

TEMPLATE FOR RECORDING OF PROCESSING ACTIVITY

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

NAME OF PROCESSING ACTIVITY¹: Selection, Recruitment and Engagement of Seconded National Experts and National Experts in Professional Training

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 A.1, Human Resources and Internal Support.</p> <p>Data Controller: Cristina Romay Lopez, Head of Unit A.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 A.1, Human Resources and Internal Support.</p> <hr/> <p>The data is processed by a third party (contractor) x or the processing operation is conducted together with an external third party x</p> <p>The company providing medical services to EMSA: If a recruited SNE/NEPT has any physical disabilities, he/she is requested to send a medical report including the special arrangements needed and/or the disability decision of the national health insurance in a sealed envelope inside the envelope with the other documents for his/her secondment. This envelope will be transmitted sealed to the EMSA Medical Advisor for his</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?

opinion.

Under Article 16 of the EMSA SNE Rules, an SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by EMSA. Article 16.

The Permanent Representations of the Member States forward to EMSA the applications from their nationals, as and where provided for in the vacancy notice, by the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.

Contact point at external third party: there is a different contact point at each Permanent Representation.

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.

Seconded National Experts (SNEs) and National Experts in Professional Training (NEPTs) should enable the Agency to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available.

Application stage

A publication for the position is published on the website of the Agency and the vacancy notice is sent to the Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs.

Applicants complete their CV in Europass format, a Declaration of Honour (in annex) and also provide a motivation letter to be sent by email to the Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs. The latter shall in turn forward the applications to EMSA.

SNEs/NEPTs are asked to fill in a Declaration of Honour (in annex) to confirm that the information they have provided in their CV is true and complete as well as confirming that they work for an administration/organisation which is eligible for the purposes of the secondment.

The secondment shall be implemented by an exchange of letters between the Executive Director and the Permanent Representations of the Member States or, as the case may be, by the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs

In all cases, the secondment procedure will be published in line with the Decision of the Executive Director on Guidelines on Recruitment of Seconded National Experts and pursuant the Decision of the Administrative Board of 20 November 2007 laying down rules on the secondment to EMSA of National Experts and National Experts in Professional Training.

Interview and written test stage

To this end, the Agency collects, manages and stores data relating to candidates who apply for SNE and NEPT.

Data relate to:

1. the professional and personal profile of candidates (i.e. CVs and motivation letter)
 2. the results of written tests or interviews during at different stages of the selection process;
- Data under (1) is submitted by candidates themselves and data under (2) are handled and / or consulted by different actors in the selection process: Specific staff members in the Human Resources sector, members of the selection committees and relevant managers.

If a candidate is invited for an interview, a copy of the identity card/passport, copies of the degrees, diplomas or educational certificates and employment testimonials, the legal entities and the bank account details are requested. Following the interview, the travel and accommodation expenses incurred will be reimbursed to the candidate. The reimbursement file is composed of a completed and signed Declaration of Expenses Form and the supporting documents listed in the form, i.e. documents proving the price of the travel for the flight (e.g. e-ticket, copy of the travel agency invoice) or of any other mode of public transport such as train or bus (e.g. copy of the ticket) and evidence of costs incurred for accommodation upon request, as well as the legal entity and the bank account details. The reimbursement file will be handled by a Human Resources Assistant/Officer, verified by the relevant colleagues in the Legal and Financial Affairs Unit and subsequently signed off by the Authorising Officer, prior to final processing by the Accountant.

In the invitation to interview, candidates will be asked if they need any special arrangements due to a disability to be made for their participation.

Recruitment & Engagement

In the event the Agency decides to recruit an SNE/NEPT and an offer of secondment is made, the

successful candidate needs to complete a series of forms (attached) and to provide HR with the following documents:

1. Statement on Honour (in annex)
2. Personal Details Form (in annex)
3. Previous places of residence Form (in annex)
4. Degrees, diplomas or educational certificates.
5. Statements/contracts/certificates from the previous and current employers stating the exact duration of employment, the job title.
6. A document proving their nationality(ies) (i.e. Passport or ID card)
7. The Legal Entity Form ([download link](#)) (if not provided at the day of interview)
8. The Financial Identification Form ([download link](#)) (if not provided at the day of interview)
9. The E106 European Health Certificate.

The employer of the successful candidate is also requested to complete the following forms:

1. Declaration of Conflict of Interest (in annex)
2. Declaration of SNE's time in service (in annex)
3. Declaration on expenses and allowances (in annex)
4. Declaration on the nature of the employer (in annex)

The copies of the documents mentioned under point 8, 9 and 10 can be certified by Human Resources on presentation of the originals upon taking up duties.

This information is processed by the responsible HR staff and the Appointing Authority or delegated appointing authority for the establishment of rights.

Originals and certified true copies are kept in the paper personal file, i.e. original completed forms, educational and employment testimonials. These documents are stored in the personal file and uploaded to the e-personal file.

Once the SNE is at EMSA, she/he may receive subsistence allowances for which personal and financial data need to be processed by the designated persons in HR and by the relevant actors in the financial circuit (initiating agent, verifying agent, delegated authorising officer, accounting officer).

For payments (allowances and travel expenses) the relevant persons in the Human Resources and Internal

Support Unit, Financial Cell of the Legal and Financial Affairs Unit and the Accounting Officer have access to the necessary data.

4)

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Important Note

Consent may not be the most appropriate legal basis, in particular in the employment context. However, if you wish to use consent as legal basis, ensure that it complies with the following: it must be freely given, specific, informed and unambiguous consent. Contact the DPO if you need further clarifications.

(a)

The

MSA.

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).

(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) x

Candidates to secondment procedures will be informed of their data rights and the manner in which their personal data will be handled during the recruitment procedure. In the act of submitting their application, they are acknowledging their agreement to the processing.

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

Whose personal data are being processed?

EMSA staff ☐

Non-EMSA staff (contractors staff, external experts, trainees & SNEs) X

Visitors to EMSA building ☐

Relatives of the data subject ☐

As described under 3) above in the event that the candidate is seconded.

Other (please specify): Candidates to secondment procedures.

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

First name, Family name, date of birth, place and country of birth, gender, nationality, marital status and employment of spouse (for the conflict of interest evaluation), number and age of dependent children (i.e. for the purpose of potential assistance with schooling).

Private telephone number, Work telephone number, Mobile number, Email, Home address.

Address for correspondence (if different from home address).

Education & Training details

x

Secondary and higher education, University or equivalent, Other education/Training received.

Knowledge of languages: working languages.

Employment details

x

Dates of employment, information concerning the current employer, employer information (name, address), title/description of work, place of work, if different, date of entry into service of the employer. Confirmation if the activity is within the public or private sector. Other professional activities during the past three years.

Financial details

x

Legal Entity and Financial Identity forms for those attending an interview and who have the right to reimbursement of travel and accommodation costs

Family, lifestyle and social circumstances

x

Information will be provided on the professional activity of the spouse if the candidate is seconded.

Family composition in the event that the candidate is seconded.

Goods or services provided

☐

Other (please give details):

(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

Genetic, biometric

If a recruited SN

including the spe

documents for his secondment. This envelope will be transmitted sealed to the EMSA Medical Advisor for his opinion.

Information regarding an individual's sex life or sexual orientation

☐ n/a

Important Note

If you have ticked any of the sensitive data boxes, please contact the DPO before processing the data further.

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

Recipients are all parties who have access to the personal data

Data subjects themselves

x

partially: Candidates can ask EMSA for additional information upon completion of the secondment procedure.

Managers of data subjects

x

Their current and/or future manager could be involved in the secondment procedure or consult the file if the candidate's name is placed on a reserve list.

Designated EMSA staff members

x

The Appointing Authority, the Human Resources sector and members of the selection committees. Legal and Financial staff handling the verification of reimbursement of travel costs and subsequent payment of monthly allowances for those candidates offered a secondment.

Occasionally, specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications.

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.

Designated Contractors' staff members

☐

Other (please specify): The evaluation at the end of the secondment is sent to the Permanent Representations/EFTA Secretariat/diplomatic missions/administrations of the IGOs upon request from the latter. Additional evaluation reports may be requested by the national authorities.

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:

If yes, specify under which safeguards:

Adequacy Decision of the European Commission ☐

Standard Contractual Clauses ☐

Binding Corporate Rules ☐

Memorandum of Understanding between public authorities ☐

Important Note

If no safeguards are applicable, please contact the DPO before processing the data further.

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 x
Only accessible to staff members responsible for the secondment procedure within Unit A.1, Human Resources and Internal Support.

Outlook Folder(s) x
There is a dedicated Outlook folder created for each secondment procedure.

Hardcopy file x
For the personal file only.

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

Servers of external provider ☐

Other (please specify): x
The full set of documentation related to the secondment procedure is stored in ARES.
If an applicant is seconded, his/her personal and professional documents are stored in the E-Personal file.

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 Recruitment procedures for a position of short-term contract duration, on the basis of a sampling and selection, the files can be destroyed 5 years after the expiry of the reserve list.

Files on candidates not invited for a selection interview are destroyed after 2 years after the expiry of the reserve list.

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

The personnel files for each NEPT are eliminated after 5 years.

For NEPTs, the form for the reconstruction of one's career (minimum data required to issue a certificate) are kept for 50 years.

For files related to reimbursements of candidates invited to take part in a secondment procedure, the

payments are stored in ABAC and destroyed after 7 years.

Thank you for completing the form.
Now please send it to the DPO using the ARES workflow