

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Management of the Staff Learning and Development Activities 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 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:

The 4.1 Unit processes personal data to plan, organise, deliver and reimburse online and presential learning and development activities to staff and family members.

Participants to learning and development activities are staff members of EMSA, and where applicable other EU Agencies/ Institutions and, in case of Portuguese language courses, spouses or registered partners of EMSA staff.

Learning and Development activities may be recorded for learning purposes. The host shall announce that no recordings of any kind shall be made by the attendees. If participants do not wish their image to be recorded, they shall to turn-off their camera. Further information about video recording can be found in the Zoom and Teams Records of Processing Activity.

Staff members make a request through the E-Personal File. The different request forms are as follows depending on the type of training:

Requests for training:

- Training request*
- Training on initiative of the staff member request*
(in addition to the above requests, some supporting documents are provided which confirm registration with the training provider, financial information)
- Language classes request (online)
- Language PT classes request (spouse/ partner – online)
- Third Language course prior Authorisation
- Third Language test prior Authorisation
- Reimbursements requests:
 - Training reimbursement request*
 - Third language reimbursement request*

in addition to the request, some supporting documents are provided which confirm registration with the training provider, financial information, proof of payments, invoice, proof of attendance.

*The above request and supporting documents are uploaded into ARES and circulate as a digital payment reimbursement file in ABAC to enable reimbursement of the cost to the staff member.

Names of participants are given to external contractor training providers in advance, which may include background/ educational information to determine suitability for that course. Additionally, depending on the

learning and development activity requested e.g., for on-line language training, further personal information may be requested and be provided e.g. work telephone number, work e-mail address. Regarding spouse's personal data (amongst other; email, telephone number, names) is shared with providers to deliver and organise the PT Language lessons.

For certain courses, such as those provided by the European Commission, or European School of Administration, staff members must also register through the European Commission Learning portal EU Learn (covered by their own data protection notification).

Staff indicate their learning and development needs/courses they wish to attend in the Annual CDR Appraisal system, these are exported into an Excel spreadsheet and stored on the H Drive under HR Development > Training.

Participants in training courses sign attendance lists which are given to the training provider, and a copy given to EMSA, for the purposes of managing training and payment of subsequent invoices. Attendance lists are part of the digital payment file uploaded in ARES with the training invoice, as proof that the learning and development activity was delivered. The payment file is subsequently filed in the appropriate contract management folder in the training section of Ares.

Participants complete evaluation sheets after each Learning and Development activity to monitor and improve services delivered; these are anonymous (although the participant can provide their name if they wish). These are sent to the provider, and digitally stored on the H drive under HR Development > Training.

The training attendance lists are used to complete a record of all trainings attended by staff, known as a Training Passport. This data is stored in a MS Access database on the H Drive under HR Development > Training. At the end of the year, each staff member is provided with an extract of their records, which is subsequently uploaded in their E-personal file.

EMSA provides with certificates of attendance for each staff member, these are stored in paper files, digitally in the H Drive, as well as given to the staff member.

For certain trainings, especially with official certification, personal details are transferred to the certification authority to approve and issue the official certification, or it may be requested by the contractor that personal information is inserted directly in the contractor's online platform, for this purpose.

Any training related information may also be stored on the H drive under HR Development > Training and in MS Outlook e-mail functional mailbox HR Training.

Contractors' staff delivering presential courses at the EMSA premises need to sign a registration list at the EMSA reception, which is stored according to that data protection procedure.

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 e-mail address, telephone number
- Education & Training details: EMSA has access to data regarding the learner, such as name of the course, attendance or absence to a course, results of exams and learner's feedback on Learning and Development activity delivered.
- Employment details: Type of contract and expired data to check eligibility for the training request
- Financial details: Bank account details of staff member in case of a training reimbursement
- Family, lifestyle and social circumstances: Name and Surname of spouses and partners if they apply for Portuguese classes

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 and Internal Support, acting as delegated EMSA data controller.

Personal data are processed by 4.1 Unit, European Commission and contractors.

EMSA uses the EU Commission learning management system (EU Learn) via the SLA with DG HR. The system owner is the European Commission 's Learning and Development unit, HR.B.3. EMSA also uses a number of the Framework Contracts managed by the European Commission 's Learning and Development unit, HR.B.3, for certain learning and development activities. In addition, EMSA has its own contract toolbox of active contract/agreements (See Annex 1) in a wide verity of areas with different training providers, for learning activities not covered by the European Commission framework contracts.

Contact point at external third party:

For EU Learn and European Commission Framework Contracts: European Commission DPO: data-protection-officer@ec.europa.eu.

For contract/agreements, see Annex 1.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Data subjects themselves: EMSA staff (Officials, TAs and CAs), Non-EMSA staff (Trainees, NEPTS, SNEs, NEPTS and Interims and staff from other agencies/Institutions), Contractors' staff delivering presential courses at the EMSA premises, spouses of EMSA staff for Portuguese classes.
- Managers of data subjects: Manager approves the training requests of the staff member
- Designated EMSA staff members: Only a very limited number of staff members within the Human Resources and Internal Support Unit who deal with the training procedure.
- Head of Unit Human Resources and Internal Support Unit
- Head of Department Corporate Services
- Head of Executive Office
- Executive Director
- Also Members of the ICT Unit assisting with the e-Personal file and Legal and Financial staff handling the verification of reimbursement and payment of training costs.
- Designated Contractors' staff members: Staff from the external providers involved in the organisation and deliver of the training such as teachers, trainers, etc.
- Other (please specify): Staff from DG HR for EU Learn
- 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 information concerning the Management of the Staff Learning and Development Activities at EMSA 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 intended to be transferred to third countries with the safeguards Standard Contractual Clauses.

Transfers of personal data to third countries take place because of using audio-video conference tools employed by the EMSA, or by the European Commission and by external providers such as Microsoft Teams, Skype for business, WebEx and Zoom as a result of enrolling and participating in e-learning.

EMSA has licenses for Teams and Zoom, which records are found here:

- Update in the Notification to the Data Protection Officer of the Recording of Processing Activity for the usage of Microsoft Teams and Skype for Business (Article 31 Regulation (EU) 2018/1725) Ares(2020)4165662
- Notification to the Data Protection Officer: Usage of ZOOM tool for virtual meetings/trainings (DPIA), updated version Ares(2022)932039.

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 Staff Learning and Development Activities at EMSA 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 Unit 4.1, Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Management of the Staff Learning and Development Activities at EMSA 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.

The personal data are collected and processed in accordance with:

- Article 24a of the Staff Regulations and Article 11 and Article 81 of the Conditions of Employment of Other Servants of the EU (CEOS)
- [Decision of the Administrative Board on the Framework for Learning and Development of 07/02/2018](#)
- [Decision of the Executive Director regarding supporting staff for their ability to work in a third language of 27/10/2011](#)
- [EMSA Learning and Development Policy of 29/06/2018](#)

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 as following:

- -10 year for data related to contract management e.g. payment of invoices with attached attendance lists containing personal data
- 7 years for General administrative support management for financial files not related to implementation of a contract e.g. reimbursement of training costs to staff member or reimbursement under Training on initiative of staff
- 4 years for day-to-day management of human resources e.g. other files not related to the above.
- -10 years following the termination of employment or the last pension payment for documents files in the personal file like training requests and certificates.

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 and Internal under the following mailbox: hr.training@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.