



GIOVANNI BUTTARELLI  
ASSISTANT SUPERVISOR

Mr Jose Manuel LECETA  
Director of EIT  
Infopark Building E,  
Neumann János út 1/E  
1117 Budapest  
HUNGARY

Brussels, 26 March 2014  
GB/XK/sn/D(2014)0759 C 2013-0814  
Please use [edps@edps.europa.eu](mailto:edps@edps.europa.eu) for all  
correspondence

**Subject: Notification on the processing of health data, case 2013-0814**

Dear Mr Leceta,

We have analysed the notification you have provided the EDPS for prior-checking under Article 27(2)(a) of Regulation 45/2001 ("the Regulation") on the processing of health data at the European Institute of Innovation and Technology ("**the EIT**") in light of the EDPS Guidelines on health data at workplace ("the Guidelines").

The EDPS notes that the notification, the privacy statement and other relevant documents provide thorough information about the data protection principles in the context of pre-recruitment and annual check-ups as well as the processing of sick leave certificates.

Nevertheless, the EDPS identified two issues which do not seem to be in conformity with the Guidelines.

### **1) QUALITY OF DATA**

The EDPS notes that in the context of an annual check-up, the EIT staff members should send their medical report and results in a sealed envelope to the medical service of the Commission.

The EDPS reminds EIT that as per the Guidelines, a declaration from the private practitioner should be considered sufficient in terms of the preventive purpose of the annual check-up. This declaration can confirm that the medical exams were carried out and if necessary, it can also specifically mention any special accommodations or working conditions the data subject might need. It is not usually necessary to process additional personal data for preventative purposes. As

---

Postal address: rue Wiertz 60 - B-1047 Brussels

Offices: rue Montoyer 30

E-mail : [edps@edps.europa.eu](mailto:edps@edps.europa.eu) - Website : [www.edps.europa.eu](http://www.edps.europa.eu)

Tel.: 02-283 19 00 - Fax : 02-283 19 50

such, the EDPS reiterates his recommendation that the medical results should not be communicated to the Commission's medical service without the data subject's freely given and informed consent.

Due to the fact that this issue is currently in the process of on-going discussions between the EDPS and the Inter-institutional Medical Board, the EDPS highlights that the current procedure may remain in application until a decision is taken on an inter-institutional level. Consequently, the EDPS recommends that the EIT reconsiders this issue once a decision has been reached.

## **2) RETENTION PERIODS**

The EDPS notes that the EIT has not provided any information about the retention period of the medical files kept by the Commission's medical service, or of the administrative data related to the sick leave certificates.

In both the Guidelines and Joint Opinion on the processing of health data<sup>1</sup>, the EDPS recommended that medical files should be kept for a maximum period of 30 years after the last document inserted in the file. Although medical files of the EIT staff members are kept by the Commission's medical service, this information should still be specified in the notification and privacy statement.

With regard to the administrative data related to sick leave certificates, the EDPS recommended in his Guidelines that a conservation period of three years could be necessary to justify an absence due to sick leave. The only justification for keeping them any longer would be if a dispute or appeal were under way. The EDPS recommends that this information is also included in the notification and privacy statement.

In the context of the follow-up procedure, please send a revised version of both the notification and privacy statement, within a period of 3 months, to demonstrate that the **EIT** has implemented the EDPS recommendations on retention periods.

Yours sincerely,

**(signed)**

Giovanni BUTTARELLI

Cc : Mr Jari AHOLA, Head of Services and Finance

---

<sup>1</sup> Issued on 11 February 2011 and it concerned 18 agencies, case 2010-0071.