

Data Protection Statement/Privacy Statement on the processing of personal data in the procedure/context of Management of Leave Requests at EMSA

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 and recording of various types of leave of staff members.

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

The procedures are managed as described below.

Procedures in In LeaMa, the electronic management tool for the processing of leave:

The following data is processed for Officials, Temporary Agents and Contract Agents who introduce a request into the system:

- Annual Leave: Name, type of leave – basic entitlement, dates requested (duration of leave), comments if applicable, attached documents if applicable, approval by Head of Unit.
- Special leave: Name, type of leave – special leave and type of special leave (as mentioned in the implementing rule on leave), dates requested (duration of leave), comments if applicable, attached documents if applicable or provided by e-mail, approval by Leave Manager.

Example of supporting documents: adoption papers, attendance certificates, proof or removal delivery, copy of rental contracts, copies of birth, marriage or death certificates, medical certificate stipulating that the staff member was required to stay with the relevant family member for reasons of illness, including personal number and name of the absent staff member, the dates of the absence and a signature of the doctor.

Special leave related to health are delivered in a sealed envelope to the HR Leave Manager who sends it to the Medical Service in Brussels.

- Sick Leave: Illness with certificate/without certificate: name, type of leave – illness with/without certificate, dates requested (duration of leave), comments if applicable, approval by Leave Manager.

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

Medical certificates are sent by staff members to DG HR Medical Service for validation. Staff can opt to send their medical certificates to either a dedicated e-mail, or On the GO application or PMO Mobile, or by regular post.

The staff member presents a medical certificate which should include their personal number, their name, the dates of the absence and a signature of the doctor. With regard to medical certificates, the reason of illness is not detailed on the medical certificate.

The Medical Service validates the certificates and sends a list to EMSA which mentions the name of the staff member, the length of the absence and the type of leave (sick leave, part time medical leave, etc).

Procedures in the E-personal file:

The following data is processed for Officials, Temporary Agents and Contract Agents.

- Parental leave: name of the staff member, personal number, Dept, Unit, Type of Contract/grade/function group. Period of requested parental leave, child (name and date of birth), type of leave (50% or 100% of working hours), extension of parental leave entitlement information, scheduled working hours information, information on previous leaves, conditions for allowance received, single parent status and declaration if applicable, address during parental leave, legal basis. Verification/Approval by HR, Line Managers and Appointed Authority.
- Family Leave: name of the staff member, personal number, Dept, Unit, Type of Contract/grade/function group. Period of requested family leave, person for whom family leave is taken, name, date of birth and relation to staff member. A medical certificate of the diagnosis of the illness or handicap confirming its seriousness must be provided in a sealed envelope to be validated by DG HR Medical Service, Type of leave (50% or 100% of working hours), scheduled working hours information, information on previous leaves, conditions for allowance received, address during family leave, legal basis. Verification/Approval by HR, Line Managers and Appointed Authority.
- Part-time work and Special Part-time (Time Credits): name of the staff member, personal number, Dept, Unit, Type of Contract/grade/function group. Indication if not working full-time, Period of requested part-time and type of request (new or renewal), % of the standard part-time request, reason for the request, If applicable appropriate supporting documents depending on the reason of the request with the exception of any document containing medical data, which should be provided in a sealed envelope to HR Leave Manager to be validated by DG HR Medical Service, name and date of the child(ren) if applicable, scheduled working hours information, choice for pension contribution, legal basis. Verification/Approval by HR, Line Managers and Appointed Authority.
- Leave on Personal Grounds (CCP): name of the staff member, personal number, Dept, Unit, Type of Contract, Expiry of Contract. Application type, request/renewal/declaration of outside activity. Duration of the leave and term of office if applicable, reasons, Description of Duties at EMSA, address on leave, outside activity details if applicable, Declaration and Signature of Staff member if application is of a renewal. Verification/Approval by HR, Line Managers and Appointing Authority is done in in ARES.

For MSS staff on shift, Trainees, NEPTS and Interims:

- Annual leave: Name, Personnel number, Dept, Unit, type of request (annual leave, cancellation or other) dates, contact details during leave, Total number of leave days taken, comments if applicable, approval of Head of Unit, registration by HR in a excel table.

For MSS staff on shift and NEPTS:

- Special leave: Name, Personnel number, Dept, Unit, type of request (annual leave, cancellation or other) dates, contact details during leave, Total number of leave days taken, type of Special Leave and appropriate supporting documents depending on the reason of the request with the exception of any document containing medical data, which should be provided in a sealed envelope to HR Leave Manager to be validated by DG HR Medical Service, comments if applicable, approval of Head of Unit, registration by HR in a excel table.

Example of supporting documents: adoption papers, attendance certificates, proof of removal delivery, copy of rental contracts, copies of birth, marriage or death certificates, medical certificate stipulating that the staff member was required to stay with the relevant family member for reasons of illness, including personal number and name of the absent staff member, the dates of the absence and a signature of the doctor.

Procedure managed directly by HR Leave Manager by e-mail:

For Trainees and NEPTS:

- Sick Leave: Illness with certificate/without certificate: name, type of leave – illness with/without certificate, dates requested (duration of leave).

Medical certificates are sent by Trainees and NEPTS to HR Leave Manager for validation. Trainees and NEPTS present a medical certificate which should include their personal number, their name, the dates of the absence and a signature of the doctor. With regard to medical certificates, the reason of illness is not detailed on the medical certificate. Registration by HR in a excel table.

Procedures managed directly by the Interim Agency:

Sick leave: In the case of sickness related absences, medical certificates are sent directly by the interims to the interim agency in charge of their employment contract for validation. The interim agency informs HR Leave managers of the justified absence.

2. Categories/types of personal data processed

The categories/types of personal data processed are the following:

- Personal details
- Employment details
- Family, lifestyle and social circumstances
- Other: Administrative documents that include personal data relating to the health status of a person. Amongst those documents are medical certificates, forms concerning leave for health reasons and the list of medical certificates validated by the Medical Service.
- Health: Medical files that are kept at the medical service of the European Commission. Medical files include medical certificates, medical reports, laboratory tests, medical questionnaires etc.

3. Processing the personal data

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

Personal data are processed by²:

- Human Recourses and Internal Support Unit (4.1)
- European Commission DG HR - Medical Service – responsible for medical files.
- European Commission - Payment Management Office (PMO): The PMO will adjust the salaries when applicable.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- Data subjects themselves: Officials, Temporary Agents, Contract Agents, SNEs, NEPTs, Interims
- Managers of data subjects: Line Managers for the approval of the Leave requests
- Designated EMSA staff members:
 - The Leave manager and backups
 - Payroll Officer and backups
 - Senior HR Officer
 - Head of Unit, Executive Office
 - 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 (E-Personal File, LeaMa and TiMa indirectly) where a reduced list of names, surnames and EMSA Staff members personnel numbers is available.
- Designated Commission staff members: DG HR Medical Services, PMO for adjustment on salaries when applicable and DIGIT for the application On the Go and PMO Mobile.
- 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 Leave Requests** 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.

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

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 **Management of Leave Requests** 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.

All persons dealing with personal data in the context of the **Management of Leave Requests** procedures, at any stage, sign a confidentiality declaration that is kept in the folder of the procedure.]

Paper documents are kept in locked cupboards in EMSA HR Archive room protected with a code.

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.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the **Management of Leave Requests** 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).
- Articles 57, 58 and 61 of the Staff Regulations and Annex V thereto, and Articles 16 and 91 of the CEOS in respect of Leave.
- Article 42b of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of family leave.
- Articles 12b, 15, 37, 40, 110(2) and Article 33 of Annex XIII of the Staff Regulations and Articles 11, 17, 52 and 91 of the CEOS in respect to leave on personal grounds and unpaid leave.
- Article 42a of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of parental leave.
- Article 55a and Annex IVa of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of on part-time work.
- Article 58b of the Staff Regulations and Articles 16 and 91 of the CEOS in respect of maternity leave.
- Commission Decision C(2013) 9051 of 16 12 2013 on leave applicable to the Agency by analogy, as amended.
- Commission Decision C(2010) 7572 of 05/11/2010 on parental leave applicable to the Agency by analogy.
- Decision of the Administrative Board of 17/09/2015 on leave on personal grounds for officials and unpaid leave for temporary and contract staff.
- Commission Decision C(2013) 9020 on maternity leave and maternity pay for women whose maternity leave begins before the end of their contract applicable to the Agency by analogy.
- Commission Decision C(2015) 9720 on part-time work applicable to the Agency by analogy.
- Commission Decision C(2004)1314 of 14/04/04 on Article 42b of the Staff Regulation concerning family leave applicable to the Agency by analogy.
- Decision of the Administrative Board of 20/11/09 laying down rules on the Secondment to EMSA of National Experts and National Experts in Professional Training, as amended.
- Decision No. 2022/036 of the Executive Director relating to the Rules Governing the Traineeship Scheme of 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.

Data on the annual leave, sick leave and flexible holidays requests 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.

Parental leave; Family leave; Part-time work, Special Part-Time (Time Credits), Leave on personal grounds (CCP) are filled in the e-personal file of the staff member concerned, which are kept 10 years following the termination of employment or the last pension payment.

Data on Special leave of the staff member concerned are to be kept 10 years following the termination of employment or the last pension payment.

Medical Certificates of Trainees and NEPTS are kept by 30 years after the end of service by EMSA.

Medical Files including medical certificates of staff members are kept by 30 years after the end of service by the Medical Services of the European Commission.

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, the Head of 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.