

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

NAME OF PROCESSING ACTIVITY¹: **EDES Survey: local financial networks**

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:</p> <ul style="list-style-type: none"> Unit A.2 – Legal, Financial and Facilities Support <p>Contact person:</p> <ul style="list-style-type: none"> Dominika Lempicka-Fichter (Head of Unit Legal, Financial and Facilities Support) Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: dpo@emsa.europa.eu
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:</p> <p>Unit A.2 – Legal, Financial and Facilities Support</p> <hr style="border: 0; border-top: 1px solid #ccc; margin: 10px 0;"/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with</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?

an external third-party DG BUDGET



Contact point at external third party PANEL-SECRETARIAT-BUDG@EC.EUROPA.EU

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.

The Early Detection and Exclusion System (EDES) is amongst the main mechanisms protecting the Union's Financial Interests, an obligation imposed by Article 129 of the Financial Regulation. The System combines detection and exclusion (of beneficiaries in the exclusion situations mentioned in Article 136) with prevention by publishing a database (to those with access) of excluded beneficiaries. Along with OLAF, correct usage of the System is fundamental to enhance the Budget, ensure performance and efficiency and protect professional performance by precluding commitments to unreliable participants.

The Commission's Central Financial Services (CFS) staffing the EDES Secretariat decided to conduct a broad survey of System members to discover what can be improved.

Considering this survey, the panel secretariat of DG BUDG contacted EMSA to request the list of names, emails and roles of those colleagues that use local Financial IT Systems to carry out their survey. Precisely they wish to contact Initiating Financial Agents, Verifying Financial Agents and colleagues performing similar roles.

The survey will focus on the compliance with the Financial Regulation 2018/1046 which obliges each Authorising Officer by Delegation to put in place "the organisational structure" suited to prevent, detect and follow-up fraud and irregularities. Furthermore, the Financial Regulation empowers the Authorising Officer to exclude unreliable economic operators in a situation described on Article 136.

Combined, both mechanisms ensure sound financial management and the effective protection of the financial interests of the Union. Authorising Officers are at the crux of the System and the EDES Secretariat, who assists Officers in exercising these obligations, seeks to attain information on how the System from those exercising Delegation (e.g. Authorising Officers by Delegation and Initiating Financial Agents) can be further improved.

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)

- (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.

e stored

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

Whose personal data are being processed?

EMSA staff ☒

Non-EMSA staff (service contractors, external organisations) ☐

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) ☒

Education & Training details ☐

Employment details	<input checked="" 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) Sensitive personal data (Article 10)	
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	<input type="checkbox"/>
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/>
<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Important Note</p> <p>If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.</p> </div>	
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 type="checkbox"/>
Managers of data subjects	<input type="checkbox"/>

Designated EMSA staff members

☐

Designated Contractors' staff members

☐

Other (please specify): EDES Secretariat

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? At EMSA the data is stored as described below.

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 [here](#).

The Data will be kept for as long as it serves the purpose of its processing and in accordance with EMSA Records Management Policy and Procedure.

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