

Data Protection Statement/Privacy Statement on the processing of personal data in the context of the Promotion/reclassification exercise for EMSA staff: Officials, 2(f) temporary staff, contract staff (v.1)

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 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 2018/1725.

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

The purpose of the processing of personal data is to ensure the management of the promotion and reclassification exercises of the Officials, Temporary Agents and Contract Agents of EMSA by offering them a possibility of progression in their career based on their merits.

The promotion/reclassification process is as follows:

1. Launch of promotion reclassification exercise

Publication of Administrative Notice and communication of promotion/reclassification possibilities to the Executive Director (ED) and the Heads of Departments (HoD)

2. Consultation of Reporting Officers (RO) (Heads of Units (HoU))

HoDs have to consult the ROs under their responsibility

3. Examination of the comparative merits

Meeting of ED, HoDs and the Head of the Executive Office to examine the comparative merits of the staff eligible for promotion/reclassification

4. ED discussion with Staff Committee (SC)

The ED holds a discussion with a delegation appointed by the SC

5. Proposal sent to Joint Promotion Reclassification Committee (JPRC) and communicated to staff

The ED draws up the list of staff proposed for promotion/reclassification. List is available for consultation on the intranet

6. Appeals against the fact of not being on the list

Staff have 10 working days to appeal (with supporting arguments) to JPRC if they wish so, starting from the date of communication of the promotion/ reclassification proposal.

7. JPRC

The JPRC, taking into account any complaints it has received, makes comparison of merits and presents to the ED the list of staff it recommends for promotion/ reclassification

8. Promotion/reclassification decisions

The ED examines separately the staff eligible for promotion/ reclassification, grade by grade, and examines the appeals.

After the final comparison of merits, the ED adopts the list of promoted/reclassified staff.

9. Publication of the list of promoted/ reclassified staff.

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

The processing is not intended to be used for any automated decision making, including profiling.

2. Categories/types of personal data processed

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

General personal data:

Personal details:

- Name and Surname

Employment details:

- CDR reports (please see [Ares\(2024\)1715869](#)), Personnel number, start and end dates of contract, name of current Reporting Officer, current grade, seniority in the grade, fulfilment of 3rd language requirement, career history in terms of previous promotions, previous positions held, CCP periods, guiding average career for his/her grade and other relevant information when applicable.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Unit 4.1 Human Resources and Internal Support, acting as delegated EMSA data controller.

Personal data are processed by relevant staff in the Unit 4.1 Human Resources and Internal Support.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- The Data subject themselves: Officials, Temporary Agents and Contract Agents) Partially in case of complaints (appeals), the staff members have access to the appeal documentation submitted by them and answer from the Executive Director informing about the outcome of the appeal.
- Managers of data subjects.

- Designated EMSA staff members: Head of Unit Human Resources, HR Officer/s and/or HR Assistant responsible for the implementation of the exercise, Legal Officers, in the case of Article 90(2) complaints, Heads of Departments and Head of the Executive Office, Members, alternates and Secretariat of the Joint Promotion and Reclassification Committee members and alternates.

The access to documents for each of the above-mentioned recipients is carried out following a 'need to know' principle. Access to the documents is only given for the time needed to examine the merits of staff or during the JPRC meeting. Each person concerned, is reminded of the principle of confidentiality at the beginning of the promotion/reclassification exercise and is asked to sign a declaration of confidentiality and absence of conflict of interest.

- Other: Access will be given to EU staff with the statutory right to access the data required by their function, i.e. the European Ombudsman, the Civil Service Tribunal, the Internal Audit Service, the European Court of Auditors, OLAF and the European Data Protection Supervisor.

The data are not used for any other purposes nor disclosed to any other recipient.

The information in question will not be communicated to third parties, except where necessary for the purpose(s) outlined above. Personal data are not intended to be transferred to third countries.

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 the Promotion/reclassification exercise for EMSA staff: Officials, 2(f) temporary staff, contract staff 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.

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

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 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, Head of Unit Unit 4.1, Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Management of Ethics Requests and Declarations procedure.

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 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 5 (a) of the Regulation 2018/1725.

The personal data are collected and processed in accordance with:

- Promotion for officials: Article 45 of the Staff Regulations.
- Reclassification for temporary and contract agents: Articles 54(1) of the CEOS and 87(3) of the CEOS respectively.
- Decision of the Administrative Board laying down general implementing provisions regarding Article 45 of the Staff Regulations
- Decision of the Administrative Board laying down general implementing provisions regarding Article 54 of the CEOS
- Decision of the Administrative Board laying down general implementing provisions regarding Article 87(3) of the CEOS
- 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).

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 data will be only retained as following:

The annual promotion/reclassification file stored in ARES. is kept for 10 years and eliminated after the administrative retention period.

The individual contract amendments/promotion decisions are part of the e-personnel files which are destroyed 10 years following the termination of employment or the last pension payment.

In case of legal action against the non-promotion/reclassification decision, the retention period is extended until one year after the final decision.

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, Head of Unit 4.1, Human Resources and Internal Support under the following mailbox: hr.career@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.

