

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Processing of personal data in relation to online automated proctoring of written tests in the context of recruitment procedures for 2(f) temporary agents, 3(a) contract agents positions at EMSA (internal, external and through the inter-Agency job market).

1) Controller(s) ² of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible³ for the processing activity: Unit 4.1, 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: dpo@emsa.europa.eu</p>
2) Who is actually conducting the processing? (Article 31.1(a)) ⁴
<p>The data is processed by EMSA itself. x</p> <p>The organisational unit conducting the processing activity is: Unit 4.1, 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 x</p> <p>PwC EU Services EESV Woluwe Garden, Woluwedal 18, B-1932, Sint-Stevens Woluwe, Belgium</p> <p>Contact point at external third party:</p> <p>Giuseppe Fontana, PwC Advisory People & Organisation, PricewaterhouseCoopers Advisory SpA, via Monte Rosa 91, 20149 Milano.</p>

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.

In order to fulfil its mandate, EMSA needs to employ high quality staff.

For this purpose, EMSA recruits 2(f) temporary agents and 3(a) contract agents using selection procedures in line with the applicable rules on the engagement of each category of staff. As parts of the selection procedure, following the examination of the applications, candidates who are invited to interview at EMSA need to take both an oral and a written test.

The oral and written tests can be held *in situ* at the EMSA premises or remotely. Where written tests are held remotely and depending on the number of candidates participating at that stage, EMSA may avail of the services of an external contractor to assist in the running of the tests.

In such a case, several steps will be taken by the contractor as follows;

- At the start of the process, during an enrolment session, candidates are required to present an ID document to their webcam in order to verify their identity. Facial recognition technology is then used to confirm that the person sitting the test is indeed the person whose face appears on the presented ID document.
- While candidates complete the test, the TalView platform records video, audio and actions undertaken on the computer and creates a log of events that could potentially indicate suspicious/fraudulent behaviour. Such events are listed in the attached annex to this privacy statement.
- This results in the creation of an 'integrity score' for each candidate which indicating whether their behaviour while completing the test warrants further examination. If such a case should arise, the recording of the candidate along with the event log is provided to EMSA's Human Resources and Internal Support Unit for further examination. This data is not provided to members of the Selection Board and neither are the Selection Board informed of the 'integrity scores' of candidates nor that individual candidates' test data has been flagged as requiring further examination.
- Depending on the outcome of this further examination of the data, candidates may be disqualified from the selection procedure.

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

Under 15.2(e) of the EMSA Founding Regulation, Regulation (EC) No 1406/2002, as amended, the Executive Director shall exercise (e) he/she shall exercise, in respect of the staff, the powers laid down in Article 6(2).

Articles 14 and 84 of the Conditions of Employment of Other Servants.

Decision of the Administrative Board of 25 March 2015 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.

Decision of the Administrative Board of 24 June 2019 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof.

Decision of the EMSA Administrative Board of 25 July 2018 laying down implementing rules on the middle management staff.

- (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) ☐

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

Whose personal data are being processed?

EMSA staff x

In the event of internal calls for application, or EMSA staff applying through inter-Agency job market calls for applications and external calls for applications.

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

Non-EMSA staff applying to inter-Agency job market call for applications and external calls for applications.

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

First name, Family name, Date of birth, Place and country of birth, Gender, Nationality, Mobile number, Email.

Education & Training details ☐

Employment details ☐

Only in terms of current employment with EMSA.

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details): ☒ x

Image of candidate's ID document captured during enrolment session

Video/ screen /audio recording of candidate while they are completing the test

Log of events potentially indicating suspicious/fraudulent behaviour and associated 'integrity score' per candidate

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

Racial or ethnic origin ☐ n/a

Political opinions ☐ n/a

Religious or philosophical beliefs ☐ n/a

Trade union membership ☐ n/a

Genetic, biometric or data concerning health ☐ n/a

Information regarding an individual's sex life or sexual orientation ☐ n/a

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

Recipients are all parties who have access to the personal data

Data subjects themselves

☐

Upon request, candidates can ask for access to their written test.

Managers of data subjects

☐

Designated EMSA staff members

x

Relevant staff within Head of Unit 4.1, Human Resources and Internal Support involved in the specific recruitment procedure.

Designated Contractors' staff members

x

Relevant staff handling the written test and follow-up from the side of the Contractor³.

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	<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)) <i>Please specify where the data are stored during and after the processing</i>	
<p>How is the data stored?</p> <p>EMSA network shared drive <input type="checkbox"/></p> <p>Outlook Folder(s) <input checked="" type="checkbox"/></p> <p>There is a dedicated Outlook folder created for each recruitment procedure.</p> <p>Hardcopy file <input type="checkbox"/></p> <p>Cloud (give details, e.g. public cloud) <input type="checkbox"/></p> <p>Servers of external provider <input checked="" type="checkbox"/></p> <p>In gathering data and carrying out the service, the contractor will use the aforementioned online proctored tool "Talview", an Application Service Provider (ASP) using a Software-as-a-Service (SaaS) platform, for creating and distributing the report logs with the evaluation of the proctored session.</p> <p>Other (please specify): <input checked="" type="checkbox"/></p> <p>The full set of documentation for each recruitment is stored in ARES.</p>	

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](#).

All associated data (recordings of candidates undertaking test; event logs; integrity scores; image of ID document captured during enrolment session) is erased three months after the conclusion of the selection procedure, unless it needs to be kept for a longer period in the case of a dispute over disqualification, in which case it will be retained only for as long as is necessary.

The Contractor complies with Regulation 2016/679 (GDPR) while ensuring confidentiality and anonymity of candidates, high level of data quality, as well as security in the collection, storage and processing of personal data.

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