

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Management of the Financial Entitlements and Payroll 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: Unit 4.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit 4.1, 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 units conducting the processing activity are: Unit 4.1, Human Resources and Internal Support at EMSA.</p> <hr/> <p>The data is processed by a third party (contractor) <input checked="" type="checkbox"/> or the processing operation is conducted together with an external third party <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> • PMO (Paymaster's Office of the European Commission) for the processing of the salaries. • DG Budget for the validation of Bank Accounts. 	

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?

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.

To correctly process the payroll and payment of salaries as well as assess the entitlement to allowances and reimbursements based on the staff member's personal and/or professional situation.

EMSA establishes the financial benefits autonomously based on the professional and personal situation declared by their staff members and/or supporting documents. The rights on taking up duties, rights during the career, rights at the end of service and family allowances are validated in the E-Personal File and ARES and data impacting in the salary calculation is transmitted to PMO, which encodes these data into NAP manually. NAP is the system owned by the PMO that makes the calculation of the remuneration.

NAP calculates the salaries of EMSA staff. The result of the calculation done via NAP is reflected in the payslip. The payslip is a standard form, which holds the following information:

- data on the professional situation of the staff (Employer, present grading, Portugal weighting factor)
- list of the financial benefits for which a payment is reflected in the salary slip, which are indicated with a generic description and a standardised 3-letter code, followed by the corresponding amount, indicated for the month for which it is being paid. In case of retroactive adaptation of financial benefits (in plus or in minus), the resulting amount of the adaptation is indicated for the corresponding month.
- result of the calculation for all financial benefits, and indication of the resulting payments, including indication of the part of the financial benefits which are not being paid to the staff member or former staff member concerned (payment of family allowances to a third person or payment to a creditor following attachment).

Once the calculation of payroll is closed in NAP, the payment of the salaries is made via ABAC by EMSA. DG BUDG has access to the data related to the bank account of staff members to execute the payment into the bank accounts.

Staff members receive their payslip electronic via the e-personal file. A new electronic salaries tool has been developed in house for payslips be automatically uploaded every month to E-Personal file. Staff members receive an e-mail notification when it is uploaded.

As from June 2022, monthly payslips will be uploaded for the period January 2021 to May 2022 without e-mail notification, and then as from June monthly. File name indicates the year and month of the payslip, followed by their NUP number.

As from July 2022, EMSA will discontinue the distribution of the paper version payslips.

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)



- [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).
- [Article 6 of the Regulation \(CE\) n° 1406/2002](#), as amended, of the European Parliament and of the Council establishing a European Maritime Safety Agency.
- 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.

(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 ☒

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.

(d) Data subject has given consent (*ex ante*, explicit, informed)

Staff is informed of their data rights and the manner in which their personal data is handled during the payroll procedure by a Privacy Statement published in EMSA intranet.

5) Description of the categories of data subjects (Article 31.1(c))

Whose personal data are being processed?

EMSA staff ☒

Officials, Temporary Agents, Contract Staff and Project Financed Contract Staff.

Non-EMSA staff (contractors staff, external experts, trainees) ☐

Visitors to EMSA building ☐

Relatives of the data subject ☒

Spouses, Children and eventually other dependents.

Other (please specify):

Ex-spouses.

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)



Personal details as relevant for the entitlement to rights on taking up duties, during the service and end of service:

Expatriation allowance

Data on the identity of the staff member: surname and first name, current and previous nationality(ies) and any change in nationality, current and previous place(s) of residence on a period of at least 10 years before taking up employment, as well as for the same period information on studies and/or professional activity, place where this professional activity was carried out and the status of the employer (private, public sector or international organisation).

Installation Allowance, Resettlement allowance, Daily Allowances and Reimbursement of removal expenses

Data on the identity of the staff member, data confirming the change to another place of residence in connection with the reimbursement of expenses, indicating departure address and arrival address.

If applicable, data on the family situation of the staff member to confirm the change of residence of the spouse, recognised partner (full partner-spouse equivalence) or dependent children with the staff member.

Data confirming costs for temporary accommodation in Lisbon (hotels bills, short rental contracts).

Data confirming the costs related to the change of private residence (copy of the lease contract, deed of ownership, invoice confirming the moving costs, documents giving the details of the move, including the departure address and arrival address as well as the inventory of the objects that are the subject of the move).

Travel expenses

Data on the identity of the staff member, data confirming the change to another place of residence to the place of assignment at the time of entry into service, indicating departure address and arrival address, in the context of a change of place of employment or in the context of termination of service.

If applicable, data on the family situation of the staff member to confirm the trip of the spouse, recognised partner (full partner-spouse equivalence) or dependent children with the staff member (copy of documents confirming the change of residence and/or trip per family member).

Annual travel expenses

Data on the identity of the staff member, data on the family situation of the staff member, data on the place of origin and entitlement to the expatriation allowance of the staff member.

Determination of place of recruitment and place of origin

Data on the identity of the staff member, data on the family situation of the staff member in the ascending and descending line, data on the identity and place of residence of the family members in the ascending and descending line (copy of the of birth, copy of documents confirming the family relationship, copy of

documents proving the residence of these family members); data on the place where the civil rights of the staff member are exercised (right to vote), data on the real estate(s) of the staff member or of the spouse or recognised partner (full partner-spouse equivalence).

Education & Training details



Please see point related to the Expatriation Allowance above mentioned.

Employment details



Personnel number, NUP number, date of first entry into service, category, grade, step, seniority in grade and step, contract duration. If applicable, information on shift work and standby duties.

Financial details



Bank account information.

Family, lifestyle and social circumstances



Family details as relevant for the entitlement to rights on taking up duties, during the service and end of service:

Birth grant and Dependent Child allowance

Data on the identity of the biological or adopted child of the staff member or of his spouse/partner equivalent to a spouse who is dependent on the staff member. This data includes information that identifies the child (surname and first name, gender, date and place and country of birth, nationality) and if applicable, child's place of residence and any change of place of residence.

Documents confirming the relationship with the staff member (birth certificate, decision confirming the adoption, marriage or partnership certificate, proof of effective maintenance provided by the staff member, proof of cohabitation with the staff member), information on the other parent of the staff member's child (surname and first name, date of birth, nationality, place of residence and any changes to the place of residence, nature of the relationship with the staff member).

If applicable, data on the factual situation in cases of divorce or legal separation regarding the custody of the staff member's child and the payment of alimony and child allowances as confirmed by court or administrative decision: copy of the n divorce or end of partnership decision; copy of the decision confirming the custody situation, payment of alimony and/or family allowances.

Data on allowances of the same kind which are paid elsewhere in relation to the same child.

When the child is dependent on the staff member following a judicial or administrative decision based on national legislation concerning the protection of minors: a copy of the judicial or administrative decision.

When the dependent child allowance is granted as a **person treated as a dependent child**: information on the identity of the person for whom this measure is requested (name and first name, gender, date, place and country of birth, nationality, place of residence and any changes to the place of residence, the nature of the relationship with the staff member), information on his/her financial expenses (expenses related to the state of health) as well as on his financial means (amount of income/pensions/annuities, allowances, properties),

if applicable, information on the identity of the spouse as well as on the family members who have an obligation of financial support vis-à-vis the person for whom the right is requested as that of the staff member, and on their financial means (income/retirements/pensions/annuities resulting from a professional activity, allowances/financial aid of all kinds) and properties.

Education allowance:

Data on the identity of the dependent child of the staff member supplemented by data on his or her schooling: identification of the educational institution attended (address), level of education (nursery, primary, secondary, higher), type of education (public or private, paid or not, formal recognition by the competent national authorities), proof of actual attendance of the establishment, information on the interruption of schooling, information on tuition fees (copy of invoices for tuition fees, costs related to accommodation for studies in boarding school or student residence), information on the income of the received as part of or in parallel with studies, information on the transport used by the child to get to school, information on the progress of studies (copy of participation in exams or u tests, in particular when the child studies at a distance).

Household allowance: Data on the identity of the spouse or recognised partner (full partner-spouse equivalence) (surname and first name, if applicable information on the change of name, date, place and country of birth , gender, nationality, place of residence and any change in place of residence, copy of official document confirming marriage or partnership); When the right to the household allowance is based exclusively on marriage or partnership assimilated to marriage: data on the income from a professional activity of the spouse or recognised partner (full partner-spouse equivalence) (information on the professional activity or the absence from a professional activity, information on professional income, allowances or other or the absence of income, the country where the income from the professional activity is received, documents drawn up by the competent tax authorities confirming the level of annual professional income;

Goods or services provided ☐

Other (please give details): ☐

- Where payments need to be made to a third person or third party: identification of the third person or third party (name and surname, complete address, bank account.)

(b) Sensitive personal data (Article 10)

Racial or ethnic origin ☐

Political opinions ☐

Religious or philosophical beliefs ☐

Trade union membership	<input type="checkbox"/>
Genetic, biometric or data concerning health	<input checked="" type="checkbox"/>
<p>Data concerning health and medical data: when the dependent child allowance is granted (doubled and/or extended) on the basis of the child's illness or disability: Staff members are requested to contact HR Leave manager and to communicate the appropriate forms concerning the illness/disability of the child inserted in an envelope sealed. The HR Leave Manager transmits this data to the medical service. HR Leave manager then receives the opinion of the medical service confirming the illness or the percentage of the child's disability and informs the Payroll Officer. The decision of the medical service is based on information on the medical situation of the child attached to the request submitted by the staff member. If applicable, when the Medical Service considers that the illness/disability is less than 50%, staff members are requested to send to PMO the documents proving the costs in relation to this illness/disability. The Payroll Officer prepares the relevant ED Decision, encodes and informs PMO for updating the doubled/extended dependent child allowance in NAP.</p> <p>Medical data is neither processed nor stored by EMSA.</p> <p>The reasons under Article 10(2) allowing the processing of the special categories of data is that the processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the entity of the operational controller or of the data subject in the field of employment and social security.</p>	
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"/>
Data subjects have full access to information pertaining to them through E-Personal file and My HR Data.	
Managers of data subjects	<input type="checkbox"/>
Designated EMSA staff members	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> • Executive Director, • Head of Department 4, • Head of Unit 4.1, • HR Senior and Legal Officer Unit 4.1 for verification of the files and in the case of appeal and complaints, • Payroll Officer and HR Officers processing the payroll, establishing individual rights and/or initiating salary payments, 	

- Financial Officer(s) of the Unit 4.2 and the accountant for processing the salary payment,
- If applicable, Project Officers in the relevant units dealing with project financed actions.

Designated Contractors' staff members

☐

Other (please specify):

☒

- Designated staff members of PMO of the European Commission for the processing of the salaries.
- Designated staff members of DG Budget of the European Commission for the validation of the bank account and to execute the payment into the bank accounts.
- Eventually, Directorate Generals of the Commission with whom Grant Agreements are signed.
- Eventually, audit companies contracted by the DG owner of the funds for project financed staff:
Name: BDO LLP audit company hired by DG NEAR based in UK

Contact point at external third party (e.g. Privacy/Data Protection Officer): In accordance with the applicable contractual provisions.

The abovementioned subcontractor and other subcontractors can change, following the signature of new contracts with the DGs owner of the funds of the EMSA project financed staff.

- Eventually, competent national authorities who are authorised to be informed on the data of a staff member or former staff member (e.g. court in the context of a divorce procedure). The person concerned will be informed of the transmission of the data, except where such information is not allowed.
- 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.

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

☒

No

If yes, specify to which country:

United Kingdom – For audit purposes only, where the audit company contracted by the Commission Directorate General financing specific projects under Grant Agreements, is based in the United Kingdom)

If yes, specify under which safeguards:

[Adequacy Decision of the European Commission with the United Kingdom](#)



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



H drive folder with restricted access to designated members of Unit 4.1.

Outlook Folder(s)



The functional mail box for the Payroll: emsa.payroll@emsa.europa.eu

Hardcopy file



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



Servers of external provider



Other (please specify):



- E-Personal file
- HR Database
- Salary changes database
- ARES

- ABAC
- EMSA Payslip tool– the data is stored only during the processing. After payslips are uploaded in the e-personal file of the staff member concerned, no data is stored anymore.
- NAP ("Nouvelle application paie") managed by PMO

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 [here](#).

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.