

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

NAME OF PROCESSING ACTIVITY¹:

Processing 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 6th April 2020

1) Controller(s) ² of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible³ for the processing activity: All EMSA Units</p> <p>Contact person: Steven Dunlop, Senior Human Resources Officer, Unit 4.1 Human Resources and Internal Support</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: dpo@emsa.europa.eu</p>
2) Who is actually conducting the processing? (Article 31.1(a)) ⁴
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is:</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party [indicate third party] n/a</p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p>
3) Purpose of the processing (Article 31.1(b))
<p><i>Why are the personal data being processed? Specify the rationale and underlying reason for the processing</i></p>

¹ **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.

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

³ This is the unit that decides that the processing takes place and why.

⁴ Is EMSA itself conducting the processing? Or has a provider been contracted?

and describe the individual steps used for the processing.

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 20218/1725.

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.

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) ☐
(Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding
regulation)
- (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) ☐
Describe how consent will be collected and where the relevant proof of consent will be stored

5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>	
EMSA staff	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees)	<input checked="" type="checkbox"/>
Visitors to EMSA building	<input checked="" type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
Other (please specify):	
6) Categories of personal data processed (Article 31.1(c)) <i>Please tick all that apply and give details where appropriate</i>	
(a) General personal data: The personal data contains:	
Personal details (name, address etc)	<input checked="" type="checkbox"/>
Education & Training details	<input type="checkbox"/>
Employment details	<input checked="" type="checkbox"/>
Financial details	<input checked="" type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input checked="" type="checkbox"/>
Other (please give details):	
(b) Sensitive personal data (Article 10)	

The personal data reveals:

Racial or ethnic origin ☐

Political opinions ☐

Religious or philosophical beliefs ☐

Trade union membership ☐

Genetic, biometric or data concerning health ☒

Information regarding an individual's sex life or sexual orientation ☐

7) Recipient(s) of the data (Article 31.1 (d))

Recipients are all parties who have access to the personal data

Data subjects themselves ☐

Managers of data subjects ☒

Designated EMSA staff members ☒

Designated Contractors' staff members ☐

Other (please specify): OLAF, IDOC

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	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
If yes, specify to which country:	
If yes, specify under which safeguards:	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>
9) Technical and organisational security measures (Article 31.1(g)) <i>Please specify where the data are stored during and after the processing</i>	
How is the data stored?	
EMSA network shared drive	<input checked="" type="checkbox"/>
Outlook Folder(s)	<input checked="" type="checkbox"/>
Hardcopy file	<input checked="" type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
Other (please specify):	

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 at the Intranet of the Agency.

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.

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