

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

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

Use of the eTranslation tool to translate documents related to the visits to Member States and inspections referred to in Article 3 of Regulation (EC) No 1406/2002, as amended, carried out by EMSA to assist the European Commission and the EFTA Surveillance Authority in the effective implementation of relevant binding legal acts of the Union.

1) Controller(s) of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit <b>responsible</b> for the processing activity: Unit 1.2</p> <p>Contact person: Mario Mifsud: <a href="mailto:Vandl-DC@emsa.europa.eu">Vandl-DC@emsa.europa.eu</a></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))
<p>The data is processed by EMSA itself <span style="float: right;"><input type="checkbox"/></span></p> <p>The organisational unit conducting the processing activity is: Unit 1.2</p> <hr/> <p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>Contact point at external third party (e.g. Privacy/Data Protection Officer): <a href="mailto:EC-DPO-INTERNAL@ec.europa.eu">EC-DPO-INTERNAL@ec.europa.eu</a></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.

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.*

Article 2.2(b) of Regulation (EC) No 1406/2002, as amended, states that, "The Agency shall assist the Commission in the effective implementation of relevant binding legal acts of the Union, in particular by carrying-out visits and inspections as referred to in Article 3 of this Regulation".

Article 3 'Visits to Member States and inspections' states:

"1. In order to perform the tasks entrusted to it and to assist the Commission in fulfilling its duties under the TFEU, and in particular the assessment of the effective implementation of relevant Union law, the Agency shall carry out visits to Member States in accordance with the methodology established by the Administrative Board.

2. [...]

3. The Agency shall carry out inspections on behalf of the Commission as required by binding legal acts of the Union regarding organisations recognised by the Union in accordance with Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations, and regarding the training and certification of seafarers in third countries in accordance with Directive 2008/106/EC.

4. [...]"

This task also extends to the EFTA Surveillance Authority and the EEA Member States by virtue of the Decision of the EEA Joint Committee No. 81/2003 of 20 June 2003, which incorporated Regulation (EC) No 1406/2002 into the EEA Agreement.

The preparation of the visits and inspections by EMSA staff may require that documents related to the implementation and application of the applicable Union law by the Member State being visited or the organisations or third countries being inspected are translated, for which the eTranslation tool is used.

In some cases, the documentation that is translated may include personal data including peoples names, job titles, responsibilities and the work carried out or services provided by them.

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) ☒  
(Examples of legal basis: e.g. Article 2 'Core tasks of the Agency', par.4 b) EMSA founding regulation )
- (b) compliance with a legal obligation to which EMSA is subject ☐
- (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	
5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>	
EMSA staff	<input type="checkbox"/>
Non-EMSA staff (contractors staff, external experts, trainees)	<input type="checkbox"/>
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
Other (please specify): Persons from Member States, third countries, companies or organisations that are referred to in the documents to be translated.	
6) Categories of personal data processed (Article 31.1(c)) <i>Please tick all that apply and give details where appropriate</i>	
(a) <b>General personal data:</b> The personal data contains:	
Personal details (name, address etc)	<input checked="" type="checkbox"/>
Education & Training details	<input checked="" type="checkbox"/>
Employment details	<input checked="" type="checkbox"/>
Financial details	<input type="checkbox"/>
Family, lifestyle and social circumstances	<input type="checkbox"/>
Goods or services provided	<input checked="" type="checkbox"/>
Other (please give details): Work carried out in the performance of their employment and/or the role(s) they perform in an organisation.	

(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 type="checkbox"/> |
| Information regarding an individual's sex life or sexual orientation | <input type="checkbox"/> |

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

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

- |                                       |                                     |
|---------------------------------------|-------------------------------------|
| Data subjects themselves              | <input type="checkbox"/>            |
| Managers of data subjects             | <input type="checkbox"/>            |
| Designated EMSA staff members         | <input checked="" type="checkbox"/> |
| Designated Contractors' staff members | <input type="checkbox"/>            |
| Other (please specify):               |                                     |

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	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
<b>If yes, specify to which country:</b>	
<b>If yes, specify under which safeguards:</b>	
Adequacy Decision of the European Commission	<input type="checkbox"/>
Standard Contractual Clauses	<input type="checkbox"/>
Binding Corporate Rules	<input type="checkbox"/>
Memorandum of Understanding between public authorities	<input type="checkbox"/>
<b>9) Technical and organisational security measures (Article 31.1(g))</b> <i>Please specify where the data are stored during and after the processing</i>	
How is the data stored?	
EMSA network shared drive	<input checked="" type="checkbox"/>
Outlook Folder(s)	<input checked="" type="checkbox"/>
Hardcopy file	<input type="checkbox"/>
Cloud (give details, e.g. public cloud)	<input type="checkbox"/>
Servers of external provider	<input type="checkbox"/>
Other (please specify): ARES	
<b>10) Retention time (Article 4(e))</b>	

*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.*

The retention period of the eTranslation tool is 1 year past last access, as can be found in the Privacy Statement for the tool: <https://ec.europa.eu/dpo-register/detail/DPR-EC-00600.3>

For EMSA documents: EMSA 4.2 Visits and inspections. ARP 20 years. Sampling and selection, Second review.