

Specific Data Protection Privacy Statement

on the processing of personal data in the context of Temporary and Contract Agents Engagement and Management of Personal Files procedures 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(s) of the processing of personal data:

The purpose of processing of the data that is submitted by a candidate is **to manage the engagement procedure in view of his/her recruitment at the Agency**. If a candidate is recruited, **a personal file** is established to store all the documents concerning the management of the staff member's administrative status and all reports relating to his/her ability, efficiency and conduct.

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 such as personal details, Education and training details, employment details, financial details, family, lifestyle and social circumstances.

The categories/types of personal data processed are the following: sensitive personal data concerning health are processed by the Medical Service of the European Commission during the pre-recruitment medical visit.

If a candidate receives an offer letter, in order to establish a personal file and an employment contract, the data contained in the following documents will be processed:

Declaration of Conflict of Interest by Candidates for the Recruitment of Management and Non-Management Staff, diplomas or educational certificates, statements/contracts/certificates from the previous and current employers stating the exact duration of employment, the job title and where necessary last payslips, passport or ID card, recent criminal record, application form, the determination of entitlements under the Staff

Regulations form, the Legal Entity Form, the Financial Identification Form and the JSIS confidential declaration form.

And, if appropriate:

A statement related to the candidate's position regarding any military/civil service obligations, marriage certificate, certificate of legal partnership, divorce, legal separation, maintenance judgement, spouse's latest salary slip, spouse's latest income tax declaration, spouse's proof of unemployment, adoption and/or birth certificate(s) of child(ren), residence certificate.

Additionally, the Medical Service of the European Commission in charge of the pre-recruitment medical visit prepares and sends the "Certificate of Aptitude" to the Human Resources Unit. Any other health data, such as the results of medical examinations and their diagnosis, are retained by the Medical Service and not provided to EMSA. Information and documents related to the travelling for the pre-recruitment medical visit are also handled in order to process the reimbursement. Following the pre-recruitment medical visit, the travel and accommodation expenses incurred will be reimbursed to the candidate. The reimbursement file is composed of a completed and signed Declaration of Expenses Form and the supporting documents listed in the form, i.e. documents proving the price of the travel for the flight (e.g. e-ticket, copy of the travel agency invoice) or of any other mode of public transport such as train or bus (e.g. copy of the ticket) and evidence of costs incurred for accommodation upon request, as well as the legal entity and the bank account details. The reimbursement file will be handled by a Human Resources Assistant/Officer, verified by the relevant colleagues in the Legal and Financial Affairs Unit and subsequently signed off by the Authorising Officer, prior to final processing by the Accountant.

Upon recruitment other documents may be added to the personal file, such as: the offer letter and acceptance, a grading table, employment contract, the establishment of rights and place of origin, job description, objectives, training map.

In case of interagency mobility, the personal file of the candidate is requested from the current employer (another Agency or EU Institution).

Other documents may be added to the personal file during the course of the career of the staff member, for example: amendments and renewals of contracts, probationary report/extension, performance appraisal reports, third language and other trainings/language certificates, promotions/reclassification documents, ad interim/acting documents, work patterns requests (part-time, parental leave, family leave, military and civil service leaving requests), outside activity requests, gift declarations, conflict of interest declarations, declarations of confidentiality, declarations of standing for public office, declarations of election or appointment to a public office, authorisations to publish a publication or speech, authorisations to receive a decoration or honour, training passports, training requests, annual review of individual rights forms, household allowance forms, spouse's income and professional activity declarations, dependent child allowance forms, education allowance forms, social measure forms, person treat as dependent child allowance forms, family allowances from other sources forms, tax abatement forms, change of place of origin, proof of accommodation costs, travel reimbursement form, removal reimbursement form, installation allowance form, change of private address form, person to contact in case of emergency form, request of transfer of pension rights, administrative certificates, resignation letter, death certificate, invalidity decision, retirement decision and pension documents, establishment of rights at the end of service, change of place of origin at end of service, travel reimbursement form, removal reimbursement form, resettlement allowance form, unemployment allowance forms, end of contract documents, resignation, invalidity decision, leaving form.

This list above is non exhaustive.

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 EMSA Human Resources Staff and contractors (occasionally):

The Medical Services of the European Commission for the pre-recruitment medical visit;

The Office for Administration and Payment of Individual Entitlements (PMO) for the management of the payroll, pensions and Joint Sickness Insurance Scheme of the EU employees;

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients on a need to know basis:

- The relevant EMSA Human Resources staff;
- The Appointing Authority, i.e., the EMSA's Executive Director;
- The Accountant, the Legal and Financial staff may have access to certain documents for the payment and verification of rights, allowances and monthly pay in addition to the documents related to the reimbursement of the travel expenses for the pre-recruitment medical visit;
- The Document Management Officer/Archivist for the Archive Room;
- The Medical Services of the European Commission for the pre-recruitment medical visit;
- the Heads of Units and Departments have access to only some administrative and career documents in the personal file;
- Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications;
- The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the E-Personal File, where a reduced list of names, surnames and EMSA Staff members personnel numbers is available. However, the contractor will have access to the E-Personal File back-up data (and not the live data) and only as strictly necessary for maintenance and enhancement purposes.
- Also, if appropriate, 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.

The personal information processed concerning the engagement and management of the personal files procedures will only be shared as 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 the engagement and management of personal files procedures 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* on an individual basis only to the above-mentioned recipients (point 4 above).

All EMSA staff dealing with personal data in the context of the recruitment and management of the personal files procedures, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure or in his/her e-personal file.

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 (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 right of rectification can only apply to inaccurate or incomplete factual data processed within the engagement and management of personal files 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 (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.

7. Legal basis for Data processing

Processing is based on the Article 5 (a) of the 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., providing that : (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).

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the Treaties establishing the European Communities (recruitment of personnel) and in particular Article 6 of the Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency (as amended).

The personal data are collected and processed in accordance with:

- [Regulation No 31 \(EEC\), 11 \(EAEC\), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community](#)
- [Decision of the Administrative Board of 25/03/2015 laying down general implementing provisions on the procedure governing the engagement and the use of temporary staff under Article 2\(f\) of the Conditions of Employment of Other Servants of the European Union.](#)
- Decision of the Administrative Board of 26/07/2018 laying down implementing rules on middle management staff.
- [EMSA Administrative Board Decision of 24/06/2019 on the procedure governing the engagement and use of contract staff at EMSA.](#)
- [EMSA Rules on Contribution to Expenses of Candidates in Recruitment procedures](#)

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 retained as described below:

Recruited Applicants (personal files): for 10 years following the termination of Employment or the last pension payment. The criminal record is retained for 2 years after taking up duties.

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 Unit 4.1. Human Resources & Internal Support, under the following mailbox: recruitment@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.