

Data Protection Privacy Statement on the processing of personal data in the context of the Management of Meetings/Conferences/Trainings and Management of Contract Experts under the ENP Projects funded by DG NEAR

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 number 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 number 2018/1725.

1. Nature and the purpose(s) of the processing operation

The purpose of the processing of personal data is:

According to EMSA Regulation (EC) No 1406/2002, EMSA may, upon the request of the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU. According to the provisions laid out in the Grant Agreement contracts between EMSA and DG NEAR, ENI-2016-374-999 and ENI-2016-359-725, EMSA must to organise, where appropriate, relevant training activities in fields which are responsibility of the Beneficiary Countries to provide technical assistance to the Beneficiary Countries and to contribute to the relevant work of technical bodies.

- to manage a financial file for the reimbursement of travel expenses, accommodation, and daily subsistence allowances,
- to generate attendance lists and badges for safety and security purposes,
- to verify EU Digit Certificate by scanning of a QR code and verification of an antigen test (for experts originating from states not applying EU Digit Certificate) for physical attendance of events, meetings, trainings, and or conferences when such measures are allowed in the national legal setting of EMSA's host country. In case of contact with an individual who has been found to be COVID-19 infected, access register or meeting attendance lists may be used for manual contact tracing by National Health Authorities and EMSA.

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, Passport or ID card number, Nationality, Birth date, Gender,

Education & Training details: CV and professional certificates

Employment details: organisation, e-mail, position held, employer information (name, city, country, address, website, business or sector

Financial details: bank account and account holder's name

Administrative data concerning health: only for physical attendance of events/meetings/conferences at EMSA premises, participants may be asked to present a valid EU Digit Certificate verified by scanning the QR code and antigen test results when such measures are allowed in the national legal setting of EMSA's host country. No data will be recorded.

Please note that during normal day-to-day operation, EMSA collects personal data such as access register or meeting lists of non-staff contacts regularly or occasionally visiting its premises. This data might, incidentally, be of interest for manual contact tracing operations by National Health Authorities and/or EMSA.

EMSA may be informing an expert/visitor that he or she may have been in contact with an individual who has been found to be infected. In this case, the processing will be strictly limited to the purpose of informing the contacts and providing him/her with the contact details of local health authorities. EMSA will not collect medical or health related information from experts/visitors aside from the information required to contact trace its staff.

3. Processing the personal data

The processing of the personal data is carried out under the responsibility of the Head of Unit 1.3, acting as delegated EMSA data controller.

Personal data are processed by EMSA designated staff and contractors.

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

Data subject themselves: Experts participating in meetings/conferences/trainings organised under the ENP Projects and Contract experts

Designated EMSA staff members: the relevant ENP Project Officers and Finance/Administrative Assistants, the Legal and Finance staff handling the reimbursement of the incurred costs, the Authorising Officers and the Accountants. Occasionally, specialised members of the ICT Unit, involved in the management and development of IT Applications

Designated Contractors' staff members: auditors appointed by the parent DG funding the ENP projects and travel agency employees booking with flights and accommodation,

Others:

Occasionally, diplomatic missions issuing visas for the participants

if appropriate, 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;

if appropriate, National Health Authorities: Serviço Nacional de Saúde (SNS) is the Portuguese health authority and the competent entity that deals with any COVID 19 situation in Portugal. According to the present Portuguese regulation, it is mandatory to communicate a positive case to SNS. The SNS will contact the individual who has been found to be infected and will investigate possible contagion chain.

The personal information processed in relation to the Management of Meetings/Conferences/Trainings and Management of Contract Experts under the ENP Projects funded by DG NEAR will only be shared with people necessary for the implementation purposes, *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.

Personal data are transferred to third countries, in the case of the United Kingdom based auditor, appointed by the Contracting Authority (EC DG NEAR) and to the ENP partner countries: (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia in the Mediterranean region and Azerbaijan, Georgia, Islamic Republic of Iran, Kazakhstan, Moldova, Turkey, Turkmenistan and Ukraine in the Black and Caspian Sea regions).

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 participants visiting EMSA premises, as well as the ENP Database of External Experts, 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. The hard-copy files are stored in locked cupboards and/or locked archive rooms. Appropriate levels of *access are granted* individually, only to the above-mentioned recipients. The ENP Database of External Experts is password protected for all users.

The safeguards under which the data is transferred to the third country United Kingdom is the [Adequacy Decision of the European Commission with UK](#). For the ENP Countries there is the European Policy Instrument, which is also a legally binding instrument, between the EU and each of the beneficiaries. Vis-a-vie EMSA, we have a Grant agreement covering each and every country mentioned in the Record of Processing Activity.

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 number 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, Head of Unit 1.3.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the procedures for Management of Meetings/Conferences/Trainings and Management of Contract Experts under the ENP Projects funded by DG NEAR.

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 number 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(s) 5 (a) and 5 (b) of the Regulation number 2018/1725.

The personal data are collected and processed in accordance with the:

1. [EMSA Legal Funding Regulation \(EC\) No 1406/2002](#), Article 2, point 5
2. the provisions laid out in the Grant Agreement contracts between EMSA and DG NEAR, **ENI-2016-374-999** and **ENI-2016-359-725**
3. the Article 1(e) 2 of the Staff Regulations: Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties.
4. the applicable version of the Rules for the Reimbursement of Participants in Events organised under ENP Projects Financed by the European Commission, Article 2 – Costs related to the participants in event, necessary for the performance of a contract with the data subject or for the preparation of such a contract, for cases of contract experts
5. Decision of EMSA Executive Director No 2007/19 Relating to the Reimbursement of Travel, Subsistence and Other Expenses to Experts and Candidates in Recruitment Procedures and amended by ED Decisions No. 2008/24, 2008/37, 2010/18, 2012/018, 2013/028, 2015/002 and 2018/36.

8. Storing Personal data

The ENP Projects do not keep personal data for longer than necessary, for the purpose(s) for which that personal data is collected.

The data will be only retained for a maximum period of five years from the projects' end date, according to Art. 16.1 of the Grant agreement, Annex II – General Conditions. After the expiry of that period, the records will be eliminated.

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, Head of Unit 1.3 under the following mailbox: experts@emsa.europa.eu.

Any data subject may also consult EMSA Data Protection Officer at: 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.