

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

NAME OF PROCESSING ACTIVITY¹: **Management of reasonable accommodation requests for staff with disabilities at EMSA**

1) Controller(s)² of data processing operation (Article 31.1(a))
<p>Controller: European Maritime Safety Agency (EMSA)</p> <p>Organisational unit responsible³ for the processing activity: 4.1 Unit – Human Resources and Internal Support</p> <p>Contact person: Cristina Romay Lopez - 4.1 Unit – Human Resources and Internal Support</p> <p>Data Protection Officer (DPO): Radostina Nedeva-Maegerlein: dpo@emsa.europa.eu</p>
2) Who is actually conducting the processing? (Article 31.1(a))⁴
<p>The data is processed by EMSA itself <input checked="" type="checkbox"/></p> <p>The organisational unit conducting the processing activity is: 4.1 Unit – Human Resources and Internal Support</p>
<p>The data is processed by a third party (contractor) or the processing operation is conducted together with an external third party. <input checked="" type="checkbox"/></p> <p>PREVERIS - Prevenção, saúde e Segurança no trabalho</p> <p>dpo@preveris.pt</p>
3) Purpose of the processing (Article 31.1(b))

¹ **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.

² In case of more than one controller (e.g. joint operations), all controllers need to be listed here

³ This is the unit that decides that the processing takes place and why.

⁴ Is EMSA itself conducting the processing? Or has a provider been contracted?

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.

The purpose of the processing of the personal data is to ensure, as far as is reasonable, that staff with disabilities can enter into and remain in employment within the Agency on an equal basis as others, enjoying equal access to resources, equal privileges and benefits of their job as others without disabilities, unless doing so will impose a disproportionate burden on EMSA.

The process mainly consists of:

1. The staff member submits a request for reasonable accommodation for staff with disabilities via e-mail to the Disability Coordinator.
2. Upon receiving a request for reasonable accommodation, the Disability Coordinator will review the information and puts the staff member in contact with a designated EMSA Medical Adviser to discuss their request for reasonable accommodation.
3. The staff member meets with the designated EMSA Medical Adviser and must submit to them an official proof of a recognised disability as issued by a national competent authority that confirms the percentage of disability, as well as any other medical documentation they deem relevant to their request.
4. The designated EMSA Medical Adviser will confirm, or not, the disability by declaring this in Part B of the request form and will send this to the Disability Coordinator by email, indicating which actionable areas of work could be affected and in need of reasonable accommodation.
5. On confirmation of the existence of a disability and the work area(s) affected by the disability limitation, the Disability Coordinator initiates a consultative process where the request for reasonable accommodation and the type or types of measures that are needed are discussed.
6. The Disability Coordinator starts this consultative process with the staff member and then contacts the line manager. If necessary, the Disability Coordinator involves any other relevant party at EMSA responsible on providing subject-matter expertise on how to accommodate the request according to organisational and/or budgetary availability (e.g. Facilities and ICT for workspace or ICT application adaptations, etc.). EMSA's Joint Committee may also be consulted. The outcome of each meeting will be documented in the request form. Measures for reasonable accommodation will be proposed.
7. The Disability Coordinator will ask the designated EMSA Medical Adviser to confirm if the proposed measures are relevant to the disability needs and will allow the staff member to perform the essential functions of the job if implemented.
8. The designated EMSA Medical Adviser sends the Disability Coordinator an email confirming this or not and can also propose additional measures if they deem this is necessary. The email is saved as an attachment of the request form in a dedicated folder in ARES.
9. Once the consultative process has been completed, the Disability Coordinator will complete a report with the proposed measure(s) and asks the line manager and the other actors involved in the consultative process to indicate their position and comments. The report will be submitted to the Executive Director.
10. The Executive Director will evaluate the request for reasonable accommodation and will communicate a decision in writing, stating the reasons for the decision through ARES.
11. Upon approval of a request for reasonable accommodation, or as soon as it is possible in the circumstances, the Disability Coordinator will coordinate with the line manager and the relevant organisational parties, to ensure the necessary accommodation is provided to the staff member and is applied to all areas as needed.

In the process described above, medical data is processed only by the designated EMSA Medical Adviser.

Due to the sensitive nature of the data processed, the Disability Coordinator and their back-up will sign a declaration of confidentiality stating that they are subject to an obligation of professional secrecy equivalent to that of a health professional.

The processing operation entails the handling of data related to health and medical information. Given the sensitive nature of the data being processed, this activity is likely to pose particular risks to the rights and freedoms of the individuals concerned. Consequently, it is subject to a Data Protection Impact Assessment.

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) ☒
Article 1d(4) of the Staff Regulations and Articles 10, 80(4) and 128 of the Conditions of Employment of other Servants of the EU;
[Implementing Rule the implementing rule on Article 1d \(4\) of the Staff Regulations that EMSA has adopted](#)
[UN Convention on the Rights of People with Disabilities \(UNCRPD\)](#)
- compliance with a legal obligation to which EMSA is subject ☐
- (b) necessary for the performance of a contract with the data subject or for the preparation of such a contract ☐
- (c) 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))

Whose personal data are being processed?

- EMSA staff ☒
Officials, Temporary Agents and Contract Agents
- Non-EMSA staff ☒
Seconded National Experts, Trainees, Interims, NEPTs
- Visitors to EMSA building ☐
- Relatives of the data subject ☐

Other (please specify):

6) Categories of personal data processed (Article 31.1(c))

Please tick all that apply and give details where appropriate

(a) **General personal data:**

The personal data contains:

Personal details (name, address etc) ☒

Education & Training details ☐

Employment details ☒

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details):

(b) **Sensitive personal data** (Article 10)

The personal data reveals:

Racial or ethnic origin ☐

Political opinions ☐

Religious or philosophical beliefs ☐

Trade union membership ☐

Genetic, biometric or data concerning health ☒

Medical data is processed only by a designated EMSA medical adviser

Information regarding an individual's sex life or sexual orientation	<input type="checkbox"/>
7) Recipient(s) of the data (Article 31.1 (d)) <i>Recipients are all parties who have access to the personal data</i>	
Data subjects themselves	<input checked="" type="checkbox"/>
Managers of data subjects	<input checked="" type="checkbox"/>
Designated EMSA staff members	<input checked="" type="checkbox"/>
Disability coordinator	
Human Resources and Internal Support Unit	
Corporate Services Head of Department	
Executive Director	
Services providing reasonable accommodation (if applicable)	
Joint Committee (if applicable)	
Designated Contractors' staff members	<input checked="" type="checkbox"/>
EMSA medical Adviser	
Other (please specify):	
8) Transfers to third countries or recipients outside the EEA (Article 31.1 (e)) <i>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.</i>	
Data are transferred to third country recipients:	
Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>
If yes, specify to which country:	

If yes, specify under which safeguards:

Adequacy Decision of the European Commission ☐

Standard Contractual Clauses ☐

Binding Corporate Rules ☐

Memorandum of Understanding between public authorities ☐

9) Technical and organisational security measures (Article 31.1(g))

Please specify where the data are stored during and after the processing

How is the data stored?

EMSA network shared drive ☐

Outlook Folder(s) ☒

Hardcopy file ☐

Cloud (give details, e.g. public cloud) ☐

Servers of external provider ☐

Other (please specify): *ARES*

10) Retention time (Article 4(e))

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.

Working e-mail exchanges are to be deleted not more than two months after the AIPN Decision is issued.

The ARES file for the approval of the AIPN Decision is kept for 10 years and then eliminated.

The AIPN decision is kept in the e-personal file of the staff member concerned. It is kept for 10 years following the termination of employment or the last pension payment for Officials, Temporary Agents and Contract Agents. For 10 years following the end of secondment for SNEs, 5 years following the end of secondment for NEPTs and for 5 years following the end of traineeship for trainees.

The medical file is kept by the medical provider, Preveris, until the conclusion of their contractual obligations with EMSA. Should there be a new contractor, the files must be transferred accordingly. The contractor is required to delete the medical data of former EMSA staff five years after their departure from the agency, in accordance with the agency's request.