

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: **Usage of AppDynamics SaaS (cloud-based)**

1) Controller(s) <sup>2</sup> of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit <b>responsible</b><sup>3</sup> for the processing activity: Unit 3.2 'Digital Infrastructure'</p> <p>Contact person: Ivo Kupsky, Head of Unit 3.2</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: <a href="mailto:dpo@emsa.europa.eu">dpo@emsa.europa.eu</a></p>
2) Who is actually conducting the processing? (Article 31.1(a)) <sup>4</sup>
<p>The data is processed by EMSA itself <span style="float: right;"><input type="checkbox"/></span></p> <p>The organisational unit conducting the processing activity is:</p> <hr style="border: 0; border-top: 1px solid black; margin: 10px 0;"/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party: AppDynamics LLC (part of Cisco) <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): Cisco Systems Belgium BVBA/SPRL</p> <p>+32 800 94 242</p> <p><a href="mailto:privacy@appdynamics.com">privacy@appdynamics.com</a></p> <p>company number: 0447.138.227</p>

<sup>1</sup> **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.

<sup>2</sup> In case of more than one controller (e.g. joint operations), all controllers need to be listed here

<sup>3</sup> This is the unit that decides that the processing takes place and why.

<sup>4</sup> Is EMSA itself conducting the processing? Or has a provider been contracted?

Location: De Kleetlaan 6A - Pegasus Park, B-1831 Diegem, Belgium

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.*

AppDynamics is an application performance management (APM) tool, currently hosted at EMSA premises. The goal of this processing is to instead use the AppDynamics SaaS license, where the hosting (and maintenance) burden is removed from EMSA and the tool becomes cloud-based and maintained by AppDynamics.

EMSA users will login to the AppDynamics SaaS website administration user interface in order to configure and also view application performance information.

Within the application performance information that is recorded (only sometimes, through snapshots), there is frequently the indication of the user ID (that exists in EMSA's Identity Management) performing the action, which could be e.g. an EMSA staff user or a Member State (MS) user.

The service can only be provided if this data is processed.

Below is an extract of the Privacy policy of the Processor, which EMSA has evaluated: [Privacy Policy | AppDynamics](#):

« We rely on the following legal bases, under data protection laws, to process your personal information:

(a) because the processing is necessary to perform a contract with you or take steps prior to entering into a contract with you (for example, where you have purchased a product and / or service from us, we use your personal information to process payment and fulfil your order);

(b) where you have expressly consented to the use of your personal information, because we have obtained your consent (for example, if you consent to our sharing your personal information with a third party for marketing purposes);

(c) because it is in our legitimate interests as a provider of an application and business performance monitoring software platform to maintain, improve and promote our products and services (for example, we use information about you to tailor your view of our website to make it more interesting and relevant in respect of the products and services on view) and for the reasons set out above in Section 8;

(d) when we have a legal obligation to process your personal information. »

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) ☒  
(Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding  
regulation )
- (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) ☐  
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 ☒
- Non-EMSA staff (contractors staff, external experts, trainees) ☐
- Visitors to EMSA building ☐
- Relatives of the data subject ☐

Other (please specify): snapshots with user IDs of EMSA's Identity Management (users who may not be EMSA staff)

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) ☒

Education & Training details ☐

Employment details ☐

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details): User IDs.

(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

☐

**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

☒

Managers of data subjects

☐

Designated EMSA staff members

☒

Designated Contractors' staff members

☒

Other (please specify): the processor App Dynamics

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

☒

No

☐

**If yes, specify to which country:** United States

**If yes, specify under which safeguards:**

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

☐

Outlook Folder(s)

☐

Hardcopy file

☐

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

☒

(Amazon 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*

Below is an extract of the Privacy policy of the Processor, which EMSA has evaluated: [Privacy Policy | AppDynamics](#):

« Your information will be stored for only as long as necessary for the purposes set out above and so this period will vary depending on your interactions with us (for instance, where you have made a purchase with us, we will keep a record of your purchase for the period necessary for invoicing, warranty and tax purposes and to ensure the adequate provision of services to you, whether via the use of our website or contractually for our products). We may also keep a record of dealings with you for as long as is necessary to protect us from a legal claim.

To determine the appropriate retention period for personal information, we consider the amount, nature, and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements.

Where you have an account with us that is used to access our products, we will delete this if you are inactive for 12 months. This does not affect your organisation's licence to use our products (if one is in place). »

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