

Data Protection Statement/Privacy Statement on the processing of personal data in the context of the Management of the Financial Entitlements and Payroll at EMSA

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: To correctly process the payroll and payment of salaries as well as assess the entitlement to allowances and reimbursements based on the staff member's personal and/or professional situation.

EMSA establishes the financial benefits autonomously based on the professional and personal situation declared by their staff members and/or supporting documents. The rights on taking up duties, rights during the career, rights at the end of service and family allowances are validated in the E-Personal File and ARES and data impacting in the salary calculation is transmitted to PMO, which encodes these data into NAP manually. NAP is the system owned by the PMO that makes the calculation of the remuneration.

NAP calculates the salaries of EMSA staff. The result of the calculation done via NAP is reflected in the payslip. The payslip is a standard form, which holds the following information:

- data on the professional situation of the staff (Employer, present grading, Portugal weighting factor)
- list of the financial benefits for which a payment is reflected in the salary slip, which are indicated with a generic description and a standardised 3-letter code, followed by the corresponding amount, indicated for the month for which it is being paid. In case of retroactive adaptation of financial benefits (in plus or in minus), the resulting amount of the adaptation is indicated for the corresponding month.
- result of the calculation for all financial benefits, and indication of the resulting payments, including indication of the part of the financial benefits which are not being paid to the staff member or former staff member concerned (payment of family allowances to a third person or payment to a creditor following attachment).

Once the calculation of payroll is closed in NAP, the payment of the salaries is made via ABAC by EMSA. DG BUDG has access to the data related to the bank account of staff members to execute the payment into the bank accounts.

Staff members receive their payslip electronic via the e-personal file. A new electronic salaries tool has been developed in house for payslips be automatically uploaded every month to E-Personal file. Staff members receive an e-mail notification when it is uploaded.

As from June 2022, monthly payslips will be uploaded for the period January 2021 to May 2022 without e-mail notification, and then as from June monthly. File name indicates the year and month of the payslip, followed by their NUP number.

As from July 2022, EMSA will discontinue the distribution of the paper version payslips.

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:** Personal details as relevant for the entitlement to rights on taking up duties, during the service and end of service:

Expatriation allowance

Data on the identity of the staff member: surname and first name, current and previous nationality(ies) and any change in nationality, current and previous place(s) of residence on a period of at least 10 years before taking up employment, as well as for the same period information on studies and/or professional activity, place where this professional activity was carried out and the status of the employer (private, public sector or international organisation).

Installation Allowance, Resettlement allowance, Daily Allowances and Reimbursement of removal expenses

Data on the identity of the staff member, data confirming the change to another place of residence in connection with the reimbursement of expenses, indicating departure address and arrival address.

If applicable, data on the family situation of the staff member to confirm the change of residence of the spouse, recognised partner (full partner-spouse equivalence) or dependent children with the staff member.

Data confirming costs for temporary accommodation in Lisbon (hotels bills, short rental contracts).

Data confirming the costs related to the change of private residence (copy of the lease contract, deed of ownership, invoice confirming the moving costs, documents giving the details of the move, including the departure address and arrival address as well as the inventory of the objects that are the subject of the move).

Travel expenses

Data on the identity of the staff member, data confirming the change to another place of residence to the place of assignment at the time of entry into service, indicating departure address and arrival address, in the context of a change of place of employment or in the context of termination of service.

If applicable, data on the family situation of the staff member to confirm the trip of the spouse, recognised partner (full partner-spouse equivalence) or dependent children with the staff member (copy of documents confirming the change of residence and/or trip per family member).

Annual travel expenses

Data on the identity of the staff member, data on the family situation of the staff member, data on the place of origin and entitlement to the expatriation allowance of the staff member.

Determination of place of recruitment and place of origin

Data on the identity of the staff member, data on the family situation of the staff member in the ascending and descending line, data on the identity and place of residence of the family

members in the ascending and descending line (copy of the of birth, copy of documents confirming the family relationship, copy of documents proving the residence of these family members); data on the place where the civil rights of the staff member are exercised (right to vote), data on the real estate(s) of the staff member or of the spouse or recognised partner (full partner-spouse equivalence).

- **Education & Training details:** Please see point related to the Expatriation Allowance above mentioned.
- **Employment details:** Personnel number, NUP number, date of first entry into service, category, grade, step, seniority in grade and step, contract duration. If applicable, information on shift work and standby duties.
- **Financial details:** Bank account information.
- **Family, lifestyle and social circumstances:** Family details as relevant for the entitlement to rights on taking up duties, during the service and end of service:

Birth grant and Dependent Child allowance

Data on the identity of the biological or adopted child of the staff member or of his spouse/partner equivalent to a spouse who is dependent on the staff member. This data includes information that identifies the child (surname and first name, gender, date and place and country of birth, nationality) and if applicable, child's place of residence and any change of place of residence.

Documents confirming the relationship with the staff member (birth certificate, decision confirming the adoption, marriage or partnership certificate, proof of effective maintenance provided by the staff member, proof of cohabitation with the staff member), information on the other parent of the staff member's child (surname and first name, date of birth, nationality, place of residence and any changes to the place of residence, nature of the relationship with the staff member).

If applicable, data on the factual situation in cases of divorce or legal separation regarding the custody of the staff member's child and the payment of alimony and child allowances as confirmed by court or administrative decision: copy of the decision divorce or end of partnership; copy of the decision confirming the situation of custody, payment of alimony and/or family allowances.

Data on allowances of the same kind which are paid elsewhere in relation to the same child.

When the child is dependent on the staff member following a judicial or administrative decision based on national legislation concerning the protection of minors: a copy of the judicial or administrative decision.

When the dependent child allowance is granted as a **person treated as a dependent child**: information on the identity of the person for whom this measure is requested (name and first name, gender, date, place and country of birth, nationality, place of residence and any changes to the place of residence, the nature of the relationship with the staff member), information on his/her financial expenses (expenses related to the state of health) as well as on his financial means (amount of income/pensions/annuities, allowances, properties), if applicable, information on the identity of the spouse as well as on the family members who have an obligation of financial support vis-à-vis the person for whom the right is requested as that of the staff member, and on their financial means (income/retirements/pensions/annuities resulting from a professional activity, allowances/financial aid of all kinds) and properties.

Education allowance:

Data on the identity of the dependent child of the staff member supplemented by data on his or her schooling: identification of the educational institution attended (address), level of education (nursery, primary, secondary, higher), type of education (public or private, paid or not, formal recognition by the competent national authorities), proof of actual attendance of the establishment, information on the interruption of schooling, information on tuition fees (copy of invoices for tuition fees, costs related to accommodation for studies in boarding school or student residence), information on the income of the received as part of or in parallel with studies, information on the transport used by the child to get to school, information on the progress of studies (copy of participation in exams or u tests, in particular when the child studies at a distance).

Household allowance: Data on the identity of the spouse or recognised partner (full partner-spouse equivalence) (surname and first name, if applicable information on the change of name, date, place and country of birth , gender, nationality, place of residence and any change in place of residence, copy of official document confirming marriage or partnership); When the right to the household allowance is based exclusively on marriage or partnership assimilated to marriage: data on the income from a professional activity of the spouse or recognised partner (full partner-spouse equivalence) (information on the professional activity or the absence from a professional activity, information on professional income, allowances or other or the absence of income, the country where the income from the professional activity is received, documents drawn up by the competent tax authorities confirming the level of annual professional income;

- **Other:** Where payments need to be made to a third person or third party: identification of the third person or third party (name and surname, complete address, bank account.)
- **Data concerning health:** when the dependent child allowance is granted (doubled and/or extended) on the basis of the child's illness or disability: Staff members are requested to contact HR Leave manager and to communicate the appropriate forms concerning the illness/disability of the child inserted in an envelope sealed. The HR Leave Manager transmits this data to the medical service. HR Leave manager then receives the opinion of the medical service confirming the illness or the percentage of the child's disability and informs the Payroll Officer. The decision of the medical service is based on information on the medical situation of the child attached to the request submitted by the staff member. If applicable, when the Medical Service considers that the illness/disability is less than 50%, staff members are requested to send to PMO the documents proving the costs in relation to this illness/disability. The Payroll Officer prepares the relevant ED Decision, encodes and informs PMO for updating the doubled/extended dependent child allowance in NAP.

Medical data is neither processed nor stored by EMSA.

The reasons under Article 10(2) allowing the processing of the special categories of data is that the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the entity of the operational controller or of the data subject in the field of employment and social security

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Unit 4.1, Human Resources and Internal Support, acting as delegated EMSA data controller.

Personal data are processed by :

- Unit 4.1, Human Resources and Internal Support.
- PMO (Paymaster's Office of the European Commission) for the processing of the salaries.
- DG Budget for the validation of Bank Accounts.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Executive Director, Head of Department 4, Head of Unit 4.1,
- HR Senior and Legal Officer Unit 4.1 for verification of the files and in the case of appeal and complaints,
- Payroll Officer and HR Officers processing the payroll, establishing individual rights and/or initiating salary payments,
- Financial Officer(s) of the Unit 4.2 and the accountant for processing the salary payment,
- If applicable, Project Officers in the relevant units dealing with project financed actions.
- Designated staff members of PMO of the European Commission for the processing of the salaries.
- Designated staff members of DG Budget of the European Commission for the validation of the bank account and to execute the payment into the bank accounts.
- Eventually, Directorate Generals of the Commission with whom Grant Agreements are signed.
- Eventually, audit companies contracted by the DG owner of the funds for project financed staff:
Name: BDO LLP audit company hired by DG NEAR based in UK
- The abovementioned subcontractor and other subcontractors can change, following the signature of new contracts with the DGs owner of the funds of the EMSA project financed staff.
- Eventually, competent national authorities who are authorised to be informed on the data of a staff member or former staff member (e.g. court in the context of a divorce procedure). The person concerned will be informed of the transmission of the data, except where such information is not allowed.
- 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.

The information concerning Management of the Financial Entitlements and Payroll at EMSA 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 not mentioned in this privacy statement, except where necessary for the purpose(s) outlined above.

Personal data may be transferred to third countries, this case, the United Kingdom, for audit purposes only, where the audit company contracted by the Commission Directorate General financing specific projects under Grant Agreements, is based in the United Kingdom. The transfer is under safeguards of an [Adequacy Decision of the European Commission with the United Kingdom](#).

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 the Management of the Financial Entitlements and Payroll 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.

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 Unit 4.1, Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Management of the Financial Entitlements and Payroll 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(s) 5(a) and 10(2) of the Regulation 2018/1725.

The personal data are collected and processed in accordance with:

- [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).
- [Article 6 of the Regulation \(CE\) n° 1406/2002](#), as amended, of the European Parliament and of the Council establishing a European Maritime Safety Agency.
- Staff Regulations of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, as amended, in particular Annex VII to the Staff Regulations.

8. Storing Personal data

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

The data will be only retained for:

- Personnel files are destroyed 10 years following the termination of employment or the last pension payment.
- Payroll payment files are kept for 20 years.
- Payslips are kept for 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 Unit 4.1, Human Resources and Internal Support. under the following mailbox: emsa.payroll@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.