



PRIVACY STATEMENT

Statement on personal data protection within the framework of processing health data at the workplace

Personal data are processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Processing operations are under the responsibility of the Head of Human Resources Management group (HRM Group) acting as Data Controller, regarding the collection and processing of personal data.

1. Purpose(s) of the processing

Your personal data is collected and further processed for the purpose of the management and administration of health data related to pre-recruitment medical visits, annual medical visits and absences due to sickness and special leave for family sickness in compliance with the Staff Regulations and its implementing provisions. For Seconded National Experts pre-secondment medical forms are managed for insurance purposes.

2. Recipients of the data processed

For the purpose detailed above, access to your personal data is given to the following persons:

- HRM Group (ADS1)
- Contracted medical adviser of the EEA carrying out the pre-recruitment examinations, annual and other check-ups
- Medical service of the European Commission only in case of invalidity procedure or medical control due to extended sick leave
- Group life insurance company for determining the insurance coverage of seconded national experts
- A limited number of staff in Budget, Finance and Resources (ADS2) managing the reimbursement of related expenses

You shall be duly informed of any transfer of data mentioned above. Similarly, any recipient of the data shall be reminded of their obligation not to use the data received for other purposes than the one for which they were transmitted.

3. Personal data concerned

The personal data of any staff member including officials, temporary agents, contract agents and seconded national expert and of any applicant to a vacant position within EEA.

4. *Obligatory or optional data*

Applicants to a vacant position within EEA are free to give their data on a voluntary basis; failure to provide the data could imply exclusion from the recruitment procedure.

Seconded national experts are also free to give their data on a voluntary basis and failure to provide the data could imply refusal of the secondment.

Staff member undergoing an annual check-up are free to give their data on a voluntary basis.

5. *Categories of data processed*

Personal data collected and further processed concern a candidate for its pre-recruitment medical visit or a staff member for its annual medical visit.

Information can relate to all or some of the following data:

- Name (title, first name, surname) and function;
- ADS1 Group is responsible for processing basic administrative data for the purposes of identifying a person (i.e. name of the staff member, grade, date of birth) and the health data that the medical adviser of the Agency or the medical services of the European Commission write in the medical certificates related to pre-recruitment medicals confirming the aptitude to work (see attached form 1 "Results of medical examination"). HRM also manages basic medical data contained in the medical certificates justifying sick leave and special leave for family sickness (i.e. sickness of a child) - see form 2 attached.
- The medical adviser of the EEA processes the relevant administrative and health data related to pre-recruitment and annual medical visits which may include in particular: name, gender, nationality, date and place of birth, contact details, marital status, family medical history, medical history of the applicant/staff.
- For seconded national experts, the EEA manages the health data contained in the insurance forms filled in by the respective candidate only for the purpose of transmitting the data to the EEA insurance company. The latter will process the medical data to determine the insurance coverage (see form 3 "Health declaration").

Data subjects may choose to have the annual check-up carried out by a private practitioner of their choice. In that case, the data subject's private medical practitioner shall forward the medical results to the EEA medical advisor with a view to update the medical file accordingly.

6. *Modalities for the processing operation*

Personal data is processed manually for the purpose of management and administration of medical/health data related to pre-recruitment medical visits, annual medical visits, absence due to sickness and special leave for family sickness in compliance with the Staff Regulations and their implementing rules.

7. *Safeguarding of data processed*

Only the HRM Group has access to documents related to sick leave, special leave and insurance forms for seconded national experts. These are kept in paper form in the HRM offices (locked). The individual medical files are kept at the medical adviser's office for medical reasons and stored appropriately in accordance with the contractual obligations the medical advisor shall abide by.

Any staff member of the HRM Group responsible for the management of medical/health data signs a declaration of confidentiality acknowledging that he/she is subject to an obligation of professional secrecy equivalent to that of a health professional in compliance with Article 10(3) of Regulation (EC) No 45/2001.

8. *Right of access and rectification*

Applicant and staff have a right to access, update and rectify their personal administrative data held in their personal file stored by the HRM Group at any time. In the same way, data subject can access at any time all aptitude certificates of both pre-recruitment and annual check-ups held by the HRM group within a reasonable time and without constraints following the access request in pursuance with Article 13 of Regulation (EC) No 45/2001

Likewise, data subjects have a right to access, update or rectify their medical/health data held by the EEA medical advisor at any time within a reasonable time limit and without any constraint whatsoever. This right of rectification granted to the data subjects implies not only the correction of any administrative inaccuracy in their medical file but also the possibility to supplement it with any second opinion of other professional medical advisor. To that end, the EEA medical advisor undertaking the medical examinations shall communicate the medical results to the data subjects in an intelligible form.

Any request for access or rectification of personal administrative data shall be addressed in writing to the Head of the HRM Group at the following address catia.marigo@eea.europa.eu, or European Environment Agency, Mrs Catia Marigo, Head of HRM Group (ADS1), Kongens Nytorv 6, 1050 Copenhagen K, Denmark.

9. *Legal basis*

The legal bases for the processing operations on your personal data are the following:

- o Pre-recruitment medical examination: Articles 28 and 33 of the Staff Regulations (SR) and Articles 12(d), 13(2) and 83(2) of the Conditions of employment of Other Servants of the European Communities (CEOS)¹;

¹ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials of the European Communities and the Conditions of employment of other servants of the European Communities (OJ L 56 of 4.3.1968, Special edition 1968, 1.12.1972) and the subsequent regulations and corrigenda amending and correcting that regulations

- Annual medical check-ups: Article 59(6) of the SR and Articles 16(1), 59 and 91 of the CEOS;
- Processing of health data in any medical check-up during an absence due to sickness or accident: Article 59(1) of the SR and Commission Decision C(2004) 1597 introducing implementing provisions on absence as a result of sickness or accident;
- Pre-secondment medical forms: Commission Decision C(2006)2003 laying down rules on the secondment of national experts to the Commission.

10. *Legality of processing*

The processing is necessary for the performance of a task carried out in the public interest by the Community institutions and bodies which includes the processing of personal data necessary for the management and functioning of those institutions and bodies (Article 5(a) of Regulation (EC) No 45/2001).

The processing is necessary for compliance with a legal obligation laid down in the Staff Regulation and the Conditions of Employment of Other Servants of the European Communities to which the controller is subject (Article 5(b) of Regulation (EC) No 45/2001).

11. *Data retention*

The health data related to absence due to sickness are kept by ADS1 Group for a maximum period of 30 years after the last medical document is inserted in the file in the light of Article 4 (1)(e) of the Regulation. Aptitudes certificates stating the aptness or not of the staff member are kept in the personnel files. The latter are kept for 10 years after the end of the period during which a staff member is in active employment or the last pension payment. Data of non-recruited persons are kept for a period of 2 years following the completion of the recruitment procedure.

The medical data related to pre-recruitment and annual medical examinations or specific medical check-ups are kept by the medical adviser for a maximum period of 30 years after the staff member has left the workplace.

12. *Right to appeal*

You are entitled to have recourse at any time to the European Data Protection Supervisor (<http://www.edps.europa.eu>; EDPS@edps.europa.eu) if you consider that your rights under Regulation (EC) No 45/2001 have been infringed as a result of the processing of your personal data by the EEA.

You may also contact the EEA's Data Protection Officer (DPO) in case of any difficulties or for any questions relating to the processing of your personal data at the following e-mail address: Data.ProtectionOfficer@eea.europa.eu