

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

NAME OF PROCESSING ACTIVITY¹: **Management of the operational oil pollution response services**

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 1.1 Sustainability</p> <p>Contact person: George SUCIU</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 type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 1.1 Sustainability</p>
<p>The data is processed by a third party (contractor) <input checked="" type="checkbox"/> 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> <p align="center">The list of all contractors and contact points will be registered separated in ARES.</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.

EMSA offers a range of pollution response services to support EU coastal states in responding quickly, effectively, and efficiently to marine pollution from ships as well as oil and gas installations. These services can be described as a 'toolbox' from which the requesting party can select the most suitable response to their immediate needs. By developing these services at EU level, EMSA aims to complement and top up the response available at national and regional levels through targeted cost-effective and efficient support. EMSA has established a network of oil spill response vessels through contracts with commercial vessel operators. EMSA's contracted vessels have been adapted for oil spill response operations and are on stand-by whilst carrying out their usual commercial activities. To maintain a proper level of preparedness for its at-sea oil spill response services, EMSA has established a programme of drills and exercises. In addition, EMSA offers the Equipment Assistance Service (EAS) consists of stand-alone oil pollution response equipment stockpiles in selected areas around Europe.

Within the operational oil pollution services, the following activities processes personal data:

- Drill Reports: Contractors under vessel availability contracts with EMSA must conduct quarterly oil pollution response drills, submitting reports that include a list of participating personnel along with their roles and tasks. Some contractors may attach a crew list to the drill report, that contains additional information such as nationality, date and place of birth, gender, passport/ID numbers, and expiration dates. Photos taken during operations might contain individuals.
- ECT Reports: EAS service contractors must perform periodic Equipment Condition Tests (ECTs) and report the results to EMSA. Similar to drill reports, these include a list of participating personnel and their respective roles. Photos taken during these tests may also contain individuals.
- Monthly Maintenance Report of Oil Spill Pollution Response Equipment: This report contains the name, function, and signature of the person responsible for the maintenance activity both on the EMSA vessels and EAS.
- Completion Report: At the end of each project preparation phase, EMSA requires a Completion Report. This report includes copies of IMO Level 1 and/or 2 training certificates for all crew/staff members involved in the project.
- EMSA Staff Participation in drills/exercises/ECTs: Contractors often request copies of ID/passports from EMSA Project Officers attending the event to facilitate their access to ports or facilities where activities are taking place.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for: <i>Mention the legal basis which justifies the processing</i>	
(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)	<input checked="" type="checkbox"/>
(Examples of legal basis: e.g. Article 2 ‘Core tasks of the Agency’, par.4 b) EMSA founding regulation) Among other tasks, the Agency has been tasked to ‘work with the Member States to support with additional means in a cost-efficient way pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations, when a request has been presented by the affected Member State’ (Article 2(3)d of Regulation EC No 1406/2002 as amended by Regulation (EC) No 100/2013).	
(b) compliance with a legal obligation to which EMSA is subject	<input type="checkbox"/>
(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract	<input type="checkbox"/>
(d) Data subject has given consent (<i>ex ante</i> , explicit, informed)	<input type="checkbox"/>
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)) <i>Whose personal data are being processed?</i>	
EMSA staff Officials, Temporary Agents and Contract Agents	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees) Seconded National Experts, Contractors staff	<input checked="" type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
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)

☒

Name, surname, nationality, gender, date and place of birth, number and expiration date of the ID card/passport

Education & Training details

☒

Professional experience, IMO Training Certificates

Employment details

☒

e-mail and job title

Financial details

☐

Family, lifestyle and social circumstances

☐

Goods or services provided

☐

Other (please give details): photos (contractor staff operating the equipment)

☒

(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

☐

Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/>
7) Recipient(s) of the data (Article 31.1 (d)) <i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	<input checked="" type="checkbox"/>
Designated EMSA staff members <ul style="list-style-type: none"> • PO in charge of the contracts, • FIA preparing the file in Unit 1.1, • Legal and finance in the Unit 4.2 for verification, • Authorising Officers, • Unit 1.1 secretariat 	<input checked="" type="checkbox"/>
Designated Contractors' staff members	<input checked="" type="checkbox"/>
Other (please specify): Also, if appropriate, access will be given to EU staff with the statutory right to access the data required by their function in particular to bodies charged with monitoring the application of Union law., i.e. the European Ombudsman, the Court of Justice of the EU (CJEU), the European Public Prosecutor's Office (EPPO), the European Commission's Internal Audit Service (IAS), the European Court of Auditors, European Anti-Fraud Officer (OLAF) and the European Data Protection Supervisor (EDPS).	<input checked="" type="checkbox"/>
8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e)) <i>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.</i>	
Data are transferred to third country recipients:	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

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): *ARES*

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.

Retention 10 years after the end of the contract.