

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

NAME OF PROCESSING ACTIVITY¹:

ROV services for MS.

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: Unit 2.1</p> <p>Contact Person: Enrico Gironella (information@emsa.europa.eu)</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: Unit 2.1]</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party [contractor awarded for providing ROV services to MS] <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p> <p>ACSM Ships</p> <p>C/ Doctor Cadaval, nº2 - 4ºF</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?

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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.

Among its tasks, art.2.4.c of Regulation (EC) No 1406/2002 envisages that the Agency shall, if requested by the relevant Member States and assuming that no conflict of interest arises, provide operational support on safety investigations as per Directive 2009/18/EC¹ on serious or very serious casualties.

Within the Permanent Cooperation Framework for Accident Investigation, established by art.10 of the Directive, the Accident Investigative Bodies (AIB) expressed interest in EMSA establishing a new operational service for the provision of underwater surveys via ROV supporting safety investigations.

The provision of ROVs service for accident investigation further strengthens the AIBs' capability to gather evidence from submerged/sunken ships with the potential to increase the quality of safety investigations and, ultimately, to enhance shipping safety.

To request the service, MS users shall fill-in and send to EMSA a dedicated form providing factual information about the type of intervention required, its geographic position, the estimated depth of the target etc. Moreover, being such intervention directed by the MS, the form will also indicate the professional details of the coordinator appointed by the requesting organisation.

The personal data processing is needed to allow:

- a. MS to request the ROV services
- b. EMSA and the ROV contractor to contact, in case of need, the appointed coordinator for possible clarification about the intervention.

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 2 'Core tasks of the Agency', par.4 c) Regulation (EC) Nr.1406/2002 as amended (EMSA Founding regulation). Under this article, [...] *in the field of the investigation of marine casualties and incidents in accordance with Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector; the Agency shall, if requested by the relevant Member States and assuming that no conflict of interest arises, provide operational support*

to these Member States concerning investigations related to serious or very serious casualties [...]

- EMSA Single Programming Document 2022-2024 for safety (point 9), which reads:
The Agency will assess and may establish overtime underwater survey services supporting accident investigation based on Remotely Operated Vehicles (ROVs) or similar tools once the interest of Member States is confirmed" ..

- (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 ☐

Important Note

Consent may not be the most appropriate legal basis, in particular in the employment context. However, if you wish to use consent as legal basis, ensure that it complies with the following: it must be freely given, specific, informed and unambiguous consent. Contact the DPO if you need further clarifications.

- (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

The ROV service requestors will be explicitly informed of the personal data processing via a disclaimer in the request form and access to the relevant EMSA policy.

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

Whose personal data are being processed?

EMSA staff ☒

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

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) ☒

Education & Training details ☐

Employment details ☒

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

Professional details including address, telephone, fax, business email, organisation to which the user belongs to

(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 ☐

Important Note

If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.

7) Recipient(s) of the data (Article 31.1 (d)) <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 type="checkbox"/>
Designated EMSA staff members	<input checked="" type="checkbox"/>
Designated Contractors' staff members	<input checked="" type="checkbox"/>
Other (please specify):	
8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e)) <i>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.</i>	
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"/>
<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Important Note</p> <p>If no safeguards are applicable, please contact the DPO before processing the data further.</p> </div>	
9) Technical and organisational security measures (Article 31.1(g)) <i>Please specify where the data are stored during and after the processing</i>	
<p>How is the data stored?</p> <p>EMSA network shared drive <input checked="" type="checkbox"/></p> <p>Outlook Folder(s) <input checked="" type="checkbox"/></p> <p>Hardcopy file <input type="checkbox"/></p> <p>Cloud (give details, e.g. public cloud) <input type="checkbox"/></p> <p>Servers of external provider <input type="checkbox"/></p> <p>Other (please specify):</p>	
10) Retention time (Article 4(e)) <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 at the Intranet of the Agency.</i>	
Five years	

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