

## **Data Protection Statement/Privacy Statement on the processing of personal data in the context of the Staff VAT recovery procedure**

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) 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) 2018/1725.

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

Under the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, Portuguese authorities grant EMSA and its eligible staff the possibility to purchase certain goods and services under a VAT exemption regime. Limits and procedures are detailed by legal basis established by the PT authorities.

- PT market
  1. VAT claims done by the staff member via the tax authorities webpage. Extracts of the submitted claims are kept by EMSA Protocol.
- EU Market
  1. Staff member gives the invoice and EU VAT form (15.10) to the Protocol team who send it to the PT VAT authorities for validation.
  2. Once received back from the PT VAT authorities, the form must be used by the staff member to claim the VAT from the shop/administration where the purchase took place.

Since 20 April 2022, the invoices are submitted by e-mail and the originals are kept by the staff members for a period of at least 4 years. In addition, the invoices under the name of family members are accepted.

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:

- Names
- Address in Portugal
- Financial details (NIF and Bank account)
- Details of the goods and services purchased;

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

The processing of the personal data is carried out under the responsibility of the Head of Unit 4.1, acting as delegated EMSA data controller.

Personal data are processed by Unit 4.1 together with an external third party - Ministry of Finance (Autoridade Tributária): Encarregado de Proteção de Dados: epd@at.gov.pt

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

The personal data is disclosed to the following recipients:

- Staff members must register on the e-Finanças website and provide their NIF and bank account details. In order to submit a claim, they must complete an on-line form with the details of their invoices.
- HR Unit colleagues in charge of the Staff VAT recovery procedure.
- Relevant staff at the Ministry of Finance

The personal data 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 Staff VAT recovery procedure 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.

## **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, Head of Unit 4.1.

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

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 5 (a) of the Regulation 2018/1725.

The personal data are collected and processed in accordance with:

- Article 6 of the Protocol between EMSA and the Portuguese Government

## **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 original invoices submitted until April 2022 will be returned gradually to the staff members until the end of 2023.
- The digital invoices and extracts of the claims submitted by e-mail after April 2022 will be deleted upon validation by the Protocol Team.
- Staff members have the responsibility to keep the original invoices for 4 years in case of any audit under the Portuguese Legislation.

## **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 4.1 under the following mailbox: [hr.info@emsa.europa.eu](mailto:hr.info@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).