

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Management of the operational oil pollution response services

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(s) of the processing of personal data is/are:

EMSA offers a range of pollution response services to support EU coastal states in responding quickly, effectively, and efficiently to marine pollution from ships as well as oil and gas installations. These services can be described as a 'toolbox' from which the requesting party can select the most suitable response to their immediate needs. By developing these services at EU level, EMSA aims to complement and top up the response available at national and regional levels through targeted cost-effective and efficient support. EMSA has established a network of oil spill response vessels through contracts with commercial vessel operators. EMSA's contracted vessels have been adapted for oil spill response operations and are on stand-by whilst carrying out their usual commercial activities. To maintain a proper level of preparedness for its at-sea oil spill response services, EMSA has established a programme of drills and exercises. In addition, EMSA offers the Equipment Assistance Service (EAS) consists of stand-alone oil pollution response equipment stockpiles in selected areas around Europe.

Within the operational oil pollution services, the following activities processes personal data:

- **Drill Reports:** Contractors under vessel availability contracts with EMSA must conduct quarterly oil pollution response drills, submitting reports that include a list of participating personnel along with their roles and tasks. Some contractors may attach a crew list to the drill report, that contains additional information such as nationality, date and place of birth, gender, passport/ID numbers, and expiration dates. Photos taken during operations might contain individuals.
- **ECT Reports:** EAS service contractors must perform periodic Equipment Condition Tests (ECTs) and report the results to EMSA. Similar to drill reports, these include a list of participating personnel and their respective roles. Photos taken during these tests may also contain individuals.
- **Monthly Maintenance Report of Oil Spill Pollution Response Equipment:** This report contains the name, function, and signature of the person responsible for the maintenance activity both on the EMSA vessels and EAS.
- **Completion Report:** At the end of each project preparation phase, EMSA requires a Completion Report. This report includes copies of IMO Level 1 and/or 2 training certificates for all crew/staff members involved in the project.

- EMSA Staff Participation in drills/exercises/ECTs: Contractors often request copies of ID/passports from EMSA Project Officers attending the event to facilitate their access to ports or facilities where activities are taking place.

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:

- Personal details: Name, surname, nationality, gender, date and place of birth, number and expiration date of the ID card/passport
- Education & Training details: Professional experience, IMO Training Certificates
- Employment details: e-mail and job title
- Other: photos (contractor staff operating the equipment)

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of the Unit 1.1 Sustainability, acting as delegated EMSA data controller.

Personal data are processed by the Unit 1.1 Sustainability and contractors (list published separately).

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

Designated EMSA staff members

- Project Officers in charge of the contracts,
- FIA preparing the file in Unit 1.1,
- Legal and finance in the Unit 4.2 for verification,
- Authorising Officers,
- Unit 1.1 secretariat

Designated Contractors' staff members

Also, if appropriate, access will be given to EU staff with the statutory right to access the data required by their function in particular to bodies charged with monitoring the application of Union law., i.e. the European Ombudsman, the Court of Justice of the EU (CJEU), the European Public Prosecutor's Office (EPPO), the European Commission's Internal Audit Service (IAS), the European Court of Auditors, European Anti-Fraud Officer (OLAF) and the European Data Protection Supervisor (EDPS).

The information concerning the Management of the operational oil pollution response services 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.

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 Management of the operational oil pollution response services 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 the Unit 1.1 Sustainability.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Management of the operational oil pollution response services 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

Among other tasks, the Agency has been tasked to 'work with the Member States to support with additional means in a cost-efficient way pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations, when a request has been presented by the affected Member State' (Article 2(3)d of Regulation EC No 1406/2002 as amended by Regulation (EC) No 100/2013).

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 for a maximum period of 10 years after the end of the contract.

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 the Unit 1.1 Sustainability, under the following link: Data-Protection.pollution-response-services@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.