

Lisbon 5 August 2021

DATA PROTECTION PRIVACY STATEMENT

Specific Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of

6th MED Implementing Regulation – Online consultation with EU MS Authorities for MED, ETFA MS Authorities for MED and MED related Industry Representatives (NB, ILAMA, SEaEurope and CIRM)

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 operation¹

The purpose(s) of the processing of personal data is/are: to carry out an online consultation for the making of the 6th Marine Equipment Directive's Implementing Regulation (6th MED IR OLC) among EU MS Authorities for MED, ETFA MS Authorities for MED and MED related Industry Representatives (NB, ILAMA, SEaEurope and CIRM) from 15 August 2021 to 30 September 2021 at [6th MED IR - Home Page \(emsa-cloud.org\)](https://6thMEDIR-HomePage.emsa-cloud.org) running from the EMSA Cloud.

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

The processing is not intended to be used for any automated decision making, including profiling.

2. Categories/types of personal data processed

The categories/types of personal data processed are the following: name, organization and e-mail address.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Francisco Broissin Capo, Senior Project Officer for Marine Equipment, acting as delegated EMSA data controller.

¹ Please, provide a brief description of the processing operation and clearly define the purpose(s).

Personal data are processed by² Francisco Broissin Capo, Senior Project Officer for Marine Equipment, at EMSA Cloud.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients: Francisco Broissin capo, Przemek Torlop, Santiago Encabo, Ioannis Mispinas, Marton Papp, and Leendert Bal.

The information concerning 6th MED IR OLC 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.³

² Please, indicate all the processors (i.e. contractors or other institutions).

³Where applicable, please indicate here if the data are transferred to 3rd countries or International Organisations.

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 6th MED IR OLC 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 database is password protected under single sign-on system and automatically connected to the user ID. The e-records are held securely so as to safeguard the confidentiality and privacy of the data therein.

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, EMSA's Senior Project Officer for Marine Equipment

The right of rectification can only apply to inaccurate or incomplete factual data processed within the 6th MED IR OLC.

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 of the [Regulation 2018/1725]⁴.

The personal data are collected and processed in accordance with a specific legal obligation to process personal data, as per Article 2 'Core tasks of the Agency'

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 a maximum period of 12 hours after the end of the 6th MED IR OLC on 30 September 2021 at 23:59:59 hours.

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

⁴ Please, indicate at least one basis under Article 5 and explain why the processing is necessary for it.

(a) a task attributed to EMSA by legislation, e.g. procedures under the staff regulations or tasks assigned by an Agency's founding regulation. Please mention the specific legal basis (e.g. "Staff Regulations Article X, as implemented by [...] Article Y", instead of just "Staff Regulations"). Not all processing operations required for the functioning of the Agency are explicitly mandated by legislation; recital 17 of the [Regulation] explains that they are nonetheless covered here, e.g. internal staff directory, access control, e.g. not specifically mentioned in primary or secondary EU legislation, but required for safety and security of staff, premises and information.

(b) a specific legal obligation to process personal data, e.g. Article 2 '*Core tasks of the Agency*', par. 4 b) EMSA founding regulation.

The EDPS interprets that the line between points (a) and (b) is that in point (a) the institution is given a task which requires the processing of personal data to fulfil it, while in point (b), the institution has a specific obligation to process personal data clearly spelled out in EU law with no margin of manoeuvre on how to implement it.

(c) this basis can be rarely used by Agencies.

(d) if persons have given free and informed consent, e.g. a photo booth on EU open day, optional publication of photos in internal directory;

(e) e.g. processing of health information by first responders after an accident when the person cannot consent but also some types of processing may serve both important grounds of public interest and the vital interests of the data subjects ... in particular in situations of natural and man-made disasters.

Should data subjects have any queries/questions concerning the processing of your personal data, they should address them to the data controller, **EMSA's Senior Project Officer for Marine Equipment** under the following mailbox: Francisco.Broissin-Capo@emsa.europa.eu ⁵.

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.

⁵ Please use a functional mailbox, not a personal one, as far as possible – this saves time when updating records and contributes to business continuity.