

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Enhancement and Maintenance Services for IT Corporate Applications

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 A.1, Human Resources and Internal Support.</p> <p>Contact person: Cristina Romay Lopez, Head of Unit A.1, Human Resources and Internal Support.</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 x</p> <p>The organisational unit conducting the processing activities is: Unit A.1 Human Resources and Internal Support.</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party x</p> <p>European Dynamics Luxembourg SA, 12 Rue Jean Engling, L-1466, Luxembourg.</p> <p>Contact point at external third party: Leonidas Bardis, Director</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?

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.

EMSA has in place a series of HR Applications to facilitate the management of EMSA Staff from a human resources perspective. To this end, the Agency collects, manages and stores data relating to staff members.

EMSA wishes to maintain the existing Corporate IT Applications and to have the possibility of making further enhancements to the existing modules. In addition, new applications could be requested for further corporate IT solutions to support horizontal processes.

For this purpose, EMSA has signed a framework contract for four years with an external contractor to provide development, maintenance and enhancement services for existing and new Corporate IT Applications based on Microsoft technology.

The main applications concerned are the Human Resources Central Database, the HR Reporting tool, the Employee Appraisal tool, Travel Management tool, Leave Management tool, Time Management tool, E-recruitment tool, the E-personal file application and the Requests tool, as explained further below.

1. The Human Resources Central Database: This database contains all relevant Human Resources related information for each staff member in EMSA, in particular: the primary data for the employee, the personal data of the employee, the nationality, the details of whom to contact in case of emergency, data on the employee's children, the data related to the position of the employee within the organisation, the employee's current and past grades, the employee's current and past contracts, data related to individual entitlements, part-time or other leaves and other related data. This module is accessible to all users and allows them to review their data stored in the HR Central Database.
2. HR Reporting: This application is used to generate statistics and reports from the HR Central database. These are used for statistical and reporting purposes.
3. Employee Appraisal: This application is used by all EMSA employees to submit their yearly performance appraisal report. EMSA staff also has access to previous performance assessments.
4. Travel Management: This application (MiMa) is used to track all of the arrangements for business trips and the calculation of the subsequent reimbursements. The module includes an internal approval workflow linked to Outlook. The related reporting module has been integrated with the

leave management module mentioned below. In addition, reports on budget allocated to travel are available.

5. Leave Management: This application (LeaMa) is used for the management of absences of staff members and covers normal leave, illness, special leave and business trips. It allows the user to upload supporting documentation.
6. TiMa: (Time Management) This application is a time registration system collecting data from Actatek card readers. It is integrated with the leave management application (LeaMa). This module calculates overtime worked by staff members allowing them to request compensation in the form of leave by way of an approval workflow. It also has a reporting module.
7. E-Personal file: The E-Personal file contains documents that relate to the employee's recruitment, career, certifications, leaves, evaluations, protocol or other kinds of private and administrative documents. Staff members can consult their e-personnel file directly and can upload relevant documents, which then need to be approved by the Human Resources Section before being officially added to the file.
8. Requests: This module allows staff to submit electronic requests related to their professional situation (i.e. training requests, requests for language classes, etc.) and to electronically notify changes in their personal situation (i.e. birth of a child, change of address etc.). Management and HR can electronically approve these requests and the respective supporting documents are automatically stored in the relevant section of the personal file.
9. E-recruitment: EMSA's external calls for applications for temporary and contract agents are published through the E-recruitment tool. The HR team publishes the vacancies on EMSA's website. Candidates are obliged to submit their applications through the tool. The HR team then follows the procedure in the e-recruitment tool. Correspondence with candidates (acknowledgement of receipt letters, invitations, etc.) takes place through the tool.

It should be noted that specific data protection notifications are in place covering the various applications mentioned.

Data processed by tools 1-8 relate to both the personal and professional situation of staff members. With the exception of TiMa, data under tools 1-8 is submitted by the staff members themselves. Internally, this data is handled and/or consulted by specific staff members in the Human Resources and Internal Support Unit.

Tool 9 relates to the personal and professional situation of candidates. Data is submitted by candidates themselves with their CVs (or afterwards when requested). Internally, this data is subsequently handled

and/or consulted by different actors in the selection process: specific staff members in the Human Resources sector (service responsible for selection/appointment) and members of the selection committee.

Personal data is not provided directly to the contractor as such. However the contractor will have access to the applications mentioned and therefore access to the back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes.

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 processing is necessary to help EMSA manage their staff in an efficient manner and in the case of the e-recruitment tool, to recruit/select staff who possess the necessary skills and competencies required to carry out their duties at the highest possible standard.

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) ☒ x
Describe how consent will be collected and where the relevant proof of consent will be stored

Staff members in signing a contract of employment with the Agency and providing the required information accordingly, agree that the Human Resources Unit will manage such data for relevant purposes. A clause on data protection is also on the HR Section of the EMSA intranet.

Candidates to recruitment procedures are informed of their data rights and the manner in which their personal data will be handled during the recruitment procedure. In the act of submitting their application, they are acknowledging their agreement to the processing. The relevant page for each vacancy notice contains a link to the personal data protection page where a privacy statement which can be consulted.

The data will not be processed as such by the Contractor but will simply be used to debug and find issues related to e-HR applications. Most of the issues come from inconsistent data in the systems that generate unexpected events.

All relevant staff members of the Contractor will be required to sign a confidentiality agreement prior to accessing any data.

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

Whose personal data are being processed?

EMSA staff	<input checked="" type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees)	<input checked="" type="checkbox"/> trainees
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input checked="" type="checkbox"/>

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)	<input checked="" type="checkbox"/>
Education & Training details	<input checked="" type="checkbox"/>
Employment details	<input checked="" type="checkbox"/>

Financial details x

Family, lifestyle and social circumstances x
See point 3 above.

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

For staff: staff members provide the input themselves for the applications concerned and have access to it.
For candidates: partially: they may have access upon request to further information on their performance after EMSA'S Appointing Authority has taken a decision on the selection of the candidates.

Managers of data subjects	x
Designated EMSA staff members	x
The Appointing Authority, the Human Resources sector and for recruitment purposes: members of the selection committees.	
Designated Contractors' staff members	x
Other (please specify):	

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	<input type="checkbox"/>
No	x

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"/>

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?

EMSA network shared drive x

Internally: only accessible to the responsible staff members within Unit A.1, Human Resources and Internal Support. Backups will also be available to the ICT system administrator.

Contractor: EMSA backups the data in EMSA's servers that are subsequently shared with the Contractor. The contractor uses the EMSA VPN to securely access EMSA servers and take the data to their virtual machines where they can debug the issues.

Outlook Folder(s) ☐

Hardcopy file ☐

Cloud (give details, e.g. public cloud) ☐

Servers of external provider ☐

Other (please specify):

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 recruitment files are destroyed 10 years after the end of the recruitment procedure. In case of legal action against the recruitment decision, the 10 years retention period is extended until one year after

the final decision.

For other files, they are destroyed 10 years following the termination of employment or the last pension payment.

The contractor will not retain any data as such and access to the EMSA applications will be withdrawn upon the completion of the contract.

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