

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: DONA application's personal- and user data management

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 1.3</p> <p>Contact person: Olev-Erik Leino, Unit 1.3</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: Unit 1.3</p> <hr/> <p>The data is processed by a third party or the processing operation is conducted together with an external third party (EU Member States and the European Commission) <input checked="" type="checkbox"/></p> <p>Contact points at external third party (e.g. Privacy/Data Protection Officer): The "MS National Coordinator" and "EC Coordinator" role holders in DONA</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?

EMSA Administrators would manage (from the creation) the user profiles of the EMSA users, the MS National Coordinators and the EC Coordinators. The mentioned Coordinators would manage the profiles of the users in their domains. All the three mentioned user managing profiles carry out collection, recording, alteration and use, i.e. they process personal data. In addition, EMSA would carry out functions like storing of the information.

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.

DONA is a threefold application developed and maintained by EMSA; it is comprised of the following sections:

1. Country Profile; here information on the EU Member States' (MSs) maritime authorities is displayed for the wide public, without access restrictions. The data is supplied by the MSs and the provided contact details of the authorities may include email addresses created using the names of actual persons.
2. MS Maritime Statistics section, with restricted access to the accredited users from the MS in question only; no personal data is displayed in this section.
3. The Reporting Gate, where the registered MSs users can draft and submit their MS reports to the European Commission (EC), fulfilling the reporting requirements foreseen by the EU maritime acts; this section is accessible only to the selected registered users of the reporting MS, EC and EMSA (conditions apply). The personal data stored in the MSs report headers includes e.g. the names and contact details (telephone/fax numbers, email addresses) of the officials submitting these reports to EC and the contact details for the EC to send their feedback, if different from the submitter's details.

The term "registered user" means a DONA user, for whom an individual profile has been created in EMSA's existing user identity management system (IdM). IdM manages i.a. the usernames and passwords. It is already used for several other EMSA's applications. The information included in the IdM comprises the first and last name of the user, the email address and the code of the MS, or the Organisation (EC or EMSA). Accordingly, the usernames comprise the country code and the forename and the surname of the user.

The purposes of the processing of personal data are:

- identification of DONA's registered users and the management of their user profiles;
- responding to the requests and other emails sent to DONA helpdesk's email address;
- sending of automatic or manually created email notifications to the users from DONA's dedicated email address;
- publication (in the Country Profile section) of the contact details of the MSs authorities responsible for maritime matters if the data for publicising such details received from the MSs includes personal data, e.g. the names of the contact points, or email addresses which reflect the names of real persons.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for: <i>Mention the legal basis which justifies the processing</i>						
<p>(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 type="checkbox"/></p> <p>(b) compliance with a legal obligation to which EMSA is subject <input checked="" type="checkbox"/></p> <p>A task carried out following Article 2 ‘Core tasks of the Agency’, par. (3) b) of EMSA founding regulation (The Agency shall work with the Member States to develop technical solutions, including the provision of relevant operational services, and provide technical assistance, to the building up of the necessary national capacity for the implementation of relevant legal acts of the Union). DONA’s existence and role will be formalised in the near future, through amendments to the EU maritime legislation.</p> <p>(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract <input type="checkbox"/></p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0; text-align: center;"> <p>Important Note</p> <p>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.</p> </div> <p>(d) Data subject has given consent (<i>ex ante</i>, explicit, informed) <input type="checkbox"/></p> <p style="margin-left: 40px;">Describe how consent will be collected and where the relevant proof of consent will be stored</p>						
5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>						
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">EMSA staff (with roles in DONA)</td> <td style="width: 20%; text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Non-EMSA staff (EC- and MSs officials with roles in DONA)</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td>Visitors to EMSA building</td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	EMSA staff (with roles in DONA)	<input checked="" type="checkbox"/>	Non-EMSA staff (EC- and MSs officials with roles in DONA)	<input checked="" type="checkbox"/>	Visitors to EMSA building	<input type="checkbox"/>
EMSA staff (with roles in DONA)	<input checked="" type="checkbox"/>					
Non-EMSA staff (EC- and MSs officials with roles in DONA)	<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)) <i>Please tick all that apply and give details where appropriate</i>	
(a) General personal data: The personal data contains:	
Personal details (the first and last name, email address, MS and Authority)	<input checked="" type="checkbox"/>
Education & Training details	<input type="checkbox"/>
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): In IdM v2, the usernames follow the following format: Country code (2 digits) + FirstName.LastName.	
(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; margin: 0 auto; width: 60%;"> <p style="color: red; margin: 0;">Important Note</p> <p style="color: red; margin: 0;">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 checked="" type="checkbox"/>
Managers of data subjects (EMSA Administrators, EC- and MS National Coordinators)	<input checked="" type="checkbox"/>
Designated EMSA staff members	<input checked="" type="checkbox"/>
Designated Contractors' staff members	<input type="checkbox"/>
Other (please specify):	
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	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>
<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Important Note</p> <p>If no safeguards are applicable, please contact the DPO before processing the data further.</p> </div>	
<p>9) Technical and organisational security measures (Article 31.1(g))</p> <p><i>Please specify where the data are stored during and after the processing</i></p>	
<p>How is the data stored?</p>	
EMSA network shared drive	<input type="checkbox"/>
Outlook Folder(s)	<input type="checkbox"/>
Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
<p>Other (please specify): Related to the DONA's data other than user information, all of this is stored in the DONA specific database that is placed in the Oracle Exadata machine at EMSA's datacentre.</p> <p>The data from IdM is also stored in EMSA's datacentre in an Oracle Exadata machine (with normal operations in Lisbon and BCF in Madrid). The machine(s) are exclusive to EMSA and cannot be accessed from outside of our protected infrastructure. Access Management (SSO for</p>	

accessing the Portal and some MarApps) depends on an LDAP server that is also internal to EMSA.

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.

The Member States remain the owners of their reports. It has been agreed with the MS and EC that these reports will remain available to the accredited users for 10 years. After that period, the reports would be archived. Deletion of the archived reports can be accomplished by the EMSA Administrators on requests from the competent MS National Coordinators.

The current period of keeping the user's data in IdM in deleted status is 12 months after having been asked to be deleted by the National-, EMSA- or EC Coordinators. Such deletion function is only available for the IdM System Administrator. Accordingly, the mentioned competent DONA users can launch the deletion process, which will be effective after 12 months. During this period the account is disabled, meaning that accessing and using it isn't possible.

The retention period provides:

- 1) time to store/archive/merge information relative to a user account:
- 2) time to keep the account existing in the IdM database, as a protection against the creation of a user/account by a "robot"; and
- 3) the possibility to re-use the account in case of its re-creation.

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