

REGISTER NUMBER: 731

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 10/08/2011

Case number: 2011-0752

Institution: EU-OSHA

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 address of the controller

Jukka Takala, Director;
Françoise Murillo, Head of Resource and Service Centre;
Eusebio Rial González, Head of Prevention and Research Unit;
Andrew J.A. Smith, Head of Communication.

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

Heads of Unit;
Human Resources Section, where applicable.

3/ Name/exact title of the processing (operation)

Return to Work Policy ([Attachment 1](#))

4/ Purpose or purposes of the processing

Provide the affected employee with the necessary support measures to facilitate his/her return to work after sick leave and encourage his/her mental and physical recovery.

5/ Description of the category or categories of data subjects

Data subjects are agents during their sick leave and upon their return to work.

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

In principle, no processing of sensitive data (in the meaning of Article 10 Regulation EC 45/2001) is foreseen. However, sensitive data may be provided on a voluntary basis by the data subjects.

7/ Information to be given to data subjects
The protocol does not entail sensitive personal data processing <i>stricto sensu</i> . However, data subjects will be provided with a full-fledged privacy statement (<u>Attachment 2</u>). This statement will also be published in the Health & Safety section of the Agency Intranet.
8/ Procedures to grant rights of data subjects (<i>rights of access, to rectify, to block, to erase, to object</i>)
Data subjects may request to access/rectify/block/erase their data and to object about their processing by sending a request to the Head of Unit concerned or to the HR Section (where applicable).
10/ Storage media of data
Data and personal information will be kept by the Heads of Unit concerned as confidential. Relevant email exchanges/written reports by the Heads of Unit may be forwarded to the HR Section, the Health & Safety Committee and the Staff Committee/Trade Unions' representatives for follow up and upon consent of the data subjects. Where relevant, information regarding possible redeployment or adjustment of working time/responsibilities/tasks may be kept in the personal file of the agents concerned.
11/ Legal basis and lawfulness of the processing operation
<u>Legal basis:</u> Council Regulation (EC) No 2062/34 of 18/07/1994 establishing the European Agency for Safety and Health at Work; Articles 1d.4, 1e.2 and 59.1 Staff Regulations.
<u>Lawfulness of the processing:</u>
12/ The recipients or categories of recipient to whom the data might be disclosed
Human Resources Section and Health & Safety Committee, Staff Committee and Trade Unions representatives upon consent of the data subjects concerned.
13/ Retention policy of (categories of) personal data
<u>Sensible data (in the meaning of Article 10 of Regulation EC 45/2001):</u> The retention policy will be aligned to the current policy for sick leave foreseen in EU-OSHA Document Management Policy (4 years).
<u>Information likely to be kept in the personal file (in case of redeployment, change of tasks etc.):</u> As regard the information kept in the personal file, the retention policy will be aligned with the current policy as it is foreseen in EU-OSHA Document Management Policy (8 years after the extinction of all rights).
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)
Data subjects can block or erase their personal data and sensitive information about them at any time during the application of the protocol.
14/ Historical, statistical or scientific purposes <i>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,</i>
Neither personal data nor information will be used for historical, statistical and scientific purposes.
15/ Proposed transfers of data to third countries or international organisations
N/A
16/ The processing operation presents specific risk which justifies prior checking (<i>please describe</i>):

Yes
AS FORESEEN IN:
<input checked="" type="checkbox"/> Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,
<input type="checkbox"/> Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,
<input type="checkbox"/> Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,
<input type="checkbox"/> Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,
<input type="checkbox"/> Other (general concept in Article 27.1)
17/ Comments
Attachment 1: Return to Work Protocol (RSC 2011 d/751) Attachment 2: Privacy statement in relation to the application of the Return to Work Protocol Attachment 3: Declaration regarding the obligation of professional secrecy equivalent to that of a health professional pursuant to Article 7(3) of Regulation EC/2001
PLACE AND DATE: DATA PROTECTION OFFICER: INSTITUTION OR BODY: