

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Earth Observation (EO) satellite-based services ...

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:

The purpose of the processing is defined in Article 2 par. 4 of the EMSA founding Regulation, which establishes that EMSA supports the European Commission and Member States by:

- (b) by providing, upon request and without prejudice to national and Union law, relevant (...) Earth Observation (EO) data to the competent national authorities and Union bodies within their mandate, in order to facilitate measures against threats of piracy and of intentional unlawful acts, as provided or in applicable Union law or under internationally agreed legal instruments in the area of maritime transport, subject to applicable data protection rules;
- (d) (...) with additional means in a cost-efficient way pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations (...);
- (f) in improving the identification and pursuit of ships making unlawful discharges in accordance with Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (2);
- g) regarding marine oil pollution caused by oil and gas installations, by using the European Satellite Oil Monitoring Service (CleanSeaNet) to monitor the extent and environmental impact of such pollution

Article 2a of the EMSA founding Regulation establishes that EMSA shall assist the Commission and the Member States "as concerns the Global Monitoring for Environment and Security programme (GMES), in promoting the use of GMES data and services for maritime purposes, within the GMES governance framework".

Article 2b of the EMSA founding Regulation establishes that EMSA shall, in cooperation with the European Border and Coast Guard Agency, and the European Fisheries Control Agency, each within their mandate, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level.

As consequence, the Agency provides radar and optical satellite images in near-real time delivered regularly to its end-users (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies

(Frontex, EFCA)) in a user-friendly format, particularly in response to specific operations at sea or in support to emergencies.

The two main satellite-based Earth Observation services offered by EMSA are [CleanSeaNet](#) and the [Copernicus Maritime Surveillance](#) service. EMSA also provides a regular EO based service to EFCA and Frontex. Data from Earth Observation satellites offer a unique view of our oceans, seas, and coasts. Satellites, and their on-board sensors, provide routine, cost effective, reliable and wide area maritime surveillance.

Data from Earth Observation satellites is downlinked to a network of Ground Stations, processed into images, and analysed. The images and results are then sent to the Earth Observation Data Centre at EMSA, where this information is integrated with vessel traffic and other maritime information and disseminated to users of EMSA's Integrated Maritime Services.

To provide the above-mentioned services, personal data are communicated to or collected by EMSA as follows:

1. As services are requested by Member States and/or EU Agencies and international organisations (Frontex, EFCA, MAOC-N, EUNAVFOR, ..), personal data of staff in those organisations is communicated to EMSA in the service request form and subsequent communications for the planning of the service such as those exchanged during emergencies; Personal data of EMSA staff and contractor staff are displayed in agenda, presentations and/or minutes of meetings (kick off, ad hoc or annual meetings), pictures and videos of operations and stored in the unit shared drives during contract implementation or for communication on the EMSA website.

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:

- Personal details: Name and surname
- Employment details: Job title, professional e-mail, phone number or address

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Unit 2.2., acting as delegated EMSA data controller.

Personal data are processed by Unit 2.2 Surveillance.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

Designated EMSA staff (Officials, TAs and CAs)

Designated Non-EMSA staff (SNEs, NEPTs, Interims and Trainees at EMSA) and Staff in the user authorities (Member States, EFTA Member States (Norway and Iceland only), and/or EU Agencies (Frontex, EFCA)

The information concerning Earth Observation (EO) satellite-based services 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.

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 Earth Observation (EO) satellite-based services 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, Head of Unit 2.2.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the Earth Observation (EO) satellite-based services 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 5 (a) of the Regulation 2018/1725.

The personal data are collected and processed in accordance with:

- Article 2 par. 4 of the EMSA Founding Regulation
- Article 2a of the EMSA Founding Regulation
- Article 2b of the EMSA Founding Regulation

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 deleted five years after the 31 of December of the year it has been received.

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 2.2. under the following mailbox: HoU.Surveillance@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.