



NOTIFICATION

FOR DATA PROCESSING OPERATIONS

Date of registration: 28.6.2011

Register No: HR3

1. Name of the data processing operation

Management of medical and/or health data

2. Data Controller

Programme or Group:	ADS 1/Human Resources Management
Function:	Head of Group
Contact person:	Catia Marigo, catia.marigo@eea.europa.eu

3. Description of the processing operation

3.1. Area of activity in which the processing is carried out

The Human Resources Management (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 "Results of medical examination", annex 3 to this notification). ADS1 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 attached form "Medical certificate", annex 4 to this notification). The medical adviser of the EEA processes the relevant administrative and health data related to pre-recruitment and annual medical visits. 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 attached form "Health declaration", annex 5 to this notification).

The personal data processed fall under Article 27(2) (a) of Regulation (EC) No 45/2001.

3.2. Modalities for the processing operation

☒ Manual processing	Personal data is processed manually for the purpose of management and administration of health data related to pre-recruitment medical visits, annual medical visits and absences
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	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. Any addition to a medical file will be stored by a designated member of the EEA medical adviser staff. Any changes to the administrative data (such as change of name or contact details) will be provided by the HRM group to the EEA medical adviser for inclusion in the medical file. In the case of absence due to sickness, the data is first encoded in SIC leave by the secretary of the relevant programme; when the staff concerned returns to work, the HRM encodes the end date in SIC Leave and closes the period of all necessary supporting documentation is present (e.g. medical certificate in the case of a sick leave exceeding 3 calendar days). See SIC leave work flow available on the intranet under Administration, Personnel management, Leaves and absences
☐ Automated processing	
3.3. Are the Personal data processed by an entity external to EEA ('processor')	
☒	Yes, the medical/health personal data are processed by the contracted medical advisor of EEA
☒	No, the administrative personal data are processed by EEA

4. Lawfulness and purpose of the processing
4.1. Legal basis
The legal basis for carrying out a pre-recruitment medical examination is in Articles 28 and 33 of the Staff Regulations and Articles 12(d), 13(2) and 83(2) of the Conditions of Employment of Other Servants of the European Communities (CEOS). The legal basis for carrying out medical check-ups is in Article 59(6) of the Staff Regulations and Articles 16(1), 59 and 91 of the CEOS. The legal basis for the processing of health data in any medical check-up during an absence due to sickness or accident is in Article 59(1) of the Staff Regulations and in the Commission Decision C(2004) 1597 introducing implementing provisions on absence as a result of sickness or accident. The legal basis for the pre-secondment medical forms is in the Commission Decision C(2006)2003 laying down rules on the secondment of national experts to the Commission and in the Framework service contract EEA/ADS/09/001 on group life insurance for seconded national experts.
4.2. Grounds for lawfulness
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). 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).

4.3. Purpose of the processing :

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.

5. Features of the processing operation

5.1. Categories of data subjects concerned

All EEA statutory staff members (including officials, temporary agents, contract agents) and seconded national experts and candidates applying for a position within the EEA.

5.2. Categories of data (Please tick whichever is applicable)

5.2.1. Data whose processing is prohibited subject to certain exceptions

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|-------------------------------------|---|
| ☐ | Data revealing racial or ethnic origin |
| ☐ | Data revealing political opinions |
| ☐ | Data revealing religious or philosophical beliefs |
| ☐ | Data revealing trade union membership |
| ☒ | Data concerning health |
| ☐ | Data concerning sex life |

5.2.2. Data whose processing is likely to present specific risks and is subject to prior checking by the EDPS

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|-------------------------------------|--|
| ☐ | Data relating to suspected offences, offences, criminal convictions or security measures |
| ☐ | Data relating to the evaluation of personal aspects of the data subject (e.g. abilities, efficiency and conduct) |
| ☐ | Data concerning linkages (not provided for by national or Community legislation) between data processed for different purposes |
| ☒ | Data relating to the exclusion of individuals from a right, benefit or contract |

5.2.3. Data processed in the context of internal telecommunications networks

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|--------------------------|--------------|
| ☐ | Traffic data |
| ☐ | Billing data |
| ☐ | Directories |
| ☐ | Others |

5.2.4. Other categories of data

- | | |
|-------------------------------------|---|
| ☒ | In the case of medical examination for recruitment or secondment and annual check-up, personal data of candidates/staff processed by the EEA medical advisor may include in particular: name, gender, nationality, date and place of birth, contact details, marital status, education and professional experience, family medical history, candidate/staff medical history, etc... |
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6. Retention practice of personal data

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.

7. Personal data processed for historical, statistical or scientific purposes

Purpose	Categories of data	Storage media
☐ Historical	Not applicable	☐ Anonymous ☐ Encrypted
☐ Statistical	Not applicable	☐ Anonymous ☐ Encrypted
☐ Scientific	Not applicable	☐ Anonymous ☐ Encrypted

8. Recipients or categories of recipients to whom the data might be disclosed

The medical certificates related to absences due to sickness may be transmitted to the Medical Service of the European Commission only in case of invalidity procedure or medical control due to extended sick leave. Data given to senior management and the Executive Director for the purpose of resource hearing as an indicator for workload and balanced use of resources.

9. Proposed transfer of personal data to third countries or international organisations

- | | |
|------------------------------|---|
| ☐ Yes | ☒ No transfer of personal data to third party countries or international organisations. |
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10. Information given to the data subjects as described in Articles 11 & 12 of the Regulation (EC) No 45/2001)

A privacy statement specifying inter alia all the rights of the data subjects with regard to the processing of their personal data is available in the EEA intranet (see annex 1 to this notification).

An internal note specifying the procedure for having the annual medical examination carried out by own private practitioner is available on the intranet under "Administration, Personnel Management, Health issues, Annual medical".

The Framework contract signed between the EEA and the medical adviser, available on the intranet, contains a special provision on Data protection (see Article I.9 reproduced in annex 6 to this notification); in addition, the tender specifications which form an integral part of the framework contract provides under Section 3 – Services to be provided the following: "Administration of medical files of staff of the EEA in strict compliance with the Data protection Regulation (EC) No 45/2001."

11. Procedures to enable data subjects to exercise their rights (as indicated in Articles 13 to 19 of the Regulation (EC) No 45/2001, i.e. access, rectification, blocking, erasure, objection)

All data subjects may have direct access to their own medical file held by the medical adviser and to the related administrative data held by HRM Group. The only exception, as covered by Art 20.1 (c) of the Regulation, is in reference to access of data of a psychological or psychiatric nature whereby this may be provided in an indirect manner as determined by the medical adviser and where it is deemed necessary to the protection of the data subject. This is determined on a case by case basis.

Any person who has undergone a medical examination may request and receive, in a timely manner, a complete copy of the outcome of their results from the medical adviser. They may also insist that any independent medical report is also placed in their own file to counter any claim made by the medical adviser.

12. Time limits for blocking and erasure of the different categories of personal data

Categories of data	Blocking	Erasure
Any data asked for	Within maximum 15 calendar days from receipt of the request	Within maximum 15 calendar days from receipt of the request

