

(To be filled out in the EDPS' office)
Register number: 623

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NOTIFICATION FOR PRIOR CHECKING

Date of submission: 20/09/2010

Case number: 2010-699

Notification of: EMSA

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

INFORMATION TO BE GIVEN²

Name and address of the controller

Cristina Romay-Lopez
Head of Unit A.1 Human Resources
European Maritime Safety Agency
Cais do Sodré
1249-206 Lisbon, Portugal

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

Unit A.1 Human Resources

Name of the processing:

Medical examinations – services of an external provider

Purpose or purposes of the processing

- to provide pre-employment check-ups to future EMSA staff members
- to provide annual check-ups to EMSA staff
- to develop annual health promotion and sickness prevention programmes for EMSA staff
- upon request of EMSA to carry out special medical visits for occupational health review services

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

Description of the category or categories of data subjects :

EMSA staff (or to be EMSA staff, upon being employed)

Description of the data or categories of data (including, if applicable, special categories of data (Article 10) and/or origin of data):

Health data (the list of examinations to perform is listed in Annex II to the Contract), this questionnaire has been shared by the European Commission, it is the standard questionnaire developed by *College Medical*.

Information to be given to data subjects:

General information on personal data protection on EMSA Internet and Intranet page;
A data protection clause on Human Resources Intranet and Internet page;
A data protection clause in the contract with Centro Nacional de Medicina do Trabalho;

Procedures to grant rights of data subjects:

Data subject has access to his personal file in EMSA.
However, detailed medical data are in each person's file in Medicil clinic and the "patient" can access it there.

Automated / manual processing operation:

Manual

Legal basis of the processing operation:

Framework Service Contract of 24/04/2010 between EMSA and Centro Nacional de Medicina do Trabalho (Inogroup) - (Annex I)

On the pre-employment, annual check ups and medical examinations arranged by the Institution: Staff Regulations (art. 28, art. 33, and art. 59) and Conditions of Employment of Other Servants (art. 12, 13, 16, 82, 83 and 91).

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

EMSA HR (some limited data) and interested staff member (his/her medical data)

General indication of the time limits

for blocking:

and/or

for erasing:

of the different categories of data (*Please, specify the time limits for every category, if applicable*)

Retention policy (when the documents are erased):

The “apt for service” note: as long as the personal file exist

Information on normal annual check ups: **5 years**

Specific medical check ups: (e.g. for occupational hazards): **max. 30 years**

Medical data relating to non-recruited persons: kept until the end of the period of time during which it is possible to challenge the data or the negative decision taken on the basis of the data (the data would be a medical clearance and is kept for auditing purposes) – **5 years**

Blocking: upon **justified** request as soon as possible.

Historical, statistical or scientific purposes:

none

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.

Proposed transfers of data to third countries or international organisations:

none

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,

Comments:

The Agency contracted services of the Centro Nacional de Medicina do Trabalho (Inogroup) in order to provide services of medical examination to the persons that are to be employed by the Agency before they start the contract, as well as services of annual medical check-ups and special medical check-ups for the staff of Agency

Pre-employment check up: the person goes to Medicil clinic in Lisbon.

Annual check-up: the person can go to Medicil clinic or their own doctor and apply for the reimbursement of the visit with JISS.

Place and date: Lisbon, 2010-09-15

Data Protection Officer: Malgorzata Nesterowicz

Institution or body: European Maritime Safety Agency