

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of use of HERMES, ARES (Advanced Records System) and NOMCOM (Nomenclature Commune)

The protection of privacy is of high importance to the European Maritime Safety Agency ('EMSA'). EMSA is responsible for the personal data it processes. Therefore, we are committed to respecting and protecting the personal data of every individual and to ensuring efficient exercising of data subject's rights. All the data of personal nature, namely data that can identify an individual directly or indirectly, will be handled fairly and lawfully with the necessary due care.

This processing operation is subject to Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. The information in this Privacy Statement is given pursuant to Articles 15 and 16 of the Regulation (EU) 2018/1725.

1. Nature and the purpose(s) of the processing operation

The purpose(s) of the processing of personal data is/are:

To register all documents drawn up or received by the Agency within the scope of its activities, which are likely to require action, follow-up or a reply from the Agency or which contain important information that is not short-lived. The purpose of the registration is to provide evidence that a record has been created or captured in a records system.

The aim is also to file all the registered documents to meet administrative and legal requirements according to the retention periods and disposition actions described on the EMSA Specific Retention List¹

The processing of personal data is used, to the extent necessary, at the following stages in the life cycle of documents:

- registration of the appropriate documents;
- filing these documents;
- assigning documents to functional mailboxes, virtual entities, officials or other members of EMSA staff for action, information or circulation, including deadline management;
- creation of workflows (e-Signatories for outgoing documents and assignment of incoming documents), including approval by EMSA staff;
- structured transmission of documents between internal users in the Commission and EMSA via ARES in comparison to non-structured transmission via e-mail (Outlook);
- managing the transfer of responsibilities between Agency's departments and units, including the transfer of files to the Agency's Central Archives first and later to the EMSA's historical archives;
- elimination of documents, files and/or their metadata in accordance with EMSA Specific Retention List;
- creating an audit trail of operations to guarantee the authenticity and security of the files stored in the repository (electronic file repository);
- access, based on the 'right to know' principle, for members of EMSA staff to the documents and files relating to their tasks;
- accountability towards the Commission, the Parliament, the Court of Auditors, OLAF, the Court of Justice, etc.);

¹ EMSA Specific Retention List: <http://emsanet/index.php/dm/procedures.html>

- public access to documents and transparency towards citizens.

EMSA will not reuse the personal data for another purpose that is different to the one stated above.

2. Categories/types of personal data processed

The categories/types of personal data processed are the following:

EMSA staff

Non/EMSA staff (contractors staff, external experts, trainees)

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the EMSA Executive Director, acting as delegated EMSA data controller.

Personal data are processed by² A.1 Human Resources & Internal Support.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

The information concerning personal details (name, address etc); education and training; employment and financial details as well as family, life style and social circumstance and good or services provided will only be shared with EMSA staff responsible for the implementation of such measures on a need to know basis. The data are not used for any other purposes nor disclosed to any other recipient.

5. Protecting and safeguarding personal information

EMSA implements appropriate technical and organisational measures in order to safeguard and protect data subjects' personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them.

All personal data related to personal details (name, address etc); education and training; employment and financial details as well as family, life style and social circumstance and good or services are stored in secure IT applications according to the security standards of the Agency as well as in specific electronic folders accessible only to the authorised recipients. Appropriate levels of access are granted individually only to the above recipients.

The database is password protected under single sign-on system and automatically connected to the user ID. The e-records are held securely so as to safeguard the confidentiality and privacy of the data therein.

6. Access, rectification, erasure or restriction of processing of personal data

² Please, indicate all the processors (i.e. contractors or other institutions).

Data subjects have the right to access, rectify, erase, and receive their personal data, as well as to restrict and object to the processing of the data, in the cases foreseen by Articles 17 to 24 of the Regulation (EU) 2018/1725.

If data subjects would like to exercise any of these rights, they should send a written request explicitly specifying their query to the delegated data controller, EMSA Executive Director.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the use of HERMES, ARES (Advanced Records System) and NOMCOM (Nomenclature Commune)

The above requests will be answered without undue delay, and in any event within one month of receipt of the request. However, according to article 14 (3) of the Regulation (EU) 2018/1725, that period may be extended by two further months where necessary, taking into account the complexity and number of the requests. EMSA shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

7. Legal basis for Data processing

Processing is based on Article(s) a of the Regulation (EU) 2018/1725.

8. Storing Personal data

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected.

The storage period of documents is defined by EMSA Specific Retention List and varies from topic to topic

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

9. Data protection points of contact

Should data subjects have any queries/questions concerning the processing of your personal data, they should address them to the data controller, EMSA Executive Director under the following mailbox: records.management@emsa.europa.eu

Any data subject may also consult EMSA Data Protection Officer at: DPO@emsa.europa.eu.

Recourse:

Complaints, in cases where the conflict is not resolved by the Data Controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: edps@edps.europa.eu.