



NOTIFICATION FORM FOR DATA PROCESSING OPERATIONS

- To be filled out by the Data protection Officer -

Date of registration: 29.6.2011

Register No: HR3

INFORMATION TO BE GIVEN¹

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
Administrative address:	KN6, Room No 2.40
Postal address:	European Environment Agency, Kongens Nytorv 6, DK-1050 Copenhagen
Contact person:	Catia Marigo, catia.marigo@eea.europa.eu

3. Reason for notification (Please tick whichever is applicable)

<input type="checkbox"/>	Notification of a data processing operation prior to its implementation
<input type="checkbox"/>	Modification to a data processing operation
<input checked="" type="checkbox"/>	Regularization of a data processing operation already carried out

¹ Please attach all necessary backup documents.

4. Description of the processing operation (Please describe in your answer if you process personal data falling under Article 27 of the Regulation (EC) No 45/2001 (Prior check by the EDPS))

4.1. 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.

4.2. Modalities for the processing operation

Manual processing
(please describe)

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 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
(please describe)

4.3. Are the Personal data processed by an entity external to EEA ('processor')	
<input checked="" type="checkbox"/>	Yes, the medical/health personal data are processed by the contracted medical advisor of EEA
<input checked="" type="checkbox"/>	No, the administrative personal data are processed by EEA

5. Lawfulness and purpose of the processing (Answering this question, please also verify and indicate if your processing has to comply with Articles 20 (Exemptions and restrictions) and 27 (Prior check by the EDPS) of the Regulation (EC) No 45/2001)

5.1. 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.

5.2. 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).

5.3. 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.

6. Features of the processing operation

6.1. 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.

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

6.2.1. Data whose processing is prohibited subject to certain exceptions	
<input type="checkbox"/>	Data revealing racial or ethnic origin
<input type="checkbox"/>	Data revealing political opinions
<input type="checkbox"/>	Data revealing religious or philosophical beliefs
<input type="checkbox"/>	Data revealing trade union membership
<input checked="" type="checkbox"/>	Data concerning health
<input type="checkbox"/>	Data concerning sex life
6.2.2. Data whose processing is likely to present specific risks and is subject to prior checking by the EDPS	
<input type="checkbox"/>	Data relating to suspected offences, offences, criminal convictions or security measures
<input type="checkbox"/>	Data relating to the evaluation of personal aspects of the data subject (e.g. abilities, efficiency and conduct)
<input type="checkbox"/>	Data concerning linkages (not provided for by national or Community legislation) between data processed for different purposes
<input checked="" type="checkbox"/>	Data relating to the exclusion of individuals from a right, benefit or contract
6.2.3. Data processed in the context of internal telecommunications networks	
<input type="checkbox"/>	Traffic data
<input type="checkbox"/>	Billing data
<input type="checkbox"/>	Directories
<input type="checkbox"/>	Others
6.2.4. Other categories of data	
<input checked="" type="checkbox"/>	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...

7. Retention practice of personal data

The health data related to absence due to sickness are kept by ADS1 Group for a maximum period of 3 years after the last medical document is inserted in the file in the light of Article 4 (1)(e) of the Regulation. Health data related to absence due to sickness may be retained until the end of a possible dispute or appeal if one started or was lodged before the end of the above period.

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 last medical document is inserted in the file in the light of Article 4(1)(e) of the Regulation.

8. Personal data processed for historical, statistical or scientific purposes (Please tick whichever is applicable or indicate 'n/a' (not applicable))

Purpose	Categories of data	Storage media
<input type="checkbox"/> Historical	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted
<input type="checkbox"/> Statistical	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted
<input type="checkbox"/> Scientific	Not applicable	<input type="checkbox"/> Anonymous <input type="checkbox"/> Encrypted

9. 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.

10. Proposed transfer of personal data to third countries or international organisations (Please tick whichever is applicable or indicate 'n/a' (not applicable))

Yes No transfer of personal data to third party countries or international organisations.

10.1. Categories of data

n/a

10.2. Categories of recipients

n/a

10.3. Purpose of the transfer

n/a

10.4. Modalities of the transfer (automated/manual – Please describe)

n/a

11. Information given to the data subjects (Which communication(s) have you foreseen to inform the data subject(s) 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 1.9 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."

12. 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.

13. Time limits for blocking and erasure of the different categories of personal data (on justified legitimate request from the data subject – Please, specify the time limits for every category)

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

14. Measures to ensure security of the processing²

14.1. Organisational measures (*i.e. workflows, access rights and access control*)

Only 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 pursuant to Article 1.9 of the framework contract (see annex 6). Any staff member of the HRM Group responsible for the management of health/medical data signs a declaration of confidentiality (see annex 2) 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.

14.2. Technical measures (*i.e. use of secured equipment and IT tools, e.g. locked cupboards, secure connections, firewalls, etc...*)

Any certificates issued by the medical adviser and given to the HRM group is stored in a special section of the HRM leaves files in a locked cupboard in a locked office.

Date

Signature of the Data Controller

² The information related to the security of processing will **not** be published in the register of the data operations. It will be examined in order to assess whether the implemented measures ensure a level of security appropriate to the risks represented by the processing and the nature of the personal data to be protected (Article 22 of Regulation (EC) No 45/2001).

