

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

NAME OF PROCESSING ACTIVITY<sup>1</sup>:

“Training Attendance and Completion of courses delivered by the EMSA Academy”

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 1.3</p> <p>Contact person: HoU Georgios Christofi</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;"><input checked="" type="checkbox"/></span></p> <p>The organisational unit conducting the processing activity is: Unit 1.3</p> <p>The development and maintenance contractor may incidentally have access to the data. However, this relationship has been regulated by the General Contractual Clauses in the contract.</p> <hr/> <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.*

Training has been from the outset a core task of EMSA since its founding Regulation requires the Agency to work with the Member States and organise relevant training activities in fields which are the responsibility of the Member States. Upon the request of the Commission, EMSA provides technical assistance, including the organization of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU. After 20 years of focused and structured trainings, in 2021 EMSA upgraded its services through its flagship project commonly known as the EMSA Academy.

The Academy aims to become an EU-wide and global centre of excellence for the design, development, and delivery of quality learning services outside formal education in the maritime domain. After 20 years of enrichment of the European and global maritime sector through the delivery of focused and structured trainings, in 2021 EMSA upgraded its services through the establishment of a dedicated facility, the EMSA Academy. The Academy aims to become an EU-wide and global centre of excellence for the design, development, and delivery of quality learning services outside formal education in the maritime domain.

The overall goal of the training provided by EMSA is to build capacity at national level, to foster cooperation and to disseminate best practices, thus achieving optimal and uniform implementation of maritime legislation and ensuring a level playing field.

Beneficiary organizations include the EU Member States and countries in the European Economic Area (EEA), the European neighbouring countries (ENP), the EU candidate and potential candidate countries (IPA), EU and non-EU States members of the Paris MoU and any other third country or regional agreements (such as PSC MoUs), for which the Agency has either been requested by the European Commission to provide technical assistance or has entered into special agreement through dedicated memoranda of understanding. The EMSA Academy is also providing capacity building services to other EU Agencies, such as FRONTEX and EFCA, within the context of the interagency cooperation.

Learning Services offered by the Academy cover a wide range of areas of maritime safety, sustainability, technical assistance, surveillance, and digital services.

Each individual enrolling into a course delivered by EMSA Academy shall be registered in MaKCs. This means that his/her "personal data" such as first name and family name, organization, e-mail address, role and profile within the system, are stored in the application. Furthermore, each time a user who is enrolled into a course perform or complete a task within a course, or attend a meeting, a workshop or another traceable activity within a course, a "completion data" is generated by, and logged into the system. This completion data, along with the user's personal data, are used by the system to track the course completion. These data are also used to issue certificates at the end of a course, to generate completion reports (not containing personal data) that are made available to each individual user as well as to local, national and global administrators.

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) ☒  
Article 2 'Core tasks of the Agency', par.4 b) 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 ☐

**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) ☐  
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 ☒
- 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) ☒

Education & Training details ☒

Employment details ☐

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

(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 ☐

**Important Note**

If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.

<b>7) Recipient(s) of the data (Article 31.1 (d))</b> <i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	<input checked="" type="checkbox"/>
Managers of data subjects	<input checked="" type="checkbox"/>
Designated EMSA staff members	<input checked="" type="checkbox"/>
Designated Contractors' staff members	<input checked="" type="checkbox"/>
Other (please specify):	
<b>8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))</b> <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	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
<b>If yes, specify to which country:</b>	
<b>If yes, specify under which safeguards:</b>	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>

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): EMSA's servers and back-up facilities

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 and completion data are kept until a person ceases to be registered as a user in MaKCs

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