

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

NAME OF PROCESSING ACTIVITY¹: **Management of Teleworking Requests at European Maritime Safety Agency**

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 4.1, Human Resources and Internal Support</p> <p>Contact person: Cristina Romay Lopez</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 4.1 Human Resources and Internal Support</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party: <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> European Commission DG HR - Medical Service <p>Contact point at external third party: data-protection-officer@ec.europa.eu</p>

3) Purpose of the processing (Article 31.1(b))

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?

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.

The processing has as its objective the management, recording and monitoring of teleworking requests of staff (Officials, Temporary Agents, Contract Agents and Seconded National Experts) based on the EMSA teleworking policy.

The Teleworking Policy has the purpose to allow greater flexibility for the organisation of the work, a better work-life balance for the staff by increasing their autonomy and decreasing their environmental impact by the commuting.

The Appointing Authority delegates the power to implement the teleworking policy to the Human Resources and Internal Support Unit in close cooperation with the Digital Infrastructure Unit.

In principle, staff may take up to two days of telework per week (half-days are possible). Staff also have the possibility to take up to 10 days of teleworking outside the place of employment per calendar year.

The staff member introduces a request via LeaMa to the line manager concerned (i.e. Head of Unit, Head of Department and Executive Director), who will approve or reject the request in the system. In particular, the assessment consists of identifying if the staff member is authorised to telework according to the criteria as defined by the current teleworking policy and the interest of the service.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for:

Mention the legal basis which justifies the processing

- 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)
- 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).
- [EMSA Administrative Board Decision on the Implementation of Telework at EMSA](#)
- [Administrative Notice 2017-10: Teleworking Policy at EMSA](#)
- [Administrative Notice: 2021-16 Revised Teleworking Policy at EMSA](#)
- [Administrative Notice: 2022-02: Amendment to AN 2021-16: Teleworking Policy at EMSA](#)
- [Administrative Notice: 2022/09: Transitional teleworking arrangements until the adoption of a new decision on working time and hybrid working](#)
- compliance with a legal obligation to which EMSA is subject ☐
- necessary for the performance of a contract with the data subject or for the preparation of such a contract ☐
- 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))

Whose personal data are being processed?

EMSA staff ☒

Officials, Temporary Agents, Contract Agents

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

Seconded National Experts

Visitors to EMSA building ☐

Relatives of the data subject ☒

Staff may write comments or e-mails to their Line Manager with further information about their telework request because occasional teleworking makes it possible to avoid staff having to take leave when they are able to work in cases such as (the list is only indicative and not exclusive):

- Personal, domestic or family reasons.
- A transport strike.

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) ☒

Surname, first name, personnel number, dates of telework, mobile phone number and fixed number, home address, working address if staff telework outside the place of employment.

Education & Training details ☐

Employment details ☒

Type of Contract, Status, Unit, Job Title and tasks

Financial details ☐

Family, lifestyle and social circumstances ☒

Staff may write comments or e-mails to their Line Manager with further information about their telework request because occasional teleworking makes it possible to avoid staff having to take leave when they are able to work in cases such as (the list is only indicative and not exclusive):

- Personal, domestic or family reasons.
- A transport strike.

Goods or services provided ☐

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 ☒

- Mobility problems which do not prevent the person working. Medical files are kept at the medical service of the European Commission.

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



- Officials, Temporary Agents, Contracts Agents and SNEs,

Managers of data subjects



- Line Managers for the approval of the telework requests

Designated EMSA staff members



- The Leave manager and backups
- Head of Unit 4.1
- Head of Department 4.0
- The Appointing Authority, i.e., the EMSA's Executive Director
- Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications.

Designated Contractors' staff members



- The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the corporate applications (LeaMa and TiMa indirectly) where a reduced list of names, surnames and EMSA Staff members personnel numbers is available.

Other (please specify):



- Designated staff members of DG HR Medical Services.
- Also, if appropriate, access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

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	<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 type="checkbox"/>
Outlook Folder(s)	<input checked="" type="checkbox"/>
Staff may write e-mails to the HR Leave Manager or their Line Manager with further information about their telework request.	
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): <i>LeaMa and TiMa</i>	
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.

Data on the telework schedule of staff members should be retained until 4 years after the carryover of the unused days of annual leave to the following year has been closed.

Medical files are kept by the Medical Services of the European Commission for 30 years after the end of service of the staff member.

Comments included voluntarily by the staff members in the telework requests are to be deleted asap.