

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Management of Teleworking Requests at European Maritime Safety Agency

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:

The processing has as its objective the management, recording and monitoring of teleworking requests of staff (Officials, Temporary Agents, Contract Agents and Seconded National Experts) based on the EMSA teleworking policy.

The Teleworking Policy has the purpose to allow greater flexibility for the organisation of the work, a better work-life balance for the staff by increasing their autonomy and decreasing their environmental impact by the commuting.

The Appointing Authority delegates the power to implement the teleworking policy to the Human Resources and Internal Support Unit in close cooperation with the Digital Infrastructure Unit.
In principle, staff may take up to two days of telework per week (half-days are possible). Staff also have the possibility to take up to 10 days of teleworking outside the place of employment per calendar year.

The staff member introduces a request via LeaMa to the line manager concerned (i.e. Head of Unit, Head of Department and Executive Director), who will approve or reject the request in the system. In particular, the assessment consists of identifying if the staff member is authorised to telework according to the criteria as defined by the current teleworking policy and the interest of the service.

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:

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

- Personal details: Surname, first name, personnel number, dates of telework, mobile phone number and fixed number, home address, working address if staff telework outside the place of employment.
- Employment details: Type of Contract, Status, Unit, Job Title and tasks
- Family, lifestyle and social circumstances: Staff may write comments or e-mails to their Line Manager with further information about their telework request because occasional teleworking makes it possible to avoid staff having to take leave when they are able to work in cases such as (the list is only indicative and not exclusive): Personal, domestic or family reasons and/or a transport strike.
- Health: Staff may telework when have mobility problems which do not prevent the person working. (Medical files that are kept at the medical service of the European Commission.)

3. Processing the personal data

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

Personal data are processed by:

- Human Resources and Internal Support (Unit 4.1)
- European Commission DG HR - Medical Service

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Data subjects themselves: Officials, Temporary Agents, Contracts Agents and SNEs
- Managers of data subjects: Line Managers for the approval of the telework requests.
- Designated EMSA staff members:
 - The Leave manager and backups
 - Head of Unit 4.1
 - Head of Department 4.0
 - The Appointing Authority, i.e., the EMSA's Executive Director
 - Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications.
- Designated Contractors' staff members: The external IT contractor in charge of the development and maintenance of the Human Resources IT Applications have access to the quality environment of the corporate applications (LeaMa and TiMa indirectly) where a reduced list of names, surnames and EMSA Staff members personnel numbers is available.
- Other:
 - Designated staff members of DG HR Medical Services.
 - 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.

The information concerning Management of Teleworking Requests at European Maritime Safety Agency 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.

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 the Management of Teleworking Requests at European Maritime Safety Agency 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 the Human Resources and Internal Support Unit (4.1).

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Management of Teleworking Requests at European Maritime Safety Agency 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) 5a 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).
- [EMSA Administrative Board Decision on the Implementation of Telework at EMSA](#)
- [Administrative Notice 2017-10: Teleworking Policy at EMSA](#)
- [Administrative Notice: 2021-16 Revised Teleworking Policy at EMSA](#)

- [Administrative Notice: 2022-02: Amendment to AN 2021-16: Teleworking Policy at EMSA\)](#)
- [Administrative Notice: 2022/09: Transitional teleworking arrangements until the adoption of a new decision on working time and hybrid working](#)

8. Storing Personal data

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

- Data on the telework schedule of staff members should be retained until 4 years after the carryover of the unused days of annual leave to the following year has been closed.
- Medical files are kept by the Medical Services of the European Commission for 30 years after the end of service of the staff member.
- Comments included voluntarily by the staff members in the telework requests are to be deleted asap.

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 the Human Resources and Internal Support Unit (4.1) under the following mailbox: hr.leavemanager@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.