

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

NAME OF PROCESSING ACTIVITY¹: Automatic Identification System (AIS) data detected by Satellites (SAT-AIS) services

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 2.2 Surveillance	
Contact person: Pedro Lourenço, Head of Unit 2.2. HoU.Surveillance@emsa.europa.eu	
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	YES
The organisational unit conducting the processing activity is: Unit 2.2 Surveillance	
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The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party	NO
Contact point at external third party (e.g. Privacy/Data Protection Officer):	

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.

The purpose of the processing is defined in Article 2.4 of the EMSA founding Regulation, which establishes that EMSA supports the European Commission and Member States:

- (a) in the field of traffic monitoring covered by Directive 2002/59/EC, the Agency shall in particular promote cooperation between riparian States in the shipping areas concerned as well as develop and operate the European Long Range Identification Tracking of ships European Data centre and the Union Maritime Information and Exchange System (SafeSeaNet) (...);
- (b) by providing, upon request and without prejudice to national and Union law, relevant vessel positioning (...) to the competent national authorities and Union bodies within their mandate, in order to facilitate measures against threats of piracy and of intentional unlawful acts, as provided or in applicable Union law or under internationally agreed legal instruments in the area of maritime transport, subject to applicable data protection rules.

As a consequence, the Agency provides Automatic Identification System (AIS) data detected by Satellites (SAT-AIS) services to its end users via the SafeSeaNet and IMS (Integrated Maritime Services) systems (see Ref. Ares(2020)7469872 - 09/12/2020).

Automatic Identification system (AIS) is a maritime broadcast system, based on the transmission of very high frequency radio signals. Ships send reports with ship identification, position, and course, as well as information on cargo, which are not personal data.

To provide the above-mentioned services, personal data are communicated to or collected by EMSA as follows:

1. When participating to the SAT-AIS forum or networks, Personal data of staff acting as contact points for public or private SAT-AIS service providers working with EMSA is shared in correspondence or during technical meetings for the design, set-up or monitoring of the service.
2. Personal data of EMSA staff, staff of maritime authorities and contractor staff are displayed in agenda, presentations and/or minutes of meetings (kick off, ad hoc or annual meetings), and stored in the unit shared drives during contract implementation or for communication on the EMSA website.
3. Personal data of individuals requesting SAT-AIS data (researchers, scientists, and entrepreneurs) are communicated to EMSA and forwarded to the MS point of contact in charge of providing the answer

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for: <i>Mention the legal basis which justifies the processing</i>	
(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)	YES
Article 2.4 of the EMSA founding Regulation	
(b) compliance with a legal obligation to which EMSA is subject	<input type="checkbox"/>
(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract	<input type="checkbox"/>
(d) Data subject has given consent (<i>ex ante</i> , explicit, informed)	<input type="checkbox"/>
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)) <i>Whose personal data are being processed?</i>	
EMSA staff Officials, TAs and CAs	YES
Non-EMSA staff (contractors staff, external experts, trainees) SNEs, NEPTs, Interims and Trainees Staff in the user authorities (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA) SAT-AIS contractor's staff	YES
Visitors to EMSA building	YES
Relatives of the data subject	<input type="checkbox"/>
Other (please specify):	
6) Categories of personal data processed (Article 31.1(c)) <i>Please tick all that apply and give details where appropriate</i>	

(a) **General personal data:**

The personal data contains:

Personal details (name, address etc)

YES

Name and Surname

Education & Training details

☐

Employment details

YES

Job title, professional e-mail, phone number or address

Financial details

☐

Family, lifestyle and social circumstances

☐

Goods or services provided

☐

Other (please give details):

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

The personal data reveals:

Racial or ethnic origin

☐

Political opinions

☐

Religious or philosophical beliefs

☐

Trade union membership

☐

Genetic, biometric or data concerning health

☐

Information regarding an individual's sex life or sexual orientation

☐

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

Recipients are all parties who have access to the personal data

Data subjects themselves	YES
Managers of data subjects	<input type="checkbox"/>
Designated EMSA staff members	YES
Designated Contractors' staff members	<input type="checkbox"/>
Other (please specify): User authorities staff (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA))	

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: NO

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"/>

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

YES

Outlook Folder(s)

YES

Hardcopy file

☐

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

☐

Servers of external provider

☐

Other (please specify): *Ares, PCM, Outlook contacts, JIRA, CONFLUENCE*

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 at the Intranet of the Agency.

Personal data is to be deleted five years after the 31 of December of the year it has been received.