

## **Data Protection Privacy Statement**

### **on the processing of personal data in the context of the payroll 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 (EU) No. 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 (EU) No. 2018/1725.

#### **1. Nature and the purpose(s) of the processing operation<sup>1</sup>**

The purpose(s) of the processing of personal data is to correctly process the payroll and payment of salaries of EMSA staff as well as assess the entitlement to specific allowances based on the staff member's personal and/or professional situation.

The payslip is sent electronically from EMSA's Payroll Officer directly to the staff member's work email.

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

#### **2. Categories/types of personal data processed**

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

- Personal details: name, address, date of birth, nationality(ies), place of recruitment and place origin, gender, marital status. Further relevant personal data as relevant for the entitlement to the expatriation allowance, establishment of rights on taking up duties, during the service and end of service;
- Employment details: Personnel number, NUP number, category, grade, contract type, seniority in grade; shift work, standby duties;
- Financial details: Bank account information, removal costs, cost of school fees and transport cost for children, income spouse (as relevant for household allowance);

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

- Family, lifestyle and social circumstances: Family situation as relevant for family allowances and travel/installation costs: names, dates of birth, address, school information, means of transport to go to school, situation and income spouse.

### **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:

- EMSA
- PMO (Paymaster's Office of the European Commission)
- OIB (the Office of Infrastructure and Logistics of the European Commission)
- Directorate Generals of the Commission with whom Grant Agreements are signed
- Audit companies contracted by the DG of the Commission financing the staff of projects under the Grant Agreements of the funds for project financed staff

### **4. Access to and disclosure of personal data**

The personal data is disclosed to the following recipients:

- Data subjects themselves,
- Designated EMSA staff members: Head of Unit 4.1, Payroll Officer, HR Officers establishing individual rights, Head of Unit 4.2 and Legal Officer(s) of Unit 4.2 in the case of appeal and complaints, Financial Officer(s) of the Unit 4.2 and the Accountant for processing the salary payment, Project Officers in the relevant units dealing with project financed actions,
- Designated staff of any audit company hired by the Commission Directorate General signing an agreement with EMSA where staff costs are covered,
- Designated staff members of PMO of the European Commission for the processing of the salaries,
- Designated staff members of OIB of the European Commission for the packing and distribution of the paper payslips in sealed envelopes,
- 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 the payroll 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.

In principle, personal data are not intended to be transferred to third countries. However, there is a specific case of a United Kingdom based auditor, appointed by the Contracting Authority (EC DG NEAR). The safeguards under which the data is transferred to the third country United Kingdom is the [Adequacy Decision of the European Commission with UK](#) .

## **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 the payroll 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 (EU) No. 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, the Head of the Unit 4.1 Human Resources and Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the payroll 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 (EU) No. 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 (EU) No. 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., providing that:

(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).

Processing is necessary for the performance of tasks carried out in the public interest on the basis of the [Article 6 and Article 15.2\(e\) of the Regulation \(CE\) n° 1406/2002](#) of the European Parliament and of the Council establishing a European Maritime Safety Agency (as amended).

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, in particular Annex VII to the Staff Regulations.

The data needs to be processed in the context of the payment of the salary of the staff member under the contract of employment between EMSA and the staff member.

## **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 for the maximum periods indicated below:

- Personnel files are destroyed 10 years following the termination of employment or the last pension payment;
- Payroll payment files are kept for 20 years;
- Payslips are kept for 10 years following the termination of employment or the last pension payment.

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 Unit 4.1. Human Resources and Internal Support under the following mailbox: [emsa.payroll@emsa.europa.eu](mailto:emsa.payroll@emsa.europa.eu)

Any data subject may also consult EMSA Data Protection Officer at: [DPO@emsa.europa.eu](mailto: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](mailto:edps@edps.europa.eu).