

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

NAME OF PROCESSING ACTIVITY:

EMSA Children's Competition

<b>1) Controller(s)<sup>1</sup> of data processing operation (Article 31.1(a))</b>
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit <b>responsible<sup>2</sup></b> for the processing activity: EO</p> <p>Contact person: Ruth McDonald</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: <a href="mailto:dpo@emsa.europa.eu">dpo@emsa.europa.eu</a></p>
<b>2) Who is actually conducting the processing? (Article 31.1(a))<sup>3</sup></b>
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: EO</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 type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p>

<b>3) Purpose of the processing (Article 31.1(b))</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>The purpose(s) of the processing of personal data is: the management of EMSA's 20<sup>th</sup> anniversary children's competition.</p>

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

<sup>2</sup> This is the unit that decides that the processing takes place and why.

<sup>3</sup> Is EMSA itself conducting the processing? Or has a provider been contracted?

This competition, organised as part of EMSA's 20<sup>th</sup> anniversary, involves EMSA staff, teachers and students from a network of primary schools in Lisbon creating artworks based around the theme of 'How do you want to see the oceans in 20 years' time?'

The schools in question are all part of the Escola Azul network, a division of the Portuguese Ministry of the Sea.

Three schools will be shortlisted for first, second, and third place in the competition, but all artworks submitted for the competition will be published on EMSA's website and social media channels, as clearly stated on the entry page for the competition <http://emsa.europa.eu/mar-de-ideias> - online publication for the schools that do not win will not involve personal data (just the name of the school).

The processing steps are as follows:

1. Teachers are invited to submit artwork through an application form <https://extranet.emsa.europa.eu/mar-de-ideias>
2. Data from the form is stored on EMSA's secure servers, with restricted access (for the project team and Head of Unit only)
3. Once the first, second, and third place winners have been decided, the project team contacts the teachers of the relevant classes for the names of the children – in order to make the certificates they will receive at the ceremony, and in order to invite them to the ceremony
4. This data is securely stored on EMSA's servers, and only the relevant project team member and the project team member in charge of making the certificates have access to it

Consent:

The entry form for the children's competition (to be filled in by teachers) contains a consent disclaimer: <https://extranet.emsa.europa.eu/mar-de-ideias>. The form requires that teachers send their names, the name of their school, and their email for follow-up contact in case the artwork from their school has been chosen as a finalist. These details are consolidated and placed in an Excel table stored on a restricted drive within EMSA's server, to which only members of the communication team and the Head of Unit have access.

Three schools will be shortlisted for first, second, and third place in the competition. In order to create certificates for the children who made the finalist entries, their teachers will be asked to ensure that the children's parents have given consent to their personal data (in this case, their first names and family names) to be used in the creation and printing of the certificates. The design files and PDFs of this data, along with the relevant consent forms provided by the teachers, will likewise be stored in a restricted area of EMSA's server, to which only the communication team and the Head of Unit have access. Also stored here will be the consent forms from parents, provided by teachers, for photographs of the children to be taken on the day of the award ceremony, and used on EMSA's website.

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) ☒  
(Legal basis: Article 4(2) 'Transparency and protection of information', EMSA founding regulation)  
Additional legal basis: Article 8 **Conditions applicable to a child's consent in relation to information society services**  
1. Where point (d) of Article 5(1) applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 13 years old. **Where the child is below the age of 13 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.**
- (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) ☐

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

*Whose personal data are being processed?*

- EMSA staff ☒
- Non-EMSA staff (competitors: children and teachers) ☒

Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
Other (please specify):	
<b>6) Categories of personal data processed (Article 31.1(c))</b> <i>Please tick all that apply and give details where appropriate</i>	
<b>(a) General personal data:</b> The personal data contains:	
Personal details (name)	<input checked="" type="checkbox"/>
Education & Training details	<input checked="" type="checkbox"/>
Employment details	<input type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details):	
<b>(b) Sensitive personal data (Article 10)</b> The personal data reveals:	
Racial or ethnic origin	<input type="checkbox"/>
Political opinions	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Trade union membership	<input type="checkbox"/>

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))

*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):

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

☐

**Important Note**

If no safeguards are applicable, please contact the DPO before processing the data further.

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)

☐

Servers of external provider

☐

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.*

In accordance with EMSA's Records Management Policy and Procedure of the Agency, the retention time for this type of files is two years.

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