

Data Protection Privacy Statement

on the processing of personal data in the context of Temporary and Contract Agents Selection Procedure 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

The purpose(s) of the processing of personal data:

The purpose of processing of the data that is submitted by a candidate is to **manage a candidate(s) application(s) in view of possible recruitment at the Agency through a selection procedure.**

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: general personal data such as personal details, Education and training details, employment details, financial details family, lifestyle and social circumstances. The details are described below:

Personal details: first name, last name, date of birth, place and country of birth, nationality(ies), gender, home address, telephone private, telephone work, mobile, fax, e-mail; website, blog, LinkedIn profile or similar

Education and training information: including, for each course, start and end dates, title of qualification awarded, diploma (level in the national and/or international classification), main study subjects or occupational skills covered, name and location of the organisation providing the education or the training;

Languages: including, for each language, the level;

Other skills or information: including knowledge of computer software, periods spent abroad, security clearance, other information the candidate declares in a spontaneous basis, communication skills, organisational/managerial skills, job related skills, digital skills;

Professional experience: length of the legal notice period required and objections to making enquiries to the present employer. For each experience: the start and end dates, position/title held, employer information (name, type of business, address), description of the position (number of employees under the candidate's direct

supervision, place of employer, name and title if the supervisor, detailed description of the work, main activities and responsibilities, language used);

Motivation for the post.

If a candidate receives an invitation for an interview, the data contained in the following documents will be processed:

Identity card/passport, degrees, diplomas or educational certificates, statements/contracts/certificates from previous and current employers stating the exact duration of employment, job title and where necessary last payslips, the legal entities and the bank account details, declaration of expenses form and supporting documents for the reimbursement of travel expenses;

The results of written/oral tests or interviews during at different stages of the selection process.

The candidate is also requested to inform EMSA if he/she needs any special arrangements due to a disability to participate of the selection process.

Information and documents related to the travelling for the interview/tests are also handled in order to process the reimbursement. 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.

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 & Internal Support, acting as delegated EMSA data controller.

- Personal data are processed by EMSA Human Resources Staff.
- Contractor, Hudson Belgium applications SaaS Technical Information, for the recruitment of middle management for the organisation of assessment centre.
- EPSO in the case to organise a recruitment procedure on EMSA's behalf or EMSA to recruited from EPSO Database (Contract Agents only).

4. Access to and disclosure of personal data

The personal data is disclosed to the following recipients:

- The relevant EMSA Human Resources staff;
- The members of the Selection Committee and/or the Heads and/or delegated staff of a recruiting service to consult the file if the candidate's name is placed on a reserve list;
- The Appointing Authority, i.e., the EMSA's Executive Director;

- The Legal and Finance staff handling the reimbursement of travel costs linked to the interview and the Accountant;
- Specialised members of the ICT Unit involved in the management and development of the Human Resources IT applications;
- Also, 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.

The information concerning the selection procedure will only be shared as 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.

Personal data are to be transferred to third countries based in the Adequacy Decision for the United Kingdom, where Hudson Belgium applications SaaS Technical Information, the contractor for the provision of assessment centres for middle managers, works with certain freelancers located in the United Kingdom.

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 selection procedure 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* on an individual basis only to the above recipients (point 4 above).

All EMSA staff dealing with personal data in the context of the selection procedures at any stage, sign a confidentiality declaration that is kept in the folder of the procedure or in his/her e-personal file.

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 Unit 4.1. Human Resources & Internal Support.

The right of rectification can only apply to inaccurate or incomplete factual data processed within the selection procedure. On the other hand, data demonstrating compliance with the admissibility criteria may not be updated or corrected after the closing date for the respective selection procedure (call for applications).

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 the 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 Treaties establishing the European Communities (recruitment of personnel) and in particular Article 6 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:

- [Regulation No 31 \(EEC\), 11 \(EAEC\), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community](#) .
- [Decision of the Administrative Board of 25/03/2015 laying down general implementing provisions on the procedure governing the engagement and the 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 26/07/2018 laying down implementing rules on middle management staff](#).
- [EMSA Administrative Board Decision of 24/06/2019 on the procedure governing the engagement and use of contract staff at EMSA](#).
- [EMSA Rules on Contribution to Expenses of Candidates in Recruitment procedures](#)

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 a maximum period of:

Applicants invited for an interview: for 10 years following the expiry date the reserve list.

Applicants not invited for an interview: for 2 years following the expiry date the reserve list.

Applicants invited for an assessment centre (Temporary Agents Middle Management positions): the contractor retains the assessment report, the CVs of the candidates and an automated report of the psychometric computer tests for as long as required by the data controller.

Data contained in certain selection files are kept for 10 years and then a group of files is chosen for preservation and the remainder is destroyed.

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 4.1. Human Resources & Internal Support, under the following mailbox: recruitment@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.