REGISTER NUMBER: 285

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 03/09/2007

Case number: 2007-504

Institution: European Commission

Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

 1/ Name and adress of the controller

2) Name and First Name of the Controller:DEPIESSE Danielle

3) Title:Head of Unit

4) Directorate, Unit or Service to which the Controller is attached:C.02

5) Directorate General to which the Controller is attached:JRC

 2/ Organisational parts of the institution or body entrusted with the processing of personal data

26) External Company or Directorate General to which the Processor is attached:
25) External Company or Directorate, Unit or Service to which the Processor is attached:

 3/ Name of the processing

MEDEL - MEdicina Del Lavoro (Occupational Medicine)

 4/ Purpose or purposes of the processing

Staff medical surveillance.
The purpose of the processing of personal and medical data is to survey staff?s health , also according to legal and statutory obligations; it includes pre-employment visits, periodic visits, final visits, radioprotection visits, registration of sickness and related days of absence.

0285/2007-504

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

European Commission employees (civil servants, temporary agents, contractual agents, auxiliary staff, grant holders, detached national experts, trainees);
Relatives (family members) of subjects working for the JRC and other people working on-site (employees of external companies working for the JRC) for visit and/or exams on demand.

16) Category(ies) of Data Subjects:

Civil servants, temporary agents, contractual agents, auxiliary staff, grant holders, detached national experts (DNEs), trainees;
Family members of subjects working for the JRC;
People working on JRC's site (employees of external companies working for the JRC).

6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)*(including, if applicable, special categories of data (article 10) and/or origin of data)*

17) Data field(s) of Data Subjects:
Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

Identification data:
first name, name, birth date, birth place, marital status, profession, addresses , place of work, professional and personal hazard scheme, invoices for medical services and related company identification and related administrative data.
Medical data:
Professional risks history, sick leave status (administrative/time and diagnosis information), instrumental and laboratory tests scheduling and further medical tests scheduling (ophtalmologist, audiometry, spirometry, etc.) as necessary for the individual subject and other medical documents.
For a detailed list of data fields, please see the attached detailed list at point 37.
This processing of personal data is subject to art.10.

18) Category(ies) of data fields of Data Subjects:
Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

Medical and Personal data.
Invoices data.
This processing of personal data is subject to art.10.

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

Privacy statement is available for Data Subjects.
- The privacy statement will be put on the board in the waiting hall of the Medical service.
- The privacy statement will be published on the intra website of the Occupational
  Health and Safety Unit.

8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)*(rights of access, to rectify, to block, to erase, to object)*

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

The data subject can use a functional mailbox : jrc-medical-service@ec.europa.eu - see also privacy statement.
The data subject can refer directly to the Medical Service Front Desk, in order to obtain major information and to require possible further actions.

9/ Automated / Manual processing operation

7) Description of Processing:
Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

This software environment is composed of several different modules;
Each module is related with specific duties:

M1- Management of Personal / Administrative data and related personnel's professional risks; These risks are professional potentially dangerous or unhealty situation whose a worker could be exposed during his ordinary time of work.
In function of this exposure, a specific and personalized set of medical exams is set up for the worker.

M2- Management of automatic / manual Medical convocations for clinical / medical / check-up exams (periodical mandatory examinations, exams on demand, ...; Medical service resources' calendar; Related statistics);

M3- Management of data about sick leaves (medical certificates: days of absence, % of inactivity, desease group codes, description of diagnosis,...; Related statistics);

M4- Management of data related with personal health profile / personal risks profile / anamnestic data (this mc is completely empty - no data are introduced at the moment.);

M5- Management of invoices for clinical / medical /toxicological / radiotoxicological on demand exams (for inte personnel, their relatives and personnel of external companies that work for at the JRC).
As a result of the supplied performances, an invoice come emitted.

(For details on data fields, see annexes at point 17)

8) Automated Processing operation(s):

- Association of specific clinical / medical test in function of professional risks exposure;
- Automatic programmation of periodical test packages for all the JRC's Personnel;
- Scheduling, balancing and optimization of workload of the medical service's resources;
- Several types of statistics about usage of internal resources;
- Automatic production of convocation letters for Employees;
- Daily transmission of working list to the Software Environment PowerLab (automatic check-in preparation) programmation of the working list for the clinical and radiotoxicological laboratory;
- Production of standard pre-filled forms for request of patient agreement to execute particular exams;
- Production of reports with administrative data from sick leave certificates (for competent Services and Heads of Units);
-Production of reports with lists of personnel that has specific type or duration of periods of absence (for further medical controls in case of accident or long periods of sick leaves);
-Production of pre-filled forms for specific type of internal certificates (fitness for work certificate);
- Several types of statistics on sick leaves;
- Production of invoices for medical activities on demand;

9) Manual Processing operation(s):

- Convocation letters sending (internal JRC mail);
- Data entry;
- Updating of personal data, risks associated, periodicity of exams and further exams addition (in case of Doctor's demand);
- Modification of the automatic activities programing (re-scheduling of appointments on patients' demand);
- Modification / translation of exams scheduling program;

10/ Storage media of data

Electronic medias.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Staff Regulations - art. 59;
Commission Decision N° 92-2004 / 06.07.2004;

Italian laws:
D.Lgs 626/94 (Corresponds to EU directives 89/391, 89/654, 89/655, 89/656, 90/269, 90/270, 90/394, 90/679, 93/88, 95/63, 97/42, 9824, 99/38, 99/92);
D.Lgs 230/95 (corresponds to directives Euratom 80/836, 84/467, 84/466, 89/618, 90/641, 92/3);
D.Lgs 241/00 (composed of D.Lgs 230/95 and Directive du Conseil 96/29);
Financial regulations.

12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Lawfulness of processing is based on the art. 5(a) of the regulation 45/2001.
The processing is needed for the execution of a mission in public interest (Staff management of the European Commission).

This processing of personal data is subject to art.27.

12/ The recipients or categories of recipient to whom the data might be disclosed

20) Recipient(s) of the Processing:

- Medical Service;
- RSPP (Responsible of the Prevention and Protection Service) and staff responsible for occupational safety;
- Authorized staff responsible for detection, measurement of radioactivity and dose estimations;
- Human resources (Administrative data ONLY);
- Heads of Units / Directors of respective Data Subjects (Administrative data, fitness to work attestation, professional risks exposure).
(For an instance of communications standard forms for these 2 last recipients, please see point 37).
Data transfer follows art. 7 of the Regulation (EC) 45/2001.

21) Category(ies) of recipients:

- Human resources (Administrative data ONLY).
- Heads of Units / Directors (Administrative data, fitness to work attestation, professional risks exposure).

13/ retention policy of (categories of) personal data

As the medical files, data are kept for the whole time of employment of the data subjects and up to 35 (standard) or 40 (radiation exposure) years after the end of occupation.
D.Lgs 626/94, 239/95, 241/00
According to the instructions of the Legal service of the Commission, paper files has to be classified and stored for a period of 10 years (ref. DPO-336 vers. 1- point 22a).

---

13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)
(on justified legitimate request from the data subject)
(Please, specify the time limits for every category, if applicable)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

Upon a justified and legitimate request by the Data Subject, the personal data will be modified in the database within 14 days.
Results from medical tests, diagnosis, sick leaves, data on exposure at professional risks, if correct, cannot be modified on Data Subjects' request: a comment can be added.

14/ Historical, statistical or scientific purposes *If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification,* 22 c) Historical, statistical or scientific purposes - If you store data for longer periods than mentioned above, please specify, if applicable, why the data must be kept under a form which permits identification Not applicable.
15/ Proposed transfers of data to third countries or international organisations 27) Legal foundation of transfer: Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20. Not applicable. 28) Category(ies) of Personal Data or Personal Data to be transferred: Not applicable.
16/ The processing operation presents specific risk which justifies prior checking (please describe): *(please describe)*):

7) Description of Processing:
Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

This software environment is composed of several different modules;
Each module is related with specific duties:

M1- Management of Personal / Administrative data and related personnel's professional risks; These risks are professional potentially dangerous or unhealty situation whose a worker could be exposed during his ordinary time of work.
In function of this exposure, a specific and personalized set of medical exams is set up for the worker.

M2- Management of automatic / manual Medical convocations for clinical / medical / check-up exams (periodical mandatory examinations, exams on demand, ...; Medical service resources' calendar; Related statistics);

M3- Management of data about sick leaves (medical certificates: days of absence, % of inactivity, desease group codes, description of diagnosis,...; Related statistics);

M4- Management of data related with personal health profile / personal risks profile / anamnestic data (this mo is completely empty - no data are introduced at the moment.);

M5- Management of invoices for clinical / medical /toxicological / radiotoxicological on demand exams (for inte personnel, their relatives and personnel of external companies that work for at the JRC).
As a result of the supplied performances, an invoice come emitted.

(For details on data fields, see annexes at point 17)

This processing of personal data is subject to art.27.
12) Lawfulness of Processing:
Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

Lawfulness of processing is based on the art. 5(a) of the regulation 45/2001.
The processing is needed for the execution of a mission in public interest (Staff management of the European Commission).

This processing of personal data is subject to art.27.

   Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Processing of data relating to health

   Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

n/a

   Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

n/a

   Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

n/a

   Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?
Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.
If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

PLACE AND DATE:29/08/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission