

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of the Renewal of contracts for 2(f) Temporary Agents and Contract Agents 3a and extension of period of secondment for seconded national experts (v.1)

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:

In order to fulfil its mandate, EMSA needs to employ and retain those staff members and national experts who have a satisfactory performance.

Provided that the position continues to exist and for 2(f) Temporary Agents and Contract Agents, at least six months before the end of the contract, Human Resources contacts the relevant hierarchical superiors (Head of Unit and Head of Department) of the staff member concerned to obtain their input and opinion on the renewal of the contract of the staff member.

The file contains the following supporting documents: Last appraisal reports and contract renewal note.

If the recommendation is positive, HR circulates a contract amendment in ARES for endorsement and signature by the Appointing Authority and subsequently for the signature of the staff concerned. The contract amendment is stored in the staff member's e-personal file.

In the case of a negative opinion on the renewal, the Appointing Authority hears all parties, including the staff member and takes a final decision on the renewal/non-renewal of the contract. A letter is sent to inform the staff member with the final outcome of this meeting.

For SNEs, Human Resources contacts the relevant hierarchical superiors of the national expert concerned to obtain their input and opinion on the renewal of the secondment of the SNE six months prior to the end of the secondment. Following a performance evaluation report, circulated in ARES, with input from the hierarchical superiors and the SNE, the Appointing Authority decides on the extension or non-extension of the SNE. A letter containing the request for extension or non-extension is electronically signed in ARES and sent by email to the Permanent Representation/diplomatic mission/EFTA Secretariat/administrations of the IGOs informing the latter of the intention or not to extend the period of secondment. The evaluation report and letter is stored in e-personal file of the SNE. Subject to three months' notice the SNE secondment may be terminated earlier,

at the request of EMSA or the SNE's employer, The SNE may request termination with subject to the same period of notice, and with the agreement of EMSA and the SNE's employer. In exceptional cases the secondment may be terminated without notice and EMSA immediately informs the SNE and his employer accordingly.

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:

General personal data:

Personal details: Personnel number, name, signature for Temporary Agents and Contract Agents. For SNEs: name of the SNE, title, period of extension, administration of origin.

Other: Performance appraisal reports and SNE evaluation reports

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:

Relevant staff in the Unit 4.1 Human Resources and Internal Support.

For SNEs: the Permanent Representations of the Member States, the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- The Data subject themselves: Temporary Agents and Contract Agents receive a copy of the contract amendment or failing that a letter communicating to them the non-renewal decision. SNEs: A copy of the exchange of letters with the Permanent Representation/diplomatic mission/EFTA Secretariat/administration of the IGO and a copy of their evaluation report is stored in their e-personal file.
- Managers of data subjects.
- Designated EMSA staff members: Relevant staff members within Human Resources and ICT colleagues in charge of maintenance of the applications
- Other: For SNEs: Permanent Representation/diplomatic mission/EFTA Secretariat/administration of the IGO. 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 Renewal of contracts for 2(f) Temporary Agents and Contract Agents 3a and extension of period of secondment for seconded national experts procedure 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 Renewal of contracts for 2(f) Temporary Agents and Contract Agents 3a and extension of period of secondment for seconded national experts procedure 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 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 Ethics Requests and Declarations 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:

- 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.
- Decision of the Administrative Board of 25 March 2015 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.
- Decision of the Administrative Board of 24 June 2019 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof.

Decision of the Administrative Board of 20 November 2009 on Rules Applicable to Detached National Experts on Secondment to EMSA

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 as following:

For contract agents and temporary agents, personnel files are destroyed 10 years following the termination of employment or the last pension payment.

For SNEs, personnel files are destroyed 10 years following the end of secondment.

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: hr.career@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.