

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Obtention Personal Security Clearance (PSC) for EMSA staff

The protection of privacy is of high importance to the European Maritime Safety Agency ('EMSA'). EMSA is responsible for the personal data it processes. Therefore, we are committed to respecting and protecting the personal data of every individual and to ensuring efficient exercising of data subject's rights. All the data of personal nature, namely data that can identify an individual directly or indirectly, will be handled fairly and lawfully with the necessary due care.

This processing operation is subject to Regulation 2018/1725 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data. The information in this Privacy Statement is given pursuant to Articles 15 and 16 of the Regulation 2018/1725.

1. Nature and the purpose(s) of the processing operation

The purpose(s) of the processing of personal data is/are:

Personnel Security Clearance (PSC) means a statement by a competent authority of a Member State which is made following completion of a security investigation conducted by the competent authorities of a Member State and which certifies that an individual may, provided his 'need-to-know' has been determined and he has been appropriately briefed on his responsibilities, be granted access to EUCI up to a specified level (CONFIDENTIEL UE/EU CONFIDENTIAL or above) until a specified date.

EMSA currently handles EU classified information (EUCI) at the level RESTREINT UE/EU RESTRICTED in the team of Maritime Security.

Security clearances are not required at the level RESTREINT UE/EU RESTRICTED, however some Member States impose higher levels of protection even for documents at RESTREINT UE/EU RESTRICTED level, therefore EMSA staff who carries out maritime security inspections need to present their clearances in order to perform their duties.

The Executive Director of EMSA shall identify the positions within the Agency for which the holders need to access information classified CONFIDENTIEL UE/EU CONFIDENTIAL or above to perform their duties and therefore need to be security authorised.

EMSA will not reuse the personal data for another purpose that is different to the one stated above.

2. Categories/types of personal data processed

The categories/types of personal data processed are the following:

- Personal details: Name, Birthdate, Nationality and Personnel Number and Grade
- Employment details: Description of the staff member tasks

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Department 4 - Corporate Services, acting as delegated EMSA data controller.

Personal data are processed by European Commission DG Human Resources and Security.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Data subjects themselves: staff member concerned
- Managers of data subjects
- Designated EMSA staff members: Administrative Assistant Unit 4.1, Security Officer, Executive Director and Head of Executive office
- Other: Commission staff dealing with the procedure in DG HR Security

The information concerning the Obtention Personal Security Clearance (PSC) for EMSA staff will only be shared with people necessary for the implementation of such measures *on a need to know* basis . The data are not used for any other purposes nor disclosed to any other recipient.

The information in question will not be communicated to third parties, except where necessary for the purpose(s) outlined above.

Personal data are not intended to be transferred to third countries.

5. Protecting and safeguarding personal information

EMSA implements appropriate technical and organisational measures in order to safeguard and protect data subjects' personal data from accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to them.

All personal data related to Obtention Personal Security Clearance (PSC) for EMSA staff are stored in secure IT applications according to the security standards of the Agency as well as in specific electronic folders accessible only to the authorised recipients. Appropriate levels of *access are granted* individually only to the above recipients.

The e-records are held securely so as to safeguard the confidentiality and privacy of the data therein.

All staff members dealing with personal data in the context of the Obtention Personal Security Clearance (PSC) for EMSA staff procedure, at any stage, sign a confidentiality declaration that is kept in ARES.

6. Access, rectification, erasure or restriction of processing of personal data

Data subjects have the right to access, rectify, erase, and receive their personal data, as well as to restrict and object to the processing of the data, in the cases foreseen by Articles 17 to 24 of the Regulation 2018/1725.

If data subjects would like to exercise any of these rights, they should send a written request explicitly specifying their query to the delegated data controller, Head of Department 4 - Corporate Services.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Obtention Personal Security Clearance (PSC) for EMSA staff procedure.

The above requests will be answered without undue delay, and in any event within one month of receipt of the request. However, according to article 14 (3) of the Regulation 2018/1725, that period may be extended by

two further months where necessary, taking into account the complexity and number of the requests. EMSA shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay.

7. Legal basis for Data processing

Processing is based on Article(a) of the Regulation 2018/1725.

The personal data are collected and processed in accordance with:

- [EMSA Security Rules for protecting EU classified information \(EUCI\) Security Rules Version: 2.3 Date: 01/05/2020 Ref. Ares\(2020\)2484715 - 11/05/2020](#)
- [Decision No. 2020/024 of The Executive Director Relating to the Implementation of EMSA Security Rules for Protecting EU Classified Information \(EUCI\) – Security Clearances \(Ref. Ares\(2020\)2483988 - 11/05/2020\)](#)

8. Storing Personal data

EMSA does not keep personal data longer than necessary for the purpose(s) for which that personal data is collected.

Personal Security Clearance are kept in the personal file of the staff member concerned and have to be kept as long as the personal file is retained. Personal files are destroyed 10 years following the termination of employment or the last pension payment.

In the event of a formal appeal, all data held at the time of the formal appeal should be retained until the completion of the appeal procedures.

9. Data protection points of contact

Should data subjects have any queries/questions concerning the processing of your personal data, they should address them to the data controller, Head of Department 4 - Corporate Services under the following mailbox: dominika.lempicka-fichter@emsa.europa.eu .

Any data subject may also consult EMSA Data Protection Officer at: DPO@emsa.europa.eu.

Recourse:

Complaints, in cases where the conflict is not resolved by the Data Controller and/or the Data Protection Officer, can be addressed at any time to the European Data Protection Supervisor: edps@edps.europa.eu.