

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Duty-Free purchases

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: 4.1 Human Resources and Internal Support</p> <p>Contact person: Rui Fernandes / José Baptista</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 checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: 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 - Ministry of Foreign Affairs, Tax Authority and Diplomatic Sales. <input checked="" type="checkbox"/></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): Assistant of the Department of Protocol of the Ministry of Foreign Affairs, Diretor de Alfândega Adjunto at the Tax Authority and Customs representative at Diplomatic Sales.</p>

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?

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.

Under the Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, Portuguese authorities grant EMSA and its staff to purchases certain eligible goods under a duty-free tax regime. Limits and detailed legal bases are established by the PT authorities. EMSA follows the procedure requested by the PT Authorities.

- Every semester EMSA sends to the relevant PT authorities a request of quotas together with the list of staff members entitled to apply for the Duty-Free purchases.
- Once approved by the PT authorities, EMSA sends the franchise and the list to the duty-free provider.

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) ☐
(Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding regulation)
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).
- (b) compliance with a legal obligation to which EMSA is subject ☒
Article 6 of the Protocol between EMSA and the Portuguese Administration.
- (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) ☒
Describe how consent will be collected and where the relevant proof of consent will be stored

(Ex ante) Staff are informed of this privilege upon taking duty at EMSA and it is also announced on the EMSA Intranet (informed). The staff members with a PT Diplomatic Card are part of the list. Every 6 months eligible staff members are informed by email of the quota available.

Access to this privilege is not compulsory and no consumption has to be made.

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) ☒

SNEs

Visitors to EMSA building ☐

Relatives of the data subject ☐

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, address. ID card number, date and expiry date.

Education & Training details ☐

Employment details ☐

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☒

Goods, if the staff member decides to make a purchase.

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 ☐

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 ☒

HR Unit colleagues in charge of the file(s).

Designated Contractors' staff members ☒

Staff of the Ministry of Foreign Affairs, Tax Authority and the duty-free supplier.

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 ☒

Protocol folder on the H drive only with access to designated staff dealing with Protocol matters.

Outlook Folder(s)



Staff are informed by email of their entitlement on a six-month basis.

Hardcopy file



Copy of the tax certificates and the list of the eligible staff.

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



Servers of external provider



Servers of the Ministry of Foreign Affairs and the duty-free supplier.

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 [here](#).

Due the existing Protocol between the Government of the Portuguese Republic and European Maritime Safety Agency, 20 years was the Retention period established.

EMSA only retains the tax certificates and the lists of the eligible staff for the applicable period of validity, i.e. until the new list is approved.

Thank you for completing the form.

Now please send it