

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

NAME OF PROCESSING ACTIVITY¹:

Handling applications received for the Social Measure 'Multilingual Tuition for Children of EMSA staff in Lisbon' as adopted by the EMSA Administrative Board of 14 June 2005 and amended by Decision of the EMSA Administrative Board of 06 March 2008 and the payment of registration and tuition fees to the schools covered under the Measure for the children concerned.

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 4.1 Human Resources and Internal Support</p> <p>Contact person: Cristina Romay Lopez, Head of Unit 4.1 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 activity is: Unit 4.1 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>Once a child is accepted in the Social Measure and an appropriate school has been approved by the Expert Committee, the parents register and handle all related administrative steps directly with the school. The schools invoices EMSA as per the Administrative Agreement in place between EMSA. In the case of the</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?

Instituto Español, where no direct agreement is in place, EMSA reimburses the annual registration fee, the insurance fees and the transport costs directly to the parents.

Contact point at external third party (e.g. Privacy/Data Protection Officer): Each school has its own contact point for administrative matters, as well as the authorised representative for the purposes of the signature of the Administrative Agreement.

In addition, in cases of special pedagogical educational needs, a specialist medical report needs to be provided in a sealed envelope for the opinion of the Medical Service of the European Commission or the in-house medical Doctor under contract with an external medical services provider.

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.

The Social Measure 'Multilingual Tuition for Children of EMSA staff in Lisbon' as adopted by the EMSA Administrative Board of 14 June 2005 and amended by Decision of the EMSA Administrative Board of 06 March 2008 (Annexes I and II respectively) aims at ensuring that EMSA staff have access to adequate multilingual tuition for their children under conditions as comparable as possible to staff of EU institutions and Agencies located in cities with a European School. The Implementing Rules to the Social Measure were adopted by Decision of the Executive Director No. 2019/09 on 27/02/19 (Annex II).

Staff members submit to HR a completed application form, (as attached in Annex IV), requesting to admit the dependent child to the Social Measure. The personal data is processed during the handling of the application from the staff member. Subsequently, EMSA receives invoices from the school and pays directly to the latter. On the invoice, only the name of the child and the school year appears, no additional personal data.

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
- (Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding regulation).
- The support of schooling costs for the children of EMSA staff members is an important factor to ensure that EMSA recruits high calibre staff on a wide geographical basis.

- (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 ☐
- (d) Data subject has given consent (*ex ante*, explicit, informed) ☐
- Describe how consent will be collected and where the relevant proof of consent will be stored.

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

Whose personal data are being processed?

- EMSA staff and Seconded National Experts x
- See below under 'Relatives of the data subject' for further details
- Non-EMSA staff (contractors staff, external experts, trainees) ☐
- Interim staff.
- Visitors to EMSA building ☐
- Relatives of the data subject x
- The information to be provided includes the name of the child seeking coverage under the measure, nationality of the parents, language of the parents, nationality of the child, language of the child, copy of the birth certificate of the child, proof of custody (if the enrolment is not signed by both parents identified on the birth certificate). In the event of in cases of special pedagogical educational needs, further documents need to be submitted, additional information on this matter is provided under section 6(b) below.
- Other (please specify):

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
- Of the parents and the children
- Education & Training details x
- Educational history of the children, if applicable.
- Employment details ☐

Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	x
Goods or services provided	<input type="checkbox"/>
Other (please give details):	
(b) Sensitive personal data (Article 10)	
The personal data reveals:	
Racial or ethnic origin	<input type="checkbox"/>
Political opinions	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Trade union membership	<input type="checkbox"/>
Genetic, biometric or data concerning health	<input type="checkbox"/>
<p>In the event of cases of special pedagogical educational needs, the following documents will be submitted to the Expert Committee: a written statement from the current school explaining why the child can no longer be accommodated there and a written statement from the envisaged school confirming that they are able to meet the special educational pedagogical needs to the child. A specialist medical report also needs to be provided, however this is submitted in a sealed envelope and handed directly to the EMSA in-house Medical Advisor for his/her opinion. The Expert Committee also has the right to request further supporting documentation as deemed necessary.</p>	
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/>
7) Recipient(s) of the data (Article 31.1 (d))	

<i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	x
Managers of data subjects	<input type="checkbox"/>
Designated EMSA staff members	x
<p>In regard to the applications under the Social Measure: Members of the Expert Committee (including one external member), relevant staff members within the Human Resources sector, the Executive Director, the Head of Department for Corporate Services, the Head of Unit for Human Resources and Internal Support and the HR Senior Human Resources Officer in the event of appeals</p> <p>In regard to invoices for registration and tuition fees: relevant members of the Human Resources sector, legal and financial verifiers in the Legal and Financial Affairs Unit, the Head of Unit for Human Resources and Internal Support and the Accountant.</p>	
Designated Contractors' staff members	<input type="checkbox"/>
<p>Other (please specify):</p> <p>The Medical Service of the European Commission or the in-house medical Doctor under contract with an external medical services provider. in the event of the request for an opinion in the context of cases of special pedagogical educational needs.</p> <p>Access will also 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</p>	
8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e)) <i>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.</i>	
<p>Data are transferred to third country recipients:</p> <p>Yes <input type="checkbox"/></p> <p>No x</p> <p>If yes, specify to which country:</p> <p>If yes, specify under which safeguards:</p>	

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?

EMSA network shared drive

x

H drive for working documents which only accessible to relevant staff members within the Human Resources sector. The staff member submits their application in ARES to the (Senior) Human Resources Officer providing the Secretariat to the Expert Committee.

Once the Expert Committee has met and has taken its Decision, the letter is transmitted to the staff member via ARES and stored there in a dedicated folder for the Social Measure.

The inclusion of the child(ren) of the staff member in the Social Measure is also indicated in the HR Database only accessible to staff members within the Human Resources sector.

Outlook Folder(s)

x

Only for correspondence between the Secretary to the Expert Committee and the External Member of the Expert Committee.

Hardcopy file

x

n/a

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

☐

Servers of external provider

☐

Other (please specify): ABAC in the case of payments.

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 applications are retained for a period of ten years in ARES following the termination of employment or the last pension payment.

For files related to payments to the schools or reimbursements to the parents, the payments are stored in ABAC and destroyed after 7 years.