

## RECORDING OF PROCESSING ACTIVITY

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

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

Management of Meetings/Conferences/Trainings and Management of Contract Experts under the ENP Projects funded by DG NEAR

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: Head of Unit 1.3, Capacity Building – Georgios Christofi</p> <p>Contact person: Giuseppe Russo</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 <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: Unit 1.3, Capacity Building</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party: <input checked="" type="checkbox"/></p> <p>1. The contracted travel agency Name: TOP Partner Viagens</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?

Contact point at external third party (e.g. Privacy/Data Protection Officer): In accordance with the applicable contractual provisions – currently: Felicio Domingos [Domingos.Felicio@wamos.pt](mailto:Domingos.Felicio@wamos.pt)

2. The subcontract audit company from DG NEAR:

Name: BDO LLP

Contact point at external third party (e.g. Privacy/Data Protection Officer): In accordance with the applicable contractual provisions.

***All abovementioned contractors and subcontractor can change, following the signature of new contracts.***

### 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.*

According to EMSA Regulation (EC) No 1406/2002, EMSA may, upon the request of the Commission, provide technical assistance, including the organisation 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.

According to the provisions laid out in the Grant Agreement contracts between EMSA and DG NEAR, **ENI-2016-374-999** and **ENI-2016-359-725**, EMSA must to organise, where appropriate, relevant training activities in fields which are responsibility of the Beneficiary Countries [Articles 1.1(Summary of the actions and objectives); 1.4 (Implementation modalities); 1.5.2 (Details of activities)], to provide technical assistance to the Beneficiary Countries and to contribute to the relevant work of technical bodies.

Therefore, for logistic organisation, security and safety purposes, it is necessary to collect expert's personal data for:

- to manage a financial file for the reimbursement of travel expenses, accommodation, and daily subsistence allowances,
- to generate attendance lists and badges for safety and security purposes,
- to verify EU Digit Certificate by scanning of a QR code and verification of an antigen test (for experts originating from states not applying EU Digit Certificate) for physical attendance of events, meetings, trainings, and or conferences when such measures are allowed in the national legal setting of EMSA's host country. In case of contact with an individual who has been found to be COVID-19 infected, access register or meeting attendance lists may be used for manual contact tracing by National Health Authorities and EMSA.

#### Individual steps of the procedure:

A. Experts invited to attend meetings/trainings/conferences are being provided with nominative invitation letters and, in some cases, Notes Verbal are being sent to Diplomatic missions, to facilitate the obtainment of their Schengen visas. For the issuing of these official documents, for the reimbursement process and security control (entrance to the building), the experts provide the necessary personal data.

On the day of the physically attended event, the participants may be requested to present the EU Digital COVID Certificate and/or a COVID antigen test (for experts originating in countries not using EU Digital COVID Certificate), when such measures are allowed in the national legal setting of EMSA's host country. This action will be communicated in advance via invitation and registration channels.

For recording purposes, visitors of EMSA events need to sign attendance lists upon arrival, for each day of the meeting, for each event to which they are participating.

Following the meeting, the travel and accommodation expenses incurred will be reimbursed to the expert. The reimbursement file is composed of supporting documents listed in the Rules of Reimbursement of Experts, i.e. passports / identity cards, documents proving the price of the travel for the flight (e.g. e-ticket, copy of the travel agency invoice) or of any other mode of public transport such as train or bus (e.g. copy of the ticket) as well as the legal entity and the bank account details. The mentioned documents and information are provided via e-mail and stored on the shared drive. Paper versions are filed in the appropriate paper archive. The documents are kept for 5 years from the Grant Agreement's End Date, according to Grant Agreement Annex II – General Conditions, Article 16.2 – Archiving.

The reimbursement file will be handled by the ENP Projects Financial Officer (Unit 1.0) and the ENP Projects Administrative Assistant (Unit 1.3), verified by the relevant colleagues in the Legal, Finance and Facilities Unit (4.2) and subsequently signed off by the Authorising Officer of Unit 1.3, prior to final processing by the Accountant.

#### Registration and Reimbursement Procedure:

- Experts send the necessary data (name, country, e-mail address, organisation) via e-mail to the ENP Projects Administrative assistant and/or to the Project Officers.
  - The ENP Projects Administrative Assistant saves the information in Outlook folders and in specific folders on the shared drive and informs reception about the participants' list.
  - The ENP Project Officers send out invitations to the participants, copying the Focal Points in the Maritime Administrations and send Notes Verbal to the diplomatic missions concerned.
  - Attendance list for signatures and personal badges are generated using relevant data.
  - Scanned attendance list included as supporting document in ARES payment file (for meetings with reimbursements)
  - Payment executed via ARES (workflow and repository) and ABAC (budgetary execution)

#### Access to the building for physical attendance of Events/Meetings/Conferences/Trainings procedure:

- The verification of the antigen tests and EU Digital COVID certificates will be performed at the reception phase of the event by the ENP Projects Administrative Assistant when such measures are allowed in the national legal setting of EMSA's host country.
- The results of antigen tests will not be recorded. EU Digital COVID certificates will not be recorded. In case of contact with an individual who has been found to be infected, access register or meeting attendance lists may be used to present to National Health Authorities. EMSA staff participating in the

meeting will be informed about case present during the meeting.

B. Contract Experts are experts in the maritime field, which sign specific contracts for the delivery of specific tasks, related to the activities of the Agency and the ENP Projects

They have answered a Call for Expression of Interest by submitting their applications and interest to perform such duties. Following a request for assistance from a beneficiary country, it may be decided to use an expert from this database. A contract is signed, to this end, indicating the description of tasks and the different fees to be paid for the field work and, if the case, for the remote work. When applicable, they are reimbursed for travel and daily subsistence allowance, based on the ENP projects Rules for the reimbursement of Expenses.

The experts will be:

- required to fulfil Selection Criteria and shall not be in any Exclusion Criteria situation, as these are described in the CEI conditions, by providing a Declaration on Honour and upon request, if deemed appropriate by EMSA, evidence as relevant.
- Included into the database of Experts after an evaluation by EMSA;
- selected based on pre-defined areas of expertise, which they will choose from, when applying;
- called to perform activities and/or projects in support of EMSA and the ENP Projects, covering various areas, including delivery of trainings, development of training material, carrying out studies and capacity building projects, support in drafting national legislation, etc;
- required to send the necessary data (passport), via e-mail, to the ENP Projects Administrative assistant and/or to the Project Officers
- The ENP Projects administrative Assistant saves and archives the information in Outlook folders and in specific folders on the shared drive and makes travel arrangements if the case. Following the completion of the tasks, the reimbursement of expenses and contractual fees will be made, according to the Contract. The reimbursement file composition and workflow, as well as the archiving details, are as described in above Point A.

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)



[EMSA Legal Funding Regulation \(EC\) No 1406/2002](#), Article 2, point 5.: The Agency may, upon the request of the Commission, provide technical assistance, including the organisation 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.

Article 1(e) 2 of the Staff Regulations: Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties.

(b) compliance with a legal obligation to which EMSA is subject



In case of experts participating in Events/Meetings/Conferences/Trainings: Decision of EMSA Executive Director No 2007/19 Relating to the Reimbursement of Travel, Subsistence and Other Expenses to Experts and Candidates in Recruitment Procedures and amended by ED Decisions No. 2008/24, 2008/37, 2010/18, 2012/018, 2013/028, 2015/002 and 2018/36.

In cases of contract experts - Applicable version of the Rules for the Reimbursement of Participants in Events organised under ENP Projects Financed by the European Commission, Article 2 – Costs related to the participants in event, necessary for the performance of a contract with the data subject or for the preparation of such a contract ☒

(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract

(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

Data Subjects are informed about their rights via the Privacy Statement and as well by the following disclaimer in the invitation letter:

"The processing of personal data by EMSA like in all the Union institutions and bodies is regulated by Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions. The applicable rules related to personal data protection are available under the following link:  
<http://emsa.europa.eu/implementation-tasks/training-a-cooperation.html>"

#### 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) ☒

- Experts participants of the meetings/conferences/trainings organised under the ENP Projects
- Contract experts

Visitors to EMSA building ☒

Participants of the meetings/conferences/trainings organised under the ENP Projects

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<br>name, address, passport or ID card number, nationality, birth date, gender   | <input checked="" type="checkbox"/> |
| Education & Training details<br>CV and professional certificates   | <input checked="" type="checkbox"/> |
| Employment details:<br>Organisation, e-mail, position held, employer information (name, city, country, address, website, business or sector) | <input checked="" type="checkbox"/> |
| Financial details<br>Bank account and account holder's name  | <input checked="" 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 checked="" type="checkbox"/> |

**Manual Contacting Tracing**

During normal day-to-day operation, EMSA collects personal data, such as access register or meeting lists of non-staff contacts, regularly or occasionally visiting its premises. This data might, incidentally, be of

interest for manual contact tracing operations by National Health Authorities and/or EMSA.

EMSA may be informing an expert/visitor that they may have been in contact with an individual who has been found to be infected. In this case, the processing will be strictly limited to the purpose of informing the contacts and providing him/her with the contact details of local health authorities. EMSA will not collect medical or health related information from an expert/visitor aside from the information required to contact trace its staff. Experts/visitors will be clearly informed that access register or meeting lists may be used for contact tracing via the Privacy Statement.

#### Antigen test

The verification of the **antigen test** results is only visual and is not accompanied by any recording or documentation of the results.

**EU Digit Certificate**, where available, will be verified by scanning of a QR code without recording the data it contains.

These measures are intended to protect the health and safety of the staff and guests when trainings/events and conferences are organised in EMSA premisses.

Information regarding an individual's sex life or sexual orientation

☐

#### 7) Recipient(s) of the data (Article 31.1 (d))

*Recipients are all parties who have access to the personal data*

Data subjects themselves

☒

Managers of data subjects

☐

Designated EMSA staff members:

☒

- the relevant Project Officers, Financial Officers and Administrative Assistants and involved in the management of the ENP Projects

- the Legal and Finance staff handling the reimbursement of the incurred costs

- the Authorising Officers and the Accountants

- occasionally, specialised members of the ICT Unit, involved in the management and development of IT Applications

- also if appropriate, 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.

Designated Contractors' staff members

☒

- travel agency employees booking with flights and accommodation

- subcontractor audit company from DG Near

Other (please specify):



- Diplomatic missions issuing visas for the participants
- 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
- National Health Authorities: Serviço Nacional de Saúde (SNS) is the Portuguese health authority and the competent entity that deals with any COVID 19 situation in Portugal. According to the present Portuguese regulation, it is mandatory to communicate a positive case to SNS. The SNS will contact the individual who has been found to be infected and will investigate possible contagion chain.

8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e))

*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.*

Data are transferred to third country recipients:

Yes



No



**If yes, specify to which country:**

United Kingdom – For audit purposes only, given the fact that the auditor is appointed by the Contracting Authority (EC DG NEAR)

**If yes, specify under which safeguards:**

[Adequacy Decision of the European Commission with UK](#)



Standard Contractual Clauses



Binding Corporate Rules



Memorandum of Understanding between public authorities



**If yes, specify to which country:**

The ENP partner countries: (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia in the Mediterranean region and Azerbaijan, Georgia, Islamic Republic of Iran, Kazakhstan, Moldova, Turkey, Turkmenistan and Ukraine in the Black and Caspian Sea regions.)

**If yes, specify under which safeguards:**

Adequacy Decision of the European Commission



Standard Contractual Clauses





Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input checked="" type="checkbox"/>
For the ENP Countries there is the European Policy Instrument, which is also a legally binding instrument, between the EU and each of the beneficiaries. Vis-a-vie EMSA, we have a Grant agreement covering each and every country mentioned in the Record of Processing Activity.	

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	<input checked="" type="checkbox"/>
Outlook Folder(s)	<input checked="" type="checkbox"/>
Hardcopy file	<input checked="" type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	
Servers of contractors and auditors	<input checked="" type="checkbox"/>
Other (please specify): ABAC and ARES	

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.*

According to Art. 16.1 of the Grant Agreement Annex II – General Conditions, the retention period is 5 years, from the Projects' End Date.