

*(To be filled out in the EDPS' office)*  
**Register number: 897**

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### NOTIFICATION FOR PRIOR CHECKING

**Date of submission: 14/09/2012**

**Case number: 2012-0792**

**Notification of: European Central Bank**

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

### INFORMATION TO BE GIVEN<sup>2</sup>

#### **Name and address of the controller**

European Central Bank  
Directorate General Human Resources, Budget & Organisation  
Division Recruitment & Compensation  
Kaiserstrasse 29  
60311 Frankfurt

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

Directorate General Human Resources  
Division Recruitment & Compensation  
Health and Safety function

#### **Name of the processing**

Data processing operations related to occupational disease and work-related and non-work-related accidents.

#### **Purpose or purposes of the processing**

The purpose of the above processing operation is to:

- implement Article 34 of the Conditions of Employment in the Staff Rules<sup>3</sup> and Article 30 of the Conditions of Short-Term Employment in the Rules for Short-Term Employment;

<sup>1</sup> OJ L 8, 12.01.2001.

<sup>2</sup> Please attach all necessary backup documents

<sup>3</sup> **Staff Rules** - The European Central Bank's Staff Rules implement and complement the Conditions of Employment. They comprise nine parts and one annex relating to the ECB Graduate Programme (Annex I).

- properly process accidents at work and occupational diseases;
- ensure the payment of benefits and reimbursement of all related medical expenses to which the persons concerned are entitled.

According to the newly adopted European Central Bank's provisions, procedures for requests for recognition of and compensation for accidents at work and occupational diseases are introduced in the ECB's statutory framework.

The ECB has taken out a medical and dental plan and accident insurance. The medical and dental insurance contract expired in mid-2012. A new procurement procedure was initiated and, as a result thereof, a contract with a new administrator and insurer for the ECB's medical benefits and dental plan has been concluded.

The Directorate General Human Resources, Budget and Organisation (further **DG/H**) is responsible, among others, for the management of the procedures for (i) recognition of accidents at work and (ii) occupational diseases in order to guarantee the payment of the benefits and reimbursement of medical expenses to the persons concerned.

In case of non-work related accidents, the injured persons have a direct claim against the insurers. DG/H is not involved in the processing of non-work-related accidents claims. The Health and Safety function in DG/H only receives from the insurer non-confidential information on accidents sustained by the data subjects for statistical, contract management and procurement purposes. This information includes: 1) which staff members reported the accident, 2) when the accident took place, 3) category of accident, 4) if the accident results in permanent disability and, 5) if this is the case, the level of compensation; 6) if applicable, rejection and reasons for rejection to recognise an accident.

Insured parties who have suffered an accident at work or an occupational disease are asked to submit to the Health and Safety function in DG/H the accident notification form and request for recognition of occupational diseases, respectively to be accompanied by medical certificate and any other supporting documents (medical certificate and any other supporting documents should be submitted in a sealed envelope addressed to the ECB's Medical Adviser).

Medical data obtained in this context will also be stored in electronic form (in the medical software). The data file will be progressively completed. Among others, it will contain all additional medical reports sent by the victim, the various reports of the ECB's Medical Adviser and the doctors appointed by the ECB and the final decisions taken by the Director General of DG/H or their deputy regarding the recognition of the event under the legal provisions (accidents at work, occupational diseases) and the recognition of an eventual degree of permanent invalidity after consolidation of injuries.

DG/H is competent for the management of the accidents at work and occupational disease procedures. The final decisions related to:

- the recognition of an accident at work,
- the recognition of the occupational nature of a disease,
- the establishment of the degree of permanent invalidity after consolidation of injuries

are taken by the Director General of DG/H or their deputy, on the basis of expert medical opinion of one or more doctors appointed by the Director General of DG/H or their deputy and, in the event of an appeal pursuant to Article 6.3.13 (b) Staff Rules or 6.2.13 (b) of the Rules for Short-Term Employment, after consulting the Medical Committee established in accordance with Article 6.6 of the Staff Rules/Article 6.4 of the Rules for Short-Term Employment.

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Similarly, the Rules for Short Term Employment implement and complement the Conditions for Short Employment.

## Description of the category or categories of data subjects

Following categories of data subjects are covered:

- **Members of staff** according to the definition given in Article 1 and Article 9 of the Conditions of Employment for Staff of the European Central Bank:

*“1. For the purposes of these Conditions of Employment, “member of staff” of the European Central Bank (hereinafter referred to as the ECB) shall mean any person who has countersigned an employment contract appointing him/her for an indefinite period or a definite period of more than one year to a position within the ECB and who has taken up his/her appointment”;*

*“9. (a) Employment relations between the ECB and its members of staff shall be governed by employment contracts issued in conjunction with these Conditions of Employment. The Staff Rules adopted by the Executive Board shall further specify the application of these Conditions of Employment.*

*The employment relations between the European Central Bank and its members of staff shall be subject to mobility in the interest of the service”.*

- **Short-term employees** according to the definition given in Article 1 of the Conditions of Short-Term Employment of the European Central Bank:

*“1. (a) For the purposes of these Conditions of Short-Term Employment, a “short-term contract employee” of the European Central Bank (hereinafter referred to as the ECB) shall mean any person who has countersigned an employment contract appointing him/her for a period of less than one year to a position within the ECB and who has taken up his/her appointment.*

*(b) A “short-term contract employee” shall also mean any person who is appointed to a position or who has, and continues to have, for the duration of the assignment at the ECB, an employment contract with (i) a national central bank of the ESCB, (ii) any other employer performing central banking tasks; or (iii) an international governmental organisation, and for the duration of their assignment to the ECB entered into an employment contract with the ECB. Such employment contract appointing a short-term contract employee to the ESCB/IO programme shall be limited to a maximum period of 24 months, including any extension.*

*International governmental organisations are defined as non-profit organisations which are created or recognised by States or by organisations which themselves were created by States and are entrusted with the performance of tasks in the public interest”.*

- **Participants in the Graduate Programme** of the European Central Bank according to the definition given in Article 1 and 2 of the Conditions of the Graduate Programme of the European Central Bank:

*“1. For the purposes of these Conditions of the Graduate Programme of the ECB (hereinafter the ‘Graduate Programme Conditions’), a participant in the graduate programme (hereinafter ‘graduate programme participant’) shall mean any person who has countersigned an employment contract appointing him/her to the ECB’s graduate programme and who has taken up this appointment.*

*2. The Conditions of Employment for Staff of the European Central Bank (hereinafter the ‘Conditions of Employment’) shall apply to graduate programme participants, unless otherwise indicated in these Graduate Programme Conditions”.*

Other data subjects whose information (in particular their contact details) is also processed are **external doctors**, for example those who sign the accident report as well as the external doctors designated by the Director General of DG/H or their deputy in the context of their tasks.

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

Health data related to occupational disease and accidents at work are processed through the forms mentioned below. Section 1 provides an overview of the various forms/documentation handled by the relevant stakeholders in the procedures. Section 2 discussed in detail the data collected through the forms/documentation.

**Section 1**

**1.a Health and Safety function within DG/H are in the possession of the following documentation:**

- ECB accident at work notification form;
- Medical certificate issued after medical visit in a sealed envelope addressed to the ECB's Medical Adviser (no access by DG/H);
- Sick leave notes issued by a doctor;
- Application for recognition of an occupational disease;
- The various non-confidential reports of the ECB's Medical Adviser;
- the final decisions taken by the Director General of DG/H or their deputy regarding the recognition of the event under the legal provisions (accident at work, occupational disease) and the recognition of an eventual degree of permanent invalidity after consolidation of injuries.
- Non-confidential information on non-work related accidents incurred by staff members provided by the insurer for statistical purposes, contract management and procurement (information includes: 1) which staff members reported the accident; 2) when the accident took place, 3) category of accident, 4) if the accident results in permanent disability and, if this is the case, the level of compensation; 5) if applicable, rejection and reasons for rejection to recognise an accident).

Furthermore, the file kept by the Health and Safety function is specified in the Appendix 2 to this Notification form.

**1.b. The Director General of DG/H or its Deputy:**

The Director General of DG/H or their deputy adopts the final decisions related to:

- the recognition of an accident at work,
  - the recognition of the occupational nature of a disease,
  - the establishment of the degree of permanent invalidity after consolidation of injuries
- on the basis of expert medical opinion (which takes the form of non-confidential summary of the report of the said doctor) of one or more doctors appointed by him or his/her deputy and, in the event of an appeal pursuant to Article 6.3.13 (b) Staff Rules /6.2.13 (b) of the Rules for Short-Term Employment, after consulting the Medical Committee established in accordance with Article 6.6 of the Staff Rules/Article 6.4 of the Rules for Short-Term Employment.

**1.c. The external insurer of the accident insurance scheme:**

- Claim form;
- Supporting medical certificate issued after medical visit;
- Medical certificates issued in the course of the accident at work and occupational disease procedure relevant for the stabilisation of the medical condition pursuant to Article 6.3.14 (c) of the Staff Rules and Article 6.2.14 (c) of the Rules for Short-Term Employment;
- Medical certificates issued in the course of the accident at work and occupational disease procedure relevant for the determination of a permanent degree of invalidity pursuant to Article 6.3.6 and 6.3.14 (c) of the Staff Rules and Article 6.2.6 and 6.2.14 (c) of the Rules for Short-Term Employment.

**1.d. The external Administrator of the ECB's medical benefits and dental plan**

- Claim form;
- Invoices for the reimbursement of medical and dental expenses;

**1.e. The Medical Adviser:**

- The individual medical files with the history of the medical checks of the data subjects;
- All medical certificates sent by the data subjects in case of accidents or occupation disease;
- Application for recognition of an occupational disease

**Section 2**

**The health data which is being processed depends on the form:**

**2.1 ECB accident notification form that includes:**

**a) Inquiries regarding the injured party:**

- Surname (if applicable also the maiden name);
- Christian name;
- Address;
- Date of birth;
- Business area;
- Telephone number and extension at the ECB
- Office room number;

**b) Inquiries regarding the accident:**

- Place of accident;
- Date of accident;
- Time of accident;
- Details of the accident; In case of a road accident: enclose the accident notification form (police report), if available;
- Witnesses – Name(s) and Address(es);

**c) Inquiries regarding the injuries and the medical treatment:**

- Injuries;
- Initial medical treatment by (please provide the name of the doctor and attach medical certificate in a sealed envelope):
  - General Practitioner
  - Hospital physician
  - Specialist
  - ECB's nurse

Further medical treatment necessary: Yes/No

- Date and signature of the ECB's nurse
- Hospital stay is/was: (required: Name and address of hospital);
- Duration of stay in hospital (not required)
- Incapacity to work (please attach certificate)

**d) Inquiries regarding the third party:**

- Injured party's responsibility
- Third party responsibility
- Name and address of third party
- Insurance company
- Policy number

e) **Place and date**

f) **Signature of member of staff**

**2.2 The form related to occupational diseases (*Application for recognition of an occupational disease*) processes the following data:**

**a) Personal data/Inquiries regarding the injured party:**

- Family name (if applicable also the maiden name)
- First name
- Staff number
- Salary scale
- Contractual status: Permanent staff/ Fixed-term staff/ Short-term employee/Participants in the Graduate programme
- Private address
- Private phone
- Date of birth
- Sex: M/F
- Employed by the European Central Bank
- Place of employment
- Office room number
- Phone number and extension at the ECB

**b) Personal data/ Inquiries regarding the requesting party:**

- Injured party is requesting party/Injured party is not requesting party:
- Family name (if applicable also the maiden name)
- First name
- Relation to the requesting party
- Private address
- Private phone
- Date of birth
- Sex: M/F

**For the medical file:**

- A detailed medical report must be attached to the declaration. This report must contain the following information:
  - Nature of the disease;
  - Date ( approximate) when first symptoms appeared;
  - Date (approximate) of first medical treatment;
  - Treatment prescribed;
  - Dates of any incapacity for work resulting from the disease;
  - Observations.

**For administrative files:**

- Data subject can tick as appropriate one of the following possibilities:
  - \*The nature of my disease must remain strictly confidential.
  - \*The nature of my disease may be divulged (without any further details) to facilitate and focus the replies from the persons questioned.
- Period
- Department
- Immediate supervisor
- Superior responsible
- Witness (optional)
- Building occupied (only when relevant to investigation)
- Following statement of the data subject: "*I certify that this report is correct*" (place, data/signature)

**2.3 The Claim for reimbursement of medical expenses - form (including accidents at work, non-work-related accidents and occupational diseases) processes the following data:**

**a) Staff member:**

- Administrator Personal Reference No.
- Name – First name
- Address

**b) Patient:**

- Name
- First name
- Date of birth
- Sex: M/F

**c) Relationship:**

- Self/Spouse/Recognised partner/Dependant child
- Does the patient have another (primary) insurance coverage? Yes/No
- \*If yes, were the below medical expenses claimed with the primary insurance? Yes No
- \*If yes, please state the amounts reimbursed and attach the settlement note(s).
- \*Is the claim related to an accident? Yes No
- \*If yes: has this accident been recognised as an accident at work

**d) Amount claimed per currency:**

- Currency
- Amount of expenses
- Description of treatment (attach original documents for all bills\* Confidential information can be sent to our medical adviser under sealed envelope)
- Please indicate diagnosis (mandatory for each invoice)

**e) Mode of payment by the administrator (complete only in case of change):**

- IBAN No.
- Transfer/Cheque
- Account No.
- Full Bank name and address
- Name Account Holder
- BIC code
- ID Bank

**f) Following statement of the data subject:** *“I certify that the information provided by me in support of this claim is, to the best of my knowledge and belief, correct and true”.*

**e) Date/Staff member’s signature**

The *Claim for reimbursement of medical expenses* concerns the reimbursement of medical and dental expenses related to non-work-related accidents, accidents at work and occupational diseases. All data contained in the *Claim form* will be processed in compliance with Article 10(2) of Regulation (EC) No 45/2001 solely by the external Administrator of the ECB’s medical benefits and dental plan.

**Information to be given to data subjects**

Data subjects are informed through the following channels:

- [Intranet](#) page containing a Privacy Notice, with reference also to the prior checking notification for further details (being further developed);
- Forms placed on the Health and Safety intranet website; those forms include a link to the Privacy Notice which in turn refers to the prior checking notification for further details (being further developed);
- The ECB Medical Service.

### **1) In case of work-related accidents:**

A procedure for the reporting of work-related accidents<sup>4</sup> is published on the Intranet

A Privacy Notice will also be incorporated in the Intranet page and equally in the relevant form (being further developed):

*“Privacy notice (data protection)*

- *Any personal data included in or relating to the application form or the accident will be processed in accordance with the requirements of Regulation (EC) 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data (OJ No. L8, 12.1.2001, p. 1).*
- *The legal basis for this processing is provided in :*
  - *Articles 33 and 34 the Conditions of Employment and Articles 29 and 30 of the Conditions of Short-Term Employment*
  - *Article 6.3 of the Staff Rules and in Article 6.2 of the Rules for Short-Term Employment*
- *The data will only be processed for the purposes of processing your claim for the recognition of an accident at work.*
- *The following parties shall be entitled to have access to such data in line with the purposes of the processing: ECB’s Medical Adviser, the doctors appointed by the ECB, DG/H, ECB’s Occupational Safety and Health Adviser, DIV/SET, your line managers, the insurer of the accident insurance scheme and the administrator of the ECB’s medical benefits and dental plan.*
- *The data shall be stored in accordance with the ECB Retention Plan<sup>5</sup>.*
- *You have the right of access to your personal data referred to above and the right to rectify any such data that is inaccurate or incomplete in accordance with the procedure laid down in the Decision of the ECB of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank (ECB/2007/1).*
- *Further information on the processing of your personal data and the data protection aspects can be found in the detailed data protection notification submitted to the Data Protection Officer at (link to internal document).*
- *Should you have any further questions regarding this processing operation, you are encouraged to contact the Head of the Recruitment and Compensation Division in their capacity as Data Controller.*
- *Equally you have the right to have recourse at any time to the European Data Protection Supervisor”.*

### **2) In case non-work-related accidents**

A procedure for the reporting of non-work-related accidents<sup>6</sup> is published on the Intranet

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<sup>4</sup> In case of work-related accidents, the Health and Safety function in DG/H receives the ECB accident notification form (with the name of the doctor and with attached medical certificate in a sealed envelope in case of the initial medical treatment and the attached certificate in case of the incapacity to work). Completed forms are processed by Health and Safety function and the ECB’s Medical Adviser, in cooperation with the line managers’ and the ECB’s Occupational Safety and Health Adviser (information by whom the data are processed is included in the forms).

<sup>5</sup> As regards the ECB Retention Plan, please, see Appendix 5 to this Notification form.

<sup>6</sup> In case of non-work-related accidents, the injured persons refer directly to the insurer. The DG/H is not involved in the procedure for reporting non-work related accidents. DG/H only receives from the insurer non-confidential information on accidents sustained by the data subjects for statistical purposes, contract



A Privacy Notice is also incorporated in the Intranet page and equally in the relevant accident notification form:

*“Privacy notice (data protection)*

- *Any personal data included in or relating to the application form or the accident will be processed in accordance with the requirements of Regulation (EC) 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data (OJ No. L8, 12.1.2001, p. 1).*
- *The legal basis for this processing is provided in:*
  - *Article 33 and 34 the Conditions of Employment and Article 29 and 30 of the Conditions of Short-Term Employment*
  - *Article 6.3 of the Staff Rules and in Article 6.2 of the Rules for Short-Term Employment*
- *The data will only be processed for the purposes of processing your claim for the recognition of a non-work related accident.*
- *The following parties shall be entitled to have access to such data in line with the purposes of the processing: DG/H (access only to non-confidential information on accidents sustained by the data subjects for statistical purposes, contract management and procurement) (information includes: 1) Which staff members reported the accident; 2) When the accident took place, 3) category of accident, 4) if the accident results in permanent disability and, if this is the case, the level of compensation; 5) if applicable, rejection and reasons for rejection to recognise an accident) the insurer of the accident insurance scheme and the administrator of the ECB’s medical benefits and dental plan.*
- *The data shall be stored in accordance with the ECB Retention Plan<sup>7</sup>.*
- *You have the right of access to your personal data referred to above and the right to rectify any such data that is inaccurate or incomplete in accordance with the procedure laid down in the Decision of the ECB of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank (ECB/2007/1).*
- *Further information on the processing of your personal data and the data protection aspects can be found in the detailed data protection notification submitted to the Data Protection Officer at (link to internal document).*
- *Should you have any further questions regarding this processing operation, you are encouraged to contact the Insurer [at (the address of insurer)] in their capacity as processor, or alternatively the Head of the Recruitment and Compensation Division in their capacity as Data Controller.*
- *Equally you have the right to have recourse at any time to the European Data Protection Supervisor”.*

### **3) In case of occupational diseases:**

A procedure for the reporting of occupational diseases<sup>8</sup> is published on the Intranet. DG/H also provides a form for claims in case of occupational diseases.

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management and procurement (information includes: 1) which staff members reported the accident; 2) when the accident took place, 3) category of accident, 4) if the accident results in permanent disability and, if this is the case, the level of compensation; 5) if applicable, rejection and reasons for rejection to recognise an accident).

<sup>7</sup> As regards the ECB Retention Plan, please, see Appendix 5 to this Notification form.

<sup>8</sup> Staff is informed that in case they are suffering from an occupational disease, they should submit to the Health and Safety function in DG/H the request for recognition of occupational diseases accompanied by medical

A Privacy Notice is also incorporated in the Intranet page and equally in the relevant form:

*“Privacy notice (data protection)*

- *Any personal data included in or relating to the application form for recognition of occupational disease will be processed in accordance with the requirements of Regulation (EC) 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by Community institutions and bodies and on the free movement of such data (OJ No. L8, 12.1.2001, p. 1).*
- *The legal basis for this processing is provided in:*
  - *Article 33 and 34 the Conditions of Employment and Article 29 and 30 of the Conditions of Short-Term Employment*
  - *Article 6.3 of the Staff Rules and in Article 6.2 of the Rules for Short-Term Employment*
- *The data will only be processed for the purposes of processing your claim for the recognition of an occupational disease.*
- *The following parties shall be entitled to have access to such data in line with the purposes of the processing: ECB’s Medical Adviser, the doctors appointed by the ECB, DG/H, ECB’s Occupational Safety and Health Adviser, DIV/SET, your line managers, the insurer of the accident insurance scheme and the administrator of the ECB’s medical benefits and dental plan.*
- *The data shall be stored in accordance with the ECB Retention Plan<sup>9</sup>.*
- *You have the right of access to your personal data referred to above and the right to rectify any such data that is inaccurate or incomplete in accordance with the procedure laid down in the Decision of the ECB of 17 April 2007 adopting implementing rules concerning data protection at the European Central Bank (ECB/2007/1).*
- *Further information on the processing of your personal data and the data protection aspects can be found in the detailed data protection notification submitted to the Data Protection Officer at (link to internal document).*
- *Should you have any further questions regarding this processing operation, you are encouraged to contact the Head of the Recruitment and Compensation Division in their capacity as Data Controller.*
- *Equally you have the right to have recourse at any time to the European Data Protection Supervisor”.*

**The procedures described above under paragraphs 1 to 3** also clarify the secrecy obligations and confidentiality treatment in relation to the submitted documentation. In particular, it is emphasised that

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certificate and any other supporting documents (medical certificate and any other supporting documents should be submitted in a sealed envelope addressed to the ECB’s Medical Adviser).

The Health and Safety function receives the *Application for recognition of occupational disease* (with the name of the doctor and with attached medical certificate in a sealed envelope in case of the initial medical treatment and the attached certificate in case of the incapacity to work).

Completed forms are processed by the Health and Safety function in DG-H, the ECB’s Medical Adviser (information by whom the data are processed is included in the forms); the relevant decision on the recognition of the occupational disease and the recognition of an eventual degree of permanent invalidity after consolidation of injuries is taken by the Director General of DG/H.

<sup>9</sup> As regards the ECB Retention Plan, please, see Appendix 5 to this Notification form.

- a. In the case of the Medical Service, the data processed by the Medical Advisers and the nurses are subject to the secrecy obligation of health professionals and these professionals are the only one to have the custody of the medical files.
- b. Persons assigned to the Health and Safety function who are mandated to administer the medical procedures are required, according to the provision set out in the proposed Article 6.7 of the Staff Rules and 6.5 of the Rules for Short-Term Employment to observe confidentiality regarding medical documents and expenses which come to their attention in the course of the performance of their duties. They shall continue to be subject to this obligation after their duties have ceased.

In addition to the above, the persons assigned to the Health and Safety function and the persons assigned to the Medical Service (Medical Advisers and nurses) will be obliged to sign the Confidentiality Statement related to the performance of their duties. (See Appendix 1.b to this Notification form).

The Privacy Statement for health related data will also be displayed in the Medical Service.

The above-mentioned Confidentiality Statements and Privacy Statement are attached as Appendix 1 to this Notification form:

- Appendix 1.a - Privacy Statement for health related data;
- Appendix 1.b - Confidentiality Statement regarding the persons working in the Medical Centre (ECB Medical Advisers and nurses) entrusted with the processing of health data in the context of medical procedures of the Staff Rules;
- Appendix 1.c - Confidentiality Statement regarding the persons working in DG/H assigned to the administration of medical procedures contained in the Staff Rules.

The insurer of the accident insurance scheme assesses the degree of invalidity and the corresponding financial compensation related to non-work-related accidents and reviews the assessments concerning the degree of invalidity and the corresponding financial compensation procured by the ECB in case of work-related accidents and occupational diseases. The insurer of the accident insurance scheme handles requests with care and processes the claims in absolute confidentiality as imposed by the contractual provisions binding the insurer of the accident insurance scheme to the ECB. The insurance contract for the ECB's accident insurance scheme provides in its Article 13 the following data protection and confidentiality provisions:

*“The Company, the intermediary Broker and the qualified physicians shall maintain the strictest secrecy regarding any information which they may obtain in the performance of the present contract.*

*An Insured person shall be entitled to remit documents concerning his state of health directly, under sealed cover, to the medical officer of the Company.”*

This contract will expire at the end of 2013 and will be replaced by a new insurance contract, which will bear the data protection and confidentiality provisions as indicated in Appendix 3.a to this Notification form.

The Administrator of the ECB's medical benefits and dental plan has the data protection and confidentiality provisions as indicated in Appendix 3.b to this Notification form.

## Procedures to grant rights of data subjects

Please explain, when relevant, how data subjects can exercise their rights of:

access  
rectification  
blocking  
erasure  
objection

Please indicate if there are any limitations to these rights and if so on what basis.

In accordance with Article 4(1)(d) of Regulation No 45/2001, ECB will make every effort to ensure that the data are accurate and, where necessary, kept up to date and that data which are inaccurate or incomplete are updated and/or corrected.

Data subjects can exercise their data subjects' rights in accordance with Article 9 "*Exercise of data subjects' right*" of the ECB Data Protection Implementing Rules:

*"1. Further to their right to be appropriately informed about any processing of their personal data, data subjects may approach the relevant controller to exercise their rights pursuant to Articles 13 to 19 of Regulation (EC) No 45/2001, as specified below.*

*(a) These rights may only be exercised by the data subject or their duly authorised representative. Such persons may exercise any of these rights free of charge.*

*(b) Requests to exercise these rights shall be addressed in writing to the relevant controller. The controller shall only grant the request if the requester's identity and, if relevant, their entitlement to represent the data subject have been appropriately verified. The controller shall without delay inform the data subject in writing of whether or not the request has been accepted. If the request has been rejected, the controller shall include the grounds for the rejection.*

*(c) The controller shall, at any time within three calendar months of receipt of the request, grant access pursuant to Article 13 of Regulation (EC) No 45/2001 by enabling the data subject to consult these data on-site or to receive a copy thereof, according to the applicant's preference.*

*(d) Data subjects may contact the DPO in the event that the controller does not respect either of the time limits in paragraphs (b) or (c). In the event of obvious abuse by a data subject in exercising their rights, the controller may refer the data subject to the DPO. If the case is referred to the DPO, the DPO will decide on the merits of the request and the appropriate follow-up. In the event of disagreement between the data subject and the controller, both parties shall have the right to consult the DPO".*

Thus, in principle, the access to all documents contained in the files has to be granted within a maximum period of three months following the receipt of the request.

In accordance with Article 1.1.1 of the ECB Staff Rules / Article 1.1.1 of the Rules for Short-term Employment, the medical file shall be retained by the ECB's Medical Adviser, who will be solely responsible for it.

a) As to the right of access (Art. 13 of the Regulation):

1) In order to access data contained in the medical files kept by the Medical Adviser data subjects have to contact the Medical Advisers who can grant them access in accordance with the rules and the limitations governing the patient-physician relation.

b) As to the exercise of all other rights laid down in Section 5 of the Data Protection Regulation, the data subject shall contact the Medical Advisers. The same rules and limitations as described above under a) 1) apply.

c) Upon fulfilment of the above conditions, the medical file is taken out of the locked cabinets by the Medical Advisers and handed to the data subject for consultation on the spot. The data subject may request copies of the documents stored within his/her file to be provided to a doctor of his choice.

### **Automated / manual processing operation**

The procedure is based mainly on electronic processing but includes also manual ones.

The primary responsibility for the data processing lies within the Directorate General Human Resources, Budget and Organisation, the ECB's Medical Service/Medical Adviser and the insurance company. Most of the data processing operations carried out within the scope of the administration of the accidents and occupational diseases are performed by the Directorate General Human Resources, Budget and Organisation.

However, some of the processing, mostly of manual nature, is carried out by the external doctors designated by the Director General Human Resources, Budget and Organisation or their deputy.

The manual and automated data processing operations that take place in the context of the administration of the accidents and occupational diseases are closely interrelated. Whereas some data processing operations such as the initial collection of information are manual and paper based, this information is invariably introduced in a software database.

### **Storage media of data**

#### **Medical files:**

The medical files are stored in locked cabinets (in fireproof cupboards) within the Medical Service of ECB. They include paper records and films of X-Ray examinations. Access to the medical file of the person concerned is available only to the Medical Advisers and nurses. The data subject may request access to their file or transmission of (parts of) their file to a doctor designated by the member of staff.

#### **Personal file:**

The Health and Safety function of DG/H will store the medical documentation (for example: ECB accident notification form, decisions taken by the DG/H to recognise an accident at work, to recognise the occupational nature of a disease, to establish the degree of permanent invalidity after consolidation of injuries) sent to them separately from the normal content of the personal file in a special section of the personal file. Access to that section is granted only to the persons assigned to the Health and Safety function of DG/H and the member of staff concerned.

The data may be accessible to the Director General of DG/H during the procedure.

A detailed overview of the access rights and storage of documents processed in the course of the accidents and occupational diseases procedure is contained in Appendix 2 to this Notification form.

Medical data at the ECB will also be stored in electronic form (in the medical software). The data file will be progressively completed. Among others, it will contain all additional medical reports sent by the victim, the various reports of the ECB's Medical Adviser and the final decisions taken by the Director General Human Resources, Budget and Organisation or their deputy regarding the

recognition of the event under the legal provisions (accident at work, occupational disease) and the recognition of an eventual degree of permanent invalidity after consolidation of injuries.

The required security measures have been implemented in order to comply with the security requirements of various regulations and laws, including Article 21 and 22 of the Data Protection Regulation, for example:

- Encryption of data (the medical data is encrypted by the application and therefore stored encrypted in the database. In addition also the encryption functionality of the data base can be used to enhance the level of encryption);
- User Management/Authentication (the software does not have a user/role concept, which allows the definitions of granular access permissions; users will be managed directly by the medical centre. The creation and changes to users must be approved and authorised by the Director General DG/H (as the changes will be directly linked to changes in personnel in the Medical Centre). The Medical Centre must perform a user account and permissions reconciliation exercise at least once a year).

Access to the medical data contained in the Medical Software is granted only to the ECB's Medical Advisers and nurses. **No access is granted to DG/H.**

#### **Data kept by the external insurer of the accident insurance scheme**

The insurer stores data on its own systems (the ECB has no direct access). The ECB requires the insurer to guarantee the security and integrity of the stored media.

#### **Data kept by the external Administrator of the ECB's medical benefits and dental plan**

The administrator stores data on its own systems (the ECB has no direct access). The ECB requires the administrator to guarantee the security and integrity of the stored media.

#### **Legal basis of the processing operation**

- [Article 36 of the Statute of the European System of Central Banks and of the European Central Bank](#)
- [Article 21 of the Decision of the European Central Bank of 19 February 2004 adopting the Rules of Procedure of the European Central Bank](#)
- [Conditions of Employment for staff of the ECB \(in particular Articles 33 and 34\)](#) / [Conditions of Short-term Employment \(in particular Articles 29 and 30\)](#),
- [ECB Staff Rules \(in particular Article 6.3\)](#) / [Rules for Short-term Employment \(in particular Article 6.2\)](#),
- [Council Directive of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work \(89/391/EEC\)](#), in particular with its Article 9 (c): "The employer shall: [...] c) keep a list of occupational disease resulting in a worker being unfit for work for more than three working days;"

The processing operation is lawful according to Art. 5 a Regulation 45/2001 in connection with recital 27 Regulation 45/2001.

#### **General indication of the time limits for requests of data subjects**

**for blocking:**

**and/or**

**for erasing:**

Not applicable.

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

**The following recipients have access to medical related information:**

1. - The external medical service appointed by the insurer, where relevant, its medical adviser,
  - The person concerned (data subject),
  - The ECB Medical Service (the ECB's Medical Advisers and nurses),
  - The Medical Adviser may send medical certificates received from the staff member's private doctor to a medical expert in order to obtain an expert's medical opinion in the case of complex questions related to occupational disease or accident at work,
  - In case of appeal procedure, the draft provisions stipulate that the Medical Committee, composed of three doctors, shall be convened under Article 6.6 of the Staff Rules and Article 6.4 of the Rules for Short-Term Employment,
  - External doctors designated by the ECB, by the ECB's Medical Advisers and/or by the concerned person.
2. The external insurer of the accident insurance scheme and the external Administrator of the ECB's medical benefits and dental plan. The insurer acts as data processor and processes the information received as requested and for the purposes specified by the data controller.
3. For the sake of completeness, the Health and Safety function of DG/H and the Director General of DG/H or its deputy have also access to the above information in case of requests for the recognition of accidents at work and occupational diseases.

### **Retention policy of personal data**

*How long is the data kept?*

As regards the Retention policy of personal data, please, see Appendix 5 to this Notification form.

Currently, medical files are stored in locked cabinets within the Medical Service of the ECB. They include paper records. Data contained in the medical software will be stored for a period of 10 years upon closure of the file.

### **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.

Further processing for historical, statistical or scientific purposes is not envisaged.

### **Proposed transfers of data to third countries or international organisations**

Not applicable

**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 (in particular data relating to occupational disease and accidents at work)*

The data processing operation mainly processes, in particular in relation to occupational disease and accidents at work.

↑ Article 27.2.(b)

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

↑ Article 27.2.(d)

*Processing operations for the purpose of excluding individuals from a right, benefit or contract (in particular, the assessment whether the data subject is entitled to the benefits relating to accidents and occupational diseases.*

↑ Other (general concept in Article 27.1)

## **Comments**

a) List of attached documents to this notification:

- Appendix 1.a - Privacy Statement for health related data;
- Appendix 1.b - Confidentiality Statement regarding the persons working in the Medical Centre (ECB Medical Advisers and nurses) entrusted with the processing of health data in the context of medical procedures of the Staff Rules;
- Appendix 1.c - Confidentiality Statement regarding the persons working in DG/H assigned to the administration of medical procedures contained in the Staff Rules;
- Appendix 2 – Overview of documents processed in medical procedures, storage and access rights;
- Appendix 3.a - Accident insurance data protection and confidentiality provisions;
- Appendix 3.b - Data protection and confidentiality provisions contained in the contract with the Administrator of the ECB's medical benefits and dental plan;
- Appendix 3.c - Data Protection Questionnaires - Medical Claims Administration Services (Lot 2);
- Appendix 4 - Overview of the security features / security measures as regards medical data stored in the Medical Software
- Appendix 5 - Retention period for personal and medical files as regards the ECB's Staff Rules and the Rules for Short-Term Employment

**Place and date:** Frankfurt am Main, date



**Data Protection Officer:** Frederik Malfrière

**Institution or body:** European Central Bank