

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

NAME OF PROCESSING ACTIVITY¹:

Management of the data contained on the seafarer's certificates and endorsements issued by the EU Member States and Iceland and Norway as provided in Annex V to Directive 2008/106/EC

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 1.2 Visits, Inspections and Human Element</p> <p>Contact person: Jaime.Veiga@emsa.europa.eu or margarida.martins@emsa.europa.eu</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 <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 3.1 Maritime Digital Services</p> <hr/> <p>The data is processed by third parties <input type="checkbox"/></p> <p style="margin-left: 40px;">•</p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer):</p>
3) Purpose of the processing (Article 31.1(b))

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?

<p><i>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.</i></p>	
<p>Directive 2008/106/EC on the minimum level of training of seafarers, as amended, provides in its Article 5a that for use by the Member States and the Commission for policy-making and statistical purposes, Member States shall submit to the Commission, on a yearly basis, the information listed in Annex V to the Directive on certificates of competency and endorsements attesting the recognition of certificates of competency. They may also provide, on a voluntary basis, information on certificates of proficiency issued to ratings.</p> <p>As provided in Article 25a, Member States retain all property rights to the information in its raw data format. Processed statistics drawn up on the basis of such information are to be made publicly available in accordance with the provisions on transparency and protection of information set out in Article 4 of Regulation (EC) No 1406/2002.</p> <p>Moreover, in order to ensure the protection of personal data, Member States shall anonymise all personal information as indicated in Annex V by using a software provided or accepted by the Commission before transmitting it to the Commission. The Commission shall use this anonymised information only.</p> <p>Regulation (EC) 1406/2002 establishing a European Maritime Safety Agency provides in its Article 2, paragraph 4 (e) that the Agency shall gather and analyse the data on seafarers provided and used in accordance with Directive 2008/106/EC. For that purpose, within the STCW Information System (STCW-IS) the anonymised fields of data received from the EU Member States, Iceland and Norway are harmonised for comparability purposes and processed in order to retrieve the statistical analysis.</p> <p>Exceptionally, personal data is processed when assisting the Member States to carry out their obligations regarding the anonymising of the seafarer's information before transferring it to EMSA.</p>	
<p>4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for:</p> <p><i>Mention the legal basis which justifies the processing</i></p>	
<p>(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) <input checked="" type="checkbox"/></p> <p>(Legal basis: Article 2 'Core tasks of the Agency', par.4 e) of EMSA founding regulation and Articles 5a and 25a of Directive 2008/106/EC on the minimum level of training of seafarers: EUR-Lex - 32008L0106 - EN - EUR-Lex (europa.eu))</p> <p>(b) compliance with a legal obligation to which EMSA is subject <input type="checkbox"/></p> <p>(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract <input type="checkbox"/></p> <p>(d) Data subject has given consent (<i>ex ante</i>, explicit, informed) <input type="checkbox"/></p> <p>Describe how consent will be collected and where the relevant proof of consent will be stored</p>	
<p>5) Description of the categories of data subjects (Article 31.1(c))</p> <p><i>Whose personal data are being processed?</i></p>	

EMSA staff	<input type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees)	<input type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
Other (please specify): Seafarers holding a certificate issued by the EU+EFTA Maritime Administrations. Data subjects are informed of their rights by a general data protection disclaimer available in the EMSA Maritime Portal.	
6) Categories of personal data processed (Article 31.1(c)) <i>Please tick all that apply and give details where appropriate</i>	
(a) General personal data: The personal data contains: Personal details [in an anonymised format (except on exceptional occasions when Member States require EMSA's assistance to anonymise the data): the seafarer's unique identifier, if available, the seafarer's name and certificate number(s). Not anonymised: seafarers' date of birth, seafarers' gender and nationality]	
	<input checked="" type="checkbox"/>
Education & Training details	<input type="checkbox"/>
Employment details (capacity in which the seafarer is entitled to serve onboard a ship)	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input type="checkbox"/>
Other (please give details): (b) Sensitive personal data (Article 10)	

The personal data reveals:	
Racial or ethnic origin	<input type="checkbox"/>
Political opinions	<input type="checkbox"/>
Religious or philosophical beliefs	<input type="checkbox"/>
Trade union membership	<input type="checkbox"/>
Genetic, biometric or data concerning health	<input type="checkbox"/>
Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/>
7) Recipient(s) of the data (Article 31.1 (d))	
<i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	<input type="checkbox"/>
Managers of data subjects	<input type="checkbox"/>
Designated EMSA staff members (users having the following profiles: Administrator, Supervisor and Assistant)	<input checked="" type="checkbox"/>
Designated Contractors' staff members (the external contractor may occasionally have to access a part of the data for maintenance or development purposes only)	<input checked="" type="checkbox"/>
Other (please specify):	
8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))	
<i>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.</i>	

Data are transferred to third country recipients:

Yes ☐

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 ☒

Outlook Folder(s) ☒

Hardcopy file ☐

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

Servers of external provider ☐

Other (please specify): ARES and the STCW Information System

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.

CRL category: EMSA.4.2

Category: Visits and Inspections

DUA: 20 years

Post ARP Action: SAM_SEL

Exceptionally, personal data is processed when assisting the Member States to carry out their obligations regarding the anonymising of the seafarer's information before transferring it to EMSA. After such processing is completed, the files are deleted.

EMSA only stores anonymised personal data which will be retained for 20 years, and then selected and transferred for the historical archives.