

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Earth Observation (EO) satellite-based services

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 2.2 Surveillance</p> <p>Contact person: Pedro Lourenço, Head of Unit 2.2. <a href="mailto:HoU.Surveillance@emsa.europa.eu">HoU.Surveillance@emsa.europa.eu</a></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;">YES</span></p> <p>The organisational unit conducting the processing activity is: Unit 2.2 Surveillance</p> <hr style="border: 0.5px solid #ccc;"/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party <span style="float: right;"><input type="checkbox"/></span></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</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?

### 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 par. 4 of the EMSA founding Regulation, which establishes that EMSA supports the European Commission and Member States by:

- (b) by providing, upon request and without prejudice to national and Union law, relevant (...) Earth Observation (EO) data 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;
- (d) (...) with additional means in a cost-efficient way pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations (...);
- (f) in improving the identification and pursuit of ships making unlawful discharges in accordance with Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (2);
- g) regarding marine oil pollution caused by oil and gas installations, by using the European Satellite Oil Monitoring Service (CleanSeaNet) to monitor the extent and environmental impact of such pollution

Article 2a of the EMSA founding Regulation establishes that EMSA shall assist the Commission and the Member States “as concerns the Global Monitoring for Environment and Security programme (GMES), in promoting the use of GMES data and services for maritime purposes, within the GMES governance framework”.

Article 2b of the EMSA founding Regulation establishes that EMSA shall, in cooperation with the European Border and Coast Guard Agency, and the European Fisheries Control Agency, each within their mandate, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level.

As consequence, the Agency provides radar and optical satellite images in near-real time delivered regularly to its end-users (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA)) in a user-friendly format, particularly in response to specific operations at sea or in support to emergencies.

The two main satellite-based Earth Observation services offered by EMSA are [CleanSeaNet](#) and the [Copernicus Maritime Surveillance](#) service. EMSA also provides a regular EO based service Frontex in the scope of the SLA signed between the two agencies. Data from Earth Observation satellites offer a unique

view of our oceans, seas, and coasts. Satellites, and their on-board sensors, provide routine, cost effective, reliable and wide area maritime surveillance.

Data from Earth Observation satellites is downlinked to a network of Ground Stations, processed into images, and analysed. The images and results are then sent to the Earth Observation Data Centre at EMSA, where this information is integrated with vessel traffic and other maritime information and disseminated to users of EMSA's Integrated Maritime Services.

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

1. As services are requested by Member States and/or EU Agencies and international organisations (Frontex, EFCA, MAOC-N, EUNAVFOR, ..), personal data of staff in those organisations is communicated to EMSA in the service request form and subsequent communications for the planning of the service such as those exchanged during emergencies;
2. Personal data of EMSA staff and contractor staff are displayed in agenda, presentations and/or minutes of meetings (kick off, ad hoc or annual meetings), pictures and videos of operations and stored in the unit shared drives during contract implementation or for communication on the EMSA website.

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)

YES

Article 2 par. 4 of the EMSA Founding Regulation

Article 2a of the EMSA Founding Regulation

Article 2b of the 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

☐

- (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 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) Staff at the EO contractors	YES
Visitors to EMSA building	YES
Relatives of the data subject	<input type="checkbox"/>
Other (please specify):	
<b>6) Categories of personal data processed (Article 31.1(c))</b> <i>Please tick all that apply and give details where appropriate</i>	
<b>(a) General personal data:</b> The personal data contains:	
Personal details (name, address etc) Name and surname	YES
Education & Training details	<input type="checkbox"/>
Employment details Job title, professional e-mail, phone number or address	YES
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details):	

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(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 ☐

Designated EMSA staff members YES

Designated Contractors' staff members ☐

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 ☐

Standard Contractual Clauses ☐

Binding Corporate Rules ☐

Memorandum of Understanding between public authorities ☐

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 YES

Other (please specify): *EMSA / Commission systems: Ares, PCM, Outlook contacts, JIRA, Confluence, Earth Observation Data Centre*

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.