European Maritime Safety Agency

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY[1]: Promotion/reclassification exercise for EMSA staff: Officials, 2(f) temporary staff, contract staff.

1) Controller(s)[2] of data processing operation (Article 31.1(a))
Controller: European Maritime Safety Agency (EMSA) Organisational unit responsible[3] for the processing activity: Unit A.1, Human Resources and Internal Support. Data Controller: Cristina Romay Lopez, Head of Unit A.1, Human Resources and Internal Support. Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: dpo@emsa.europa.eu
2) Who is actually conducting the processing? (Article 31.1(a))[4]
The data is processed by EMSA itself. X The organisational unit conducting the processing activity is: Unit A.1, Human Resources and Internal Support.
The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party X - In the case of an Article 90.2 complaint resulting from non-inclusion on the list of reclassified and promoted staff being handled by DG HR Unit F.5 Appeals and Case Monitoring. Contact point at external third party: Lars ALBATH, Head of Unit F.6 Appeals and Case Monitoring, DG HR.

[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?

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The Complaints Committee In the case of an Article 90.2 complaint resulting from non-inclusion on the list of reclassified and promoted staff.

The Complaints Committee is composed of the three Management Board representatives identified for this purpose as follows: Chairperson, Deputy Chairperson of the Management Board and the MOVE SRD Commission Representative at the level of Director in the event of an Article 90.2 being submitted by a staff member.

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.

Promotion and reclassification are means used by the Agency to motivate its workforce which in turn contributes to ensuring quality of work.

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.

The promotion/reclassification process is as follows:

- 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)

- Consultation of Reporting Officers (RO) (Heads of Units (HoU))

HoDs have to consult the ROs under their responsibility

- 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

- ED discussion with Staff Committee (SC)

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

- 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

- 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.

- 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

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.

Publication of the list of promoted/reclassified staff.

The Joint Committee shall examine each reclassification exercise. To this end, all relevant information shall be made available to the Joint Committee. After each reclassification exercise, the Joint Committee shall draw up a report that may contain recommendations. This report shall be sent to the Executive Director and the Staff Committee and made public to all the Agency's staff.

Staff who are not included in the list of promoted/reclassified staff are entitled to present a complaint under Article 90.2 of the Staff Regulations in response to their non-selection. The data in such complaints is normally related to their Appraisal (Efficiency, Ability, Conduct), Responsibilities, Learning and Development, Use of Languages and their professional experience and performance in general.

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) x

The Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Economic Community (CEOS) and the European Atomic Energy Community, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, last amended by Regulation (EC, EURATOM) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 and in particular Article 43 and Article 45(1) of the SRs and Article 15(2), 54, 87(1) and 87(3) of the CEOS.

Please see the following documents in Annex:

Annex 1: Decision of the Administrative Board laying down general implementing provisions regarding Article 45 of the Staff Regulations
Annex 2: Decision of the Administrative Board laying down general implementing provisions regarding Article 54 of the CEOS
Annex 3: 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).

(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.

(d) Data subject has given consent (*ex ante*, explicit, informed) ☐

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

Whose personal data are being processed?

EMSA staff	x
Non-EMSA staff (contractors staff, external experts, trainees)	☐
Visitors to EMSA building	☐
Relatives of the data subject	☐

In the event that the candidate is recruited.

Other (please specify): Candidates to recruitment procedures.

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) x

The promotion/reclassification files contain relevant information for Management to be able to compare merits.

The following information is provided for each member of staff:

- appraisal reports, name, personal 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.

Education & Training details ☐

Knowledge of languages:

Languages used in the daily work of the staff member.

Employment details x

Only in relation to position(s) at EMSA as referred to above.

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

(b) **Sensitive personal data** (Article 10)

Racial or ethnic origin ☐ n/a

Political opinions	☐ n/a
Religious or philosophical beliefs	☐ n/a
Trade union membership	☐ n/a
Genetic, biometric or data concerning health	☐ n/a
Information regarding an individual's sex life or sexual orientation	☐ n/a

Important Note

If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.

7) Recipient(s) of the data (Article 31.1 (d))

Recipients are all parties who have access to the personal data

Data subjects themselves	x

partially: In case of complaints (appeals), the staff members have access to:

- appeal documentation submitted by them;
- answer from the Executive Director informing about the outcome of the appeal.

Managers of data subjects	x
Designated EMSA staff members	x

The Appointing Authority

Head of Unit Human Resources, HR Officer/s and/or HR Assistant responsible for the implementation of the file.

Legal Officers and the Head of Unit of Unit 4.2 Legal, Financial and Facilities in the event of an Article 90.2 being submitted by a staff member.

Heads of Departments and Head of the Executive Office

Members of the Staff Committee delegation who meet with the Executive Director to examine the comparative merits of the staff eligible per category of staff for promotion/reclassification.

Members, alternates and Secretariat of the Joint Promotion and Reclassification Committee members and alternates.

Members of the Joint Committee who examine each promotion/reclassification exercise.

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.

The Joint Committee shall also be given access to the necessary documents to enable them to conduct their work following the closure of the exercise.

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.

DG HR Unit F.5 Appeals and Case Monitoring staff in the case of an Article 90.2 complaint resulting from non-inclusion on the list or reclassified and promoted staff being handled by being handled by DG HR Unit F.5. The data will be limited to what is strictly required for the drafting of the Article 90.2 response.

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.

Designated Contractors' staff members ☐

Other (please specify):

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The Complaints Committee composed of the three Management Board representatives identified for this purpose as follows: Chairperson, Deputy Chairperson of the Management Board and the MOVE SRD Commission Representative at the level of Director in the event of an Article 90.2 being submitted by a staff member.

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 x

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?

There is an annual promotion/reclassification file for each year stored in ARES that contains all official documents of the exercise (i.e. administrative notices, minutes of meetings, lists of proposed for promotion/reclassification, appeals, Joint Promotion and Reclassification Committee opinions, individual promotion decisions, etc).

EMSA network shared drive ☐

Outlook Folder(s) ☐

Hardcopy file x

The CDR reports and probationary reports, if applicable, will be used by the Executive Director, Heads of Unit, Heads of Departments, Head of the Executive Office and the members of the delegation appointed by the Staff Committee and other members or alternates (should there be a need) to enable them to examine the merits of staff eligible for promotion/ reclassification.

The JPRC may also consult the CDR and probationary reports, at their turn and in particular, in order to enable them to evaluate any complaints it receives with regard to not being included on the list of staff proposed for promotion/ reclassification.

The Joint Committee may also consult the CDR and probationary reports in the course of their review of the exercise.

The relevant Legal Officer(s), in the case of Article 90(2) complaints, may also consult these reports, as well as the Complaints Committee.

The promotion decision for officials and contract amendment for temporary agents and contract agents are stored in Ares and in the e-personal file of the staff member.

Cloud (give details, e.g. public cloud)	☐
Servers of external provider	☐
Other (please specify):	x

The official file is stored in ARES..

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 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.

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

Electronically signed on 16/10/2026 10:28 (UTC+02)