

Data Protection Statement/Privacy Statement on the processing of personal data in the context of the Management of reasonable accommodation requests for staff with disabilities at EMSA

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) No. 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) No. 2018/1725.

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

The purpose of the processing of the personal data is to ensure, as far as is reasonable, that staff with disabilities can enter into and remain in employment within the Agency on an equal basis as others, enjoying equal access to resources, equal privileges and benefits of their job as others without disabilities, unless doing so will impose a disproportionate burden on EMSA.

The process mainly consists of:

1. The staff member submits a request for reasonable accommodation for staff with disabilities via e-mail to the Disability Coordinator.
2. Upon receiving a request for reasonable accommodation, the Disability Coordinator will review the information and puts the staff member in contact with a designated EMSA Medical Adviser to discuss their request for reasonable accommodation.
3. The staff member meets with the designated EMSA Medical Adviser and must submit to them an official proof of a recognised disability as issued by a national competent authority that confirms the percentage of disability, as well as any other medical documentation they deem relevant to their request.
4. The designated EMSA Medical Adviser will confirm, or not, the disability by declaring this in Part B of the request form and will send this to the Disability Coordinator by email, indicating which actionable areas of work could be affected and in need of reasonable accommodation.
5. On confirmation of the existence of a disability and the work area(s) affected by the disability limitation, the Disability Coordinator initiates a consultative process where the request for reasonable accommodation and the type or types of measures that are needed are discussed.
6. The Disability Coordinator starts this consultative process with the staff member and then contacts the line manager. If necessary, the Disability Coordinator involves any other relevant party at EMSA responsible for providing subject-matter expertise on how to accommodate the request according to organisational and/or budgetary availability (e.g. Facilities and ICT for workspace or ICT application adaptations, etc.). EMSA's Joint Committee may also be consulted. The outcome of each meeting will be documented in the request form. Measures for reasonable accommodation will be proposed.
7. The Disability Coordinator will ask the designated EMSA Medical Adviser to confirm if the proposed measures are relevant to the disability needs and will allow the staff member to perform the essential functions of the job if implemented.

8. The designated EMSA Medical Adviser sends the Disability Coordinator an email confirming this or not and can also propose additional measures if they deem this is necessary. The email is saved as an attachment of the request form in a dedicated folder in ARES.

9. Once the consultative process has been completed, the Disability Coordinator will complete a report with the proposed measure(s) and asks the line manager and the other actors involved in the consultative process to indicate their position and comments. The report will be submitted to the Executive Director.

10. The Executive Director will evaluate the request for reasonable accommodation and will communicate a decision in writing, stating the reasons for the decision through ARES.

11. Upon approval of a request for reasonable accommodation, or as soon as it is possible in the circumstances, the Disability Coordinator will coordinate with the line manager and the relevant organisational parties, to ensure the necessary accommodation is provided to the staff member and is applied to all areas as needed.

Due to the sensitive nature of the data processed, the Disability Coordinator and their back-up will sign a declaration of confidentiality stating that they are subject to an obligation of professional secrecy equivalent to that of a health professional.

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:

General personal data:

- Personal details:
- Employment details:

Sensitive personal data

- Data concerning health

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 & Internal Support, acting as delegated EMSA data controller.

Personal data are processed by designated staff in the Human Resources and Internal Support Unit (disability coordinator and backup) and designated EMSA medical adviser.

Medical data is only processed by the designated EMSA medical adviser.

Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

Medical data:

- EMSA Medical adviser

Data related to health:

- Data subject themselves (staff members applying for reasonable accommodations)
- Managers of data subjects
- Disability coordinator

- Human Resources and Internal Support Unit
- Corporate Services Head of Department
- Executive Director Services providing reasonable accommodation (if applicable)
- Joint Committee (if applicable)

The information concerning the Management of reasonable accommodation requests for staff with disabilities at EMSA will only be shared with people necessary 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.

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.

4. 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 Management of reasonable accommodation requests for staff with disabilities at EMSA 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.

5. 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 (EU) No. 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, the Head of Unit 4.1. Human Resources & Internal Support.

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) No. 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.

6. Legal basis for Data processing

Processing is based on Article 5 (a) the Regulation (EU) No. 2018/1725.

The personal data are collected and processed in accordance with:

- Article 1d(4) of the Staff Regulations and Articles 10, 80(4) and 128 of the Conditions of Employment of other Servants of the EU;
- [Implementing Rule the implementing rule on Article 1d \(4\) of the Staff Regulations that EMSA has adopted](#);
- [UN Convention on the Rights of People with Disabilities \(UNCRPD\)](#).

Applicants for **reasonable accommodation requests for staff with disabilities at EMSA** are informed of their data rights and the way their data will be handled during the process via this Privacy Statement.

7. Storing Personal data

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

Working e-mail exchanges are to be deleted not more than two months after the AIPN Decision is issued.

The ARES file for the approval of the AIPN Decision is kept for 10 years and then eliminated.

The AIPN decision is filed in the e-personal file of the staff member concerned. It is kept for 10 years following the termination of employment or the last pension payment for Officials, Temporary Agents and Contract Agents. For 10 years following the end of secondment for SNEs, 5 years following the end of secondment for NEPTs and for 5 years following the end of traineeship for trainees.

The medical file is kept by the medical provider, Preveris, until the conclusion of their contractual obligations with EMSA. Should there be a new contractor, the files must be transferred accordingly. The contractor is required to delete the medical data of former EMSA staff five years after their departure from the agency, in accordance with the agency's request.

8. 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 & Internal Support under the following mailbox: cristina.romay-lopez@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.