

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

NAME OF PROCESSING ACTIVITY:

Questionnaire for organisation of COVID-19 vaccination for EMSA staff and family members

1) Controller(s)¹ of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible for the processing activity: Unit 4.1, Human Resources and Internal Support</p> <p>Contact person: Head of 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))²
<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:</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 and describe the individual steps used for the processing.</i></p> <p>EMSA is launching a Questionnaire for organisation of COVID-19 vaccination for EMSA staff and family members.</p> <p>The purpose of the questionnaire is to collect data from EMSA staff and members of their family registered within the Ministry of Foreign Affairs, as requested by the Portuguese Protocol Services, in order to be able to organise the administration of the Covid 19 vaccine, in line with the different phases established under the Portuguese General Vaccination Plan. This is necessary as most EMSA staff and their family members</p>

¹ In case of more than one controller (e.g. joint operations), all controllers need to be listed here

² Is EMSA itself conducting the processing? Or has a provider been contracted?

are not registered within the Portuguese Health Services.

The questionnaire is to be completed on-line on emsanet. Participation in the vaccination campaign and completion of the survey and supporting documents, if appropriate, will be done on a purely voluntary basis.

There are three phases identified in the Portuguese General Vaccination Plan and staff members, who wish to be vaccinated must provide data on any health conditions that they or their family members may have which would entitle them to participate in Phase I or Phase II of the vaccination campaign. If none of the relevant health conditions are present, then staff members simply need to indicate that they will participate in Phase III of the programme.

In the event that a staff member or a family member has a health condition which may have which would entitle them to participate in Phase I or Phase II of the vaccination campaign, then they will need to provide a certificate confirming such a condition. The certificate is to be submitted at the same time as the submission of the questionnaire.

The details of the health conditions linked to each Phase are as follows:

Phase I

- People aged ≥ 50 years, with at least one of the following pathologies:

- Cardiac insufficiency
- Coronary heart disease
- Renal failure (Glomerular Filtration Rate $< 60\text{ml / min}$) (COPD)
- or chronic respiratory disease under ventilatory support
- and / or long-term oxygen therapy

Phase II

- People aged ≥ 65 years (who have not been previously vaccinated)

- People between 50 and 64 years of age, inclusive, with at least one of the following pathologies:

- Diabetes
- Active malignant neoplasm
- Chronic kidney disease (Glomerular Filtration Rate $> 60\text{ml / min}$)
- Liver failure
- Arterial hypertension
- Obesity

After the information is gathered by EMSA, the Agency shall transfer it to Portuguese Authorities (State Protocol, Ministry of Foreign Affairs: Ministério dos Negócios Estrangeiros (MNE) and General health Directorate of the Ministry of Health: Direção-Geral da Saúde (GNS).

Based on the information provided the Portuguese authorities will include the relevant EMSA staff and their family members into the respective phase of the Portuguese General Vaccination Plan.

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) ☒

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). As part of the duty of care incumbent upon the Executive Director as Appointing Authority and given the ongoing pandemic, staff will be given the possibility to be vaccinated against the Covid-19 virus.

Additional legal basis: Law no. 58/2019 of 8 August 2019 ("Portuguese Data Protection Law"), which adapts Portuguese law to the GDPR.

- (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))

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 x

Family members will be entitled to receive the vaccine and for this purpose their personal details also need to be provided together with certain health data, as indicated above. This is in the event that they fall under Phase I or II of the vaccination programme.

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, e-mail address)

☒

Name, surname, e-mail address, date of birth. mobile phone number, diplomatic ID or Passport or Other identification document of the staff member and family members concerned.

Education & Training details

☐

Employment details

☐

Financial details

☐

Family, lifestyle and social circumstances

☐

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

☒

Certain health data and a supporting certificate, as indicated above, will need to be provided in the event

that the staff member or a family member fall under Phase I or II of the vaccination programme.

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

☒

Only a very limited amount of staff members within the Human Resources and Internal Support Unit who will be responsible for assembling the data and forwarding it to the Portuguese Ministry of Foreign Affairs.

Designated Contractors' staff members

☐

Other (please specify): Relevant staff at the Portuguese Ministry of Foreign Affairs who will receive the data from EMSA and relevant staff at the Directorate General for Health.

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

☒

If yes, specify to which country:

If yes, specify under which safeguards:

Adequacy Decision of the European Commission ☐

Standard Contractual Clauses ☐

Binding Corporate Rules ☐

Memorandum of Understanding between public authorities ☐

9) Technical and organisational security measures (Article 31.1(g))

Please specify where the data are stored during and after the processing

How is the data stored?

EMSA network shared drive ☒

Outlook Folder(s) ☐

Hardcopy file ☐

Cloud (give details, e.g. public cloud) ☐

Other (please specify): Servers of the Directorate General for Health and the Portuguese Ministry of Foreign Affairs.

The questionnaire and certificate, if appropriate, will be submitted through Emsanet.

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.

EMSA will delete the data as soon as it has been submitted to the Portuguese Ministry of Foreign Affairs.

Details on the handling and retention by Directorate General for Health can be found here:

<https://www.dgs.pt/site/notas-legais.aspx>

Details on the handling and retention by the Portuguese Ministry of Foreign Affairs can be found here:

<https://www.portaldiplomatico.mne.gov.pt/politica-de-privacidade>

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