

## TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>: Annual Appraisal Exercise

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 responsible<sup>3</sup> for the processing activity: Unit A.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit A.1, Human Resources and Internal Support.</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;">x</span></p> <p>The organisational unit conducting the processing activity is: Unit A.1, Human Resources and Internal Support.</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party <input type="checkbox"/></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.*

To assess the ability, efficiency and conduct in the service of staff members (PERM, TAs and CAs) with a view to career perspective, identification of training needs, mobility, etc.

Step 1 - Job Holder: after the appraisal exercise is launched by Human Resources, the appraisal process is triggered by the Jobholder (JH) him/herself, who during eight working days creates and submits the self-assessment section of a new appraisal Report.

Step 2 - Reporting Officer: the RO holds a dialogue with the JH, and within 10 working days after the dialogue prepares and submits the report.

➤ If the performance evaluation is 'Satisfactory', the report is sent directly to the JH for step 3;

➤ If the performance evaluation is 'Unsatisfactory':

Step 2.1. – Countersigning Officer: RO entries in the report can be edited, data included or deleted. 'Unsatisfactory' can be confirmed or changed to 'Satisfactory'.

Step 2.2. – Reporting Officer: acknowledgement of the changes included by the CO; report is sent to the JH for step 3.

Step 3 - Job Holder: within five working days: accepts or accepts with comments the report – report final and closed.

Step 4 – Job Holder: within five working days rejects the report (launches an Appeal) – report is sent to Appeal Assessor. Appeal can be retracted at any time by JH.

Step 5 – Appeal Assessor: within twenty working days confirms or amends the report and sends it to the JH – report is final.

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) x

- Decision of the Administrative Board of 25 March 2015 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for officials and temporary staff.

- Decision of the Administrative Board of 25 March 2015 laying down general provisions for

implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations.

- (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) x

Staff will be informed of their data rights and the manner in which their personal data will be handled during the procedure.

5) Description of the categories of data subjects (Article 31.1(c))

*Whose personal data are being processed?*

EMSA staff x

Non-EMSA staff (contractors staff, external experts, trainees) ☐

Visitors to EMSA building ☐

Relatives of the data subject ☐

Other (please specify):

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) x

Personnel number, name, category, grade, contract type, department/unit/sector, seniority in grade and job title of the job holder.

Name of the reporting officer and if involved the countersigning officer and appeal assessor

Self-assessment completed by the jobholder for the reporting period on the basis of efficiency, ability and conduct in service.

Assessment of the reporting officer of the reporting period as modified by the countersigning officer and/or appeal assessor, if appropriate.

Responsibilities exercised completed by the jobholder.

Assessment of the reporting officer of the responsibilities exercised as modified by the countersigning officer and/or appeal assessor, if appropriate.

Use of languages completed by the jobholder.

Assessment of the reporting officer of the use of languages as modified by the countersigning officer and/or appeal assessor, if appropriate.

Mobility completed by the jobholder.

Assessment of the reporting officer in relation to mobility as modified by the countersigning officer and/or appeal assessor, if appropriate.

Objectives completed by the jobholder and modified by the reporting officer, if appropriate and countersigning officer and/or appeal assessor, if appropriate.

General comments completed by the jobholder.

General comments of the reporting officer and countersigning officer and/or appeal assessor, if appropriate.

Final approval and signature of all actors.

Education & Training details x

Learning and Development completed by the jobholder and modified by the reporting officer, if appropriate and countersigning officer and/or appeal assessor, if appropriate.

Employment details ☐

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

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

Racial or ethnic origin ☐ n/a

Political opinions	<input type="checkbox"/> n/a
Religious or philosophical beliefs	<input type="checkbox"/> n/a
Trade union membership	<input type="checkbox"/> n/a
Genetic, biometric or data concerning health	<input type="checkbox"/> n/a
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/> n/a

**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	x
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Data subjects have full access to reports pertaining to them in the appraisal tool.

A print out of the completed appraisal report is kept in the personal file of each staff member. Personal files are accessible for consultation according to art. 26 of the SR.

Current and/or Future Managers of data subjects	x
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Designated EMSA staff members	x
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Head of Unit A.1, HR Officers and HR Assistants in charge of any stage of the process.

Legal Officer(s), in the case of appeal and complaints.

Jobholder, Reporting Officer.

Countersigning Officer in the event of unsatisfactory performance, Appeal Assessor: in the case of an appeal of satisfactory performance, or in the event of unsatisfactory performance.

Executive Director, when applicable, Members of the Administrative Board

Joint Committee (in the context of both appraisal and reclassification/promotion).

Joint Promotion and Reclassification Committee.

Staff Committee Delegation (in the context of reclassification/promotion).

Joint Advisory Committee on Professional Incompetence.

ICT colleague/s administering the online appraisal tool.

Designated Contractors' staff members

☐

Other (please specify):

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.

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

x

**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

☐

**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) ☐

Servers of external provider ☐

Other (please specify): x

The exercise is fully conducted through the online appraisal tool.

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 [here](#).*

The individual appraisal reports covering the reference period for the purposes of the first paragraph of Article 44 of the SR and Article 45.1 of the SR will be retained in the appraisal tool for a period of five years following the promotion/reclassification of the staff member concerned.

According to art. 26 of the SR, the appraisal reports are kept in the personal file of the staff member. The appraisal reports have to be kept as long as the personal file is retained.

Personnel files are destroyed 10 years following the termination of employment or the last pension payment.

In case of legal action in relation to the appraisal exercise, the retention period is extended until one year after the final decision.

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