

<b>REGISTER NUMBER: 580</b>
<b>NOTIFICATION FOR PRIOR CHECKING</b>
<p>Date of submission: 15/02/2010</p> <p>Case number: 2010-098</p> <p>Institution: ETF</p> <p>Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup></p> <p style="text-align: right;"><i>(1) OJ L 8, 12.01.2001</i></p>

<b>INFORMATION TO BE GIVEN<sup>(2)</sup></b>
<i>(2) Please attach all necessary backup documents</i>
<p><b>1/ Name and adress of the controller</b></p> <p>Mr. Alastair Macphail, Head of the Administration Department</p>
<p><b>2/ Organisational parts of the institution or body entrusted with the processing of personal data</b></p> <p>The data are processed by the ETF Medical Advisor.</p>
<p><b>3/ Name of the processing</b></p> <p>Management of medical files</p>
<p><b>4/ Purpose or purposes of the processing</b></p> <p>§ To record all exams done, within the context of the pre-recruitment medical visits, as well as the certificate indicating that the staff member is fit to work (or fit to work with reserve).</p> <p>§ To up-date the medical file with:</p> <p>a) medical exams done on a yearly basis</p> <p>b) if applicable, medical report and decision established by the Invalidity Committee</p> <p>c) information the data subject would like to provide the Medical Advisor with – e.g. accidents, illnesses, etc</p>
<p><b>5/ Description of the category or categories of data subjects</b></p> <p>Statutory staff</p>
<p><b>6/ Description of the data or categories of data</b> <i>(including, if applicable, special categories of data (article 10) and/or origin of data)</i></p> <p><b>Pre-recruitment:</b> First name, surname, age, gender, date of birth, contract type, apt / not apt /apt with reserve to perform duties (origin of data: European Commission's medical centres; ETF Medical Advisor); <b>Annual medical check ups:</b> Outcomes of medical exams (origin of data: Data subject; European Commission's medical centres; Local medical centre contracted by the ETF); <b>Invalidity procedure:</b> First name, surname, age, gender, contract type, position, invalid/ partially invalid / not invalid (origin of data: Invalidity Committee). Any other data (origin of data: Data subject)</p>
<p><b>7/ Information to be given to data subjects</b></p>

- 9.1. the surname, first name and function of the Controller
- 9.2. the purpose of the processing
- 9.3. the recipient of the data
- 9.4. whether replies to the questions are obligatory or voluntary, as well as the possible consequences of failure to reply
- 9.5. the existence of the right of access to, and the right to rectify, the data concerning him or her
- 9.6. the legal basis of the processing operation for which the data are intended:
- 9.7. the time-limits for storing the data
- 9.8. the right to have recourse at any time to the EDPS

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

##### 1. rights of access:

The medical file can be consulted by the data subject at any time. It can be consulted in the office of the ETF Medical Advisor. The staff member can make copies of any documents included in his/her medical file.

##### 2. to rectify:

The data subject can ask the ETF Medical Advisor to amend erroneous information included in his/her medical file.

##### 3. to block:

not applicable

##### 4. to erase:

The staff member can ask to erase data by sending a written request to the Data Controller upon the end of the retention time.

##### 5. to object:

The data subject can object to the inclusion of a document if it is not foreseen by the regulatory framework.

#### **9/ Automated / Manual processing operation**

All documents provided to the ETF Medical Advisor are manually stored in the medical file of the data subject.

#### **10/ Storage media of data**

The medical files are filed in safes, which are located in the office of the ETF Medical Advisor. The medical files are accessible to the data subject and the ETF Medical Advisor only. They are all stored in safes, which are located in the office of the ETF Medical Advisor. The keys of the safes and his office are under strict surveillance of the guard of the ETF, for security and emergency reasons.

#### **11/ Legal basis and lawfulness of the processing operation**

Article 11 of the Conditions of Employment of Other Servants and thereby article 26a of the Staff Regulations

\* Processing operation is clearly covered by the mandate of ETF

Please see article 21 of the ETF's mandate (Regulation (EC) no 1339/2008)

\* Processing operation is necessary for compliance with a legal obligation of ETF

Please see article 21 of the ETF's mandate (Regulation (EC) no 1339/2008) and article 11 of the Conditions of Employment of Other Servants and thereby article 26a of the Staff Regulations

\* Processing operation is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering a contract

Please see article 11 of the Conditions of Employment of Other Servants and thereby article 26a of the Staff Regulations

\* Processing operation for which the data subject has unambiguously given his/her consent

Medical exams are undergone by the staff member in the context of the pre-recruitment medical check up and annual check ups. The staff member is obliged to undergo those exams.

The staff member can also choose to undergo preventive medicine check ups.

The invalidity procedure is launched either at the request of the staff member or at the request of the Appointing Authority.

\* Processing operation necessary in order to protect the vital interests of the data subject

The operations are: check the fitness for service of the data subject before his/her recruitment and during his/her service at the ETF via an invalidity procedure (if applicable) as well as maintain data subject in good health through the yearly check ups.

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

The ETF Medical Advisor

#### **13/ retention policy of (categories of) personal data**

The medical files are kept at present for thirty years after the end of service at ETF of the data subject, but in any case until when s/he has reached at least 75 years of age.

**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)**

It is estimated that it could take from a couple of days to two weeks.

**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,*

No

**15/ Proposed transfers of data to third countries or international organisations**

The medical file of a staff member can be transferred from the ETF to another EU Institution upon the recruitment of that staff by the third party. The request for transfer must be done by the medical service of the recruiting Institution and must be addressed to the ETF Medical Advisor. The ETF Medical Advisor will send the medical file of the staff member concerned in a sealed envelope, via courier and will address it to the Medical Advisor of the recruiting Institution.

**16/ The processing operation presents specific risk which justifies prior checking ( please describe ):**

AS FORESEEN IN:

☒ **Article 27.2.(a)**

**Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,**

☐ **Article 27.2.(b)**

**Processing operations intended to evaluate personal aspects relating to the data subject,**

☐ **Article 27.2.(c)**

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

☐ **Article 27.2.(d)**

**Processing operations for the purpose of excluding individuals from a right, benefit or contract,**

☐ **Other (general concept in Article 27.1)**

**17/ Comments**

PLACE AND DATE: Turin, 2 February 2010

DATA PROTECTION OFFICER: Dr Liia KAARLÕP

INSTITUTION OR BODY: EUROPEAN TRAINING FOUNDATION