the Executive Director of the European maritime Safety Agency, acting as delegated EMSA data controller.

## **4. Access to and disclosure of personal data**

The personal data is disclosed to the following recipients:

The information concerning implementation of Internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Maritime Safety Agency (EMSA), adopted by a Decision of the EMSA Administrative Board of 6th April 2020 will only be shared with people 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 implementation of Internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Maritime Safety Agency (EMSA), adopted by a Decision of the EMSA Administrative Board of 6th April 2020 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.

All persons dealing with personal data in the context of the implementation of Internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Maritime Safety Agency (EMSA), adopted by a Decision of the EMSA Administrative Board of 6th April 2020, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure.

Paper documents are kept in locked safe cupboards by Unit 1.1 Human resources and Internal Support.

## **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, Executive Director of the European maritime Safety Agency.

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

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(s) 5 (b) of the Regulation number 2018/1725.

The personal data are collected and processed in accordance with Internal rules concerning restrictions of certain rights of data subjects in relation to processing of personal data in the framework of the functioning of the European Maritime Safety Agency (EMSA), adopted by a Decision of the EMSA Administrative Board of 6th April 2020.

## **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 the maximum periods of duration applicable to the particular categories of documents 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, Executive Director of the European maritime Safety Agency, under the following mailbox: [executive.secretariat@emsa.europa.eu](mailto:executive.secretariat@emsa.europa.eu).

Any data subject may also consult EMSA Data Protection Officer at: [DPO@emsa.europa.eu](mailto: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](mailto:edps@edps.europa.eu).

