

RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Renewal of contracts for 2(f) Temporary Agents and Contract Agents 3a and extension of period of secondment for seconded national experts (v.1)

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 A4.1, 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. x</p> <p>The organisational unit conducting the processing activity is: Unit 4.1, 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 x</p> <p>For SNEs: the Permanent Representations of the Member States, the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.</p>	

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?

Contact point at external third party: there is a different contact point at each Permanent Representation and diplomatic missions of the non-member countries as well as the EFTA Secretariat and administrations of the IGOs.

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.

In order to fulfil its mandate, EMSA needs to employ and retain those staff members and national experts who have a satisfactory performance.

Provided that the position continues to exist and for 2(f) Temporary Agents and Contract Agents, at least six months before the end of the contract, Human Resources contacts the relevant hierarchical superiors (Head of Unit and Head of Department) of the staff member concerned to obtain their input and opinion on the renewal of the contract of the staff member.

The file contains the following supporting documents: Last appraisal reports and contract renewal note.

If the recommendation is positive, HR circulates a contract amendment in ARES for endorsement and signature by the Appointing Authority and subsequently for the signature of the staff concerned. The contract amendment is stored in the staff member's e-personal file.

In the case of a negative opinion on the renewal, the Appointing Authority hears all parties, including the staff member and takes a final decision on the renewal/non-renewal of the contract. A letter is sent to inform the staff member with the final outcome of this meeting.

For SNEs, Human Resources contacts the relevant hierarchical superiors of the national expert concerned to obtain their input and opinion on the renewal of the secondment of the SNE six months prior to the end of the secondment. Following a performance evaluation report, circulated in ARES, with input from the hierarchical superiors and the SNE, the Appointing Authority decides on the extension or non-extension of the SNE. A letter containing the request for extension or non-extension is electronically signed in ARES and sent by email to the Permanent Representation/diplomatic mission/EFTA Secretariat/administrations of the IGOs informing the latter of the intention or not to extend the period of secondment. The evaluation report and letter is stored in e-personal file of the SNE. Subject to three months' notice the SNE secondment may be terminated earlier, at the request of EMSA or the SNE's employer, The SNE may request termination with subject to the same period of notice, and with the agreement of EMSA and the SNE's employer. In exceptional cases the secondment may be terminated without notice and EMSA immediately informs the SNE and his employer accordingly.

4) Lawfulness of the processing (Article 5(a)–(d)): Processing necessary for: <i>Mention the legal basis which justifies the processing</i>	
(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)	x
<ul style="list-style-type: none"> - 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. - Decision of the Administrative Board of 25 March 2015 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union. - Decision of the Administrative Board of 24 June 2019 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed under the terms of Article 3a thereof. - Decision of the Administrative Board of 20 November 2009 on Rules Applicable to Detached National Experts on Secondment to EMSA. 	
(b) compliance with a legal obligation to which EMSA is subject	<input type="checkbox"/>
(c) necessary for the performance of a contract with the data subject or for the preparation of such a contract	<input type="checkbox"/>
(d) Data subject has given consent (<i>ex ante</i> , explicit, informed)	<input type="checkbox"/>
5) Description of the categories of data subjects (Article 31.1(c)) <i>Whose personal data are being processed?</i>	
EMSA staff	x
Non-EMSA staff (contractors staff, external experts, trainees) SNEs	x
Visitors to EMSA building	<input type="checkbox"/>
Relatives of the data subject	<input type="checkbox"/>
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) ☒ x

Personnel number, name, signature for Temporary Agents and Contract Agents.

For SNEs: name of the SNE, title, period of extension, administration of origin.

Education & Training details ☐

Employment details ☐

Financial details ☐

Family, lifestyle and social circumstances ☐

Goods or services provided ☐

Other (please give details): Performance appraisal reports and SNE evaluation reports

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

Racial or ethnic origin ☐ n/a

Political opinions ☐ n/a

Religious or philosophical beliefs ☐ n/a

Trade union membership ☐ n/a

Genetic, biometric or data concerning health ☐ n/a

Information regarding an individual's sex life or sexual orientation ☐ n/a

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	x
Temporary Agents and Contract Agents receive a copy of the contract amendment or failing that a letter communicating to them the non-renewal decision. SNEs: A copy of the exchange of letters with the Permanent Representation/diplomatic mission/EFTA Secretariat/administration of the IGO and a copy of their evaluation report is stored in their e-personal file.	
Managers of data subjects	x
Designated EMSA staff members	x
Relevant staff members within Human Resources and ICT colleagues in charge of maintenance of the applications	
Designated Contractors' staff members	<input type="checkbox"/>
Other (please specify): For SNEs: Permanent Representation/diplomatic mission/EFTA Secretariat/administration of the IGO. 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)) <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	x

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?

ARES specific folder, HR database and e-personal file x

Only accessible to staff members responsible for the renewal procedure within Unit 4.1, Human Resources and Internal Support and relevant ICT colleagues in charge of the maintenance of the applications.

Outlook Folder(s) ☐

Hardcopy file ☐

For the personal file only.

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

Servers of external provider ☐

Other (please specify): x

The documentation is stored in 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 [here](#).

For contract agents and temporary agents, personnel files are destroyed 10 years following the termination of employment or the last pension payment.

For SNEs, personnel files are destroyed 10 years following the end of secondment.