

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Enhancement and Maintenance Services for IT Corporate Applications

1) Controller(s) <sup>2</sup> of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible<sup>3</sup> for the processing activity: Unit 4.1, Human Resources and Internal Support.</p> <p>Contact person: Cristina Romay Lopez, Head of Unit 4.1, Human Resources and Internal Support.</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: <a href="mailto:dpo@emsa.europa.eu">dpo@emsa.europa.eu</a></p>
2) Who is actually conducting the processing? (Article 31.1(a)) <sup>4</sup>
<p>The data is processed by EMSA itself <span style="float: right;">x</span></p> <p>The organisational unit conducting the processing activities 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 x</p> <p>European Dynamics Luxembourg SA, 12 Rue Jean Engling, L-1466, Luxembourg.</p> <p>Contact point at external third party: <a href="mailto:data.protection@eurodyn.com">data.protection@eurodyn.com</a>.</p>

<sup>1</sup> **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.

<sup>2</sup> In case of more than one controller (e.g. joint operations), all controllers need to be listed here

<sup>3</sup> This is the unit that decides that the processing takes place and why.

<sup>4</sup> Is EMSA itself conducting the processing? Or has a provider been contracted?

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.*

EMSA has in place a series of HR Applications to facilitate the management of EMSA Staff from a human resources perspective. To this end, the Agency collects, manages and stores data relating to staff members.

EMSA wishes to maintain the existing Corporate IT Applications and to have the possibility of making further enhancements to the existing modules. In addition, new applications could be requested for further corporate IT solutions to support horizontal processes.

For this purpose, EMSA has signed a framework contract for four years with an external contractor to **provide development, maintenance and enhancement services for existing and new Corporate IT Applications based on Microsoft technology.**

The main applications concerned are the Human Resources Central Database, the HR Reporting tool, the Employee Appraisal tool, Travel Management tool, Leave Management tool, Time Management tool, E-recruitment tool, the E-personal file application and the Requests tool, as explained further below.

1. The Human Resources Central Database: This database contains all relevant Human Resources related information for each staff member in EMSA, in particular: the primary data for the employee, the personal data of the employee, the nationality, the details of whom to contact in case of emergency, data on the employee's children, the data related to the position of the employee within the organisation, the employee's current and past grades, the employee's current and past contracts, data related to individual entitlements, part-time or other leaves and other related data. This module is accessible to all users and allows them to review their data stored in the HR Central Database.
2. HR Reporting: This application is used to generate statistics and reports from the HR Central database. These are used for statistical and reporting purposes.
3. Employee Appraisal: This application is used by all EMSA employees to submit their yearly performance appraisal report. EMSA staff also has access to previous performance assessments.
4. Travel Management: This application (MiMa) is used to track all of the arrangements for business trips and the calculation of the subsequent reimbursements. The module includes an internal approval workflow linked to Outlook. The related reporting module has been integrated with the

leave management module mentioned below. In addition, reports on budget allocated to travel are available.

5. Leave Management: This application (LeaMa) is used for the management of absences of staff members and covers normal leave, illness, special leave and business trips. It allows the user to upload supporting documentation.
6. TiMa: (Time Management) This application is a time registration system collecting data from Actatek card readers. It is integrated with the leave management application (LeaMa). This module calculates overtime worked by staff members allowing them to request compensation in the form of leave by way of an approval workflow. It also has a reporting module.
7. E-Personal file: The E-Personal file contains documents that relate to the employee's recruitment, career, certifications, leaves, evaluations, protocol or other kinds of private and administrative documents. Staff members can consult their e-personnel file directly and can upload relevant documents, which then need to be approved by the Human Resources Section before being officially added to the file.
8. Requests: This module allows staff to submit electronic requests related to their professional situation (i.e. training requests, requests for language classes, etc.) and to electronically notify changes in their personal situation (i.e. birth of a child, change of address etc.). Management and HR can electronically approve these requests and the respective supporting documents are automatically stored in the relevant section of the personal file.
9. E-recruitment: EMSA's external calls for applications for temporary and contract agents are published through the E-recruitment tool. The HR team publishes the vacancies on EMSA's website. Candidates are obliged to submit their applications through the tool. The HR team then follows the procedure in the e-recruitment tool. Correspondence with candidates (acknowledgement of receipt letters, invitations, etc.) takes place through the tool.

It should be noted that specific data protection records are in place covering the various activities related to the applications mentioned.

Data processed by tools 1-8 relate to both the personal and professional situation of staff members. With the exception of TiMa, data under tools 1-8 is submitted by the staff members themselves. Internally, this data is handled and/or consulted by specific staff members in the Human Resources and Internal Support Unit.

Tool 9 relates to the personal and professional situation of candidates. Data is submitted by candidates themselves with their CVs (or afterwards when requested). Internally, this data is subsequently handled

and/or consulted by different actors in the selection process: specific staff members in the Human Resources sector (service responsible for selection/appointment) and members of the selection committee.

Personal data is not provided directly to the contractor as such. However the contractor will have access to the applications mentioned and therefore access to the back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes. The data will not be processed as such by the Contractor but will simply be used to debug and find issues related to e-HR applications.

Video tutorials of the systems may be produced and uploaded to the agency's intranet for educational purposes only. The names of staff members working on developing and maintaining the tools may be displayed in the videos with their agreement.

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) x

The processing is necessary to help EMSA manage their staff in an efficient manner and in the case of the e-recruitment tool, to recruit/select staff who possess the necessary skills and competencies required to carry out their duties at the highest possible standard.

Staff members in signing a contract of employment with the Agency and providing the required information accordingly, agree that the Human Resources Unit will manage such data for relevant purposes.

Candidates to recruitment procedures are informed of their data rights and the manner in which their personal data will be handled during the recruitment procedure. In the act of submitting their application, they are acknowledging their agreement to the processing. The relevant page for each vacancy notice contains a link to the personal data protection page where a privacy statement which can be consulted.

- (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 Officials, TAs and CAs	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees) SNEs, NEPTs, Interims and trainees	<input checked="" type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input checked="" type="checkbox"/>
Other (please specify): Candidates to recruitment procedures.	

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)	<input checked="" type="checkbox"/>
Education & Training details	<input checked="" type="checkbox"/>
Employment details	<input checked="" type="checkbox"/>
Financial details	<input checked="" type="checkbox"/>
Family, lifestyle and social circumstances See point 3 above.	<input checked="" type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details):	

(b) **Sensitive personal data** (Article 10)

Racial or ethnic origin	<input type="checkbox"/> n/a
Political opinions	<input type="checkbox"/> n/a
Religious or philosophical beliefs	<input type="checkbox"/> n/a
Trade union membership	<input type="checkbox"/> n/a
Genetic, biometric or data concerning health	<input type="checkbox"/> n/a
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/> n/a

7) Recipient(s) of the data (Article 31.1 (d))

*Recipients are all parties who have access to the personal data*

Data subjects themselves	<input type="checkbox"/>
Managers of data subjects	<input type="checkbox"/>
Designated EMSA staff members	<input checked="" type="checkbox"/>
EMSA staff in the 4.2 and 3.1 units involved in the Enhancement and Maintenance Services for IT Corporate Applications. Backups will also be available to the ICT system administrators.	
Designated Contractors' staff members	<input checked="" type="checkbox"/>
The contractor uses the EMSA VPN to securely access EMSA servers and take the data to their virtual machines where they can debug the issues.	
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 ☐

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): The data is stored in the applications themselves in the quality environment where the development, maintenance and enhancement services take place.

JIRA is used as ticket system to share the issues with the contractor.

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 [here](#).*

Please consult the specific data protection records in place covering the various activities related to the applications mentioned.

The contractor will not retain any data as such and access to the EMSA applications will be withdrawn upon the completion of the contract.