

*(To be filled out in the EDPS' office)*  
**REGISTER NUMBER: 1055**

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### NOTIFICATION FOR PRIOR CHECKING

**DATE OF SUBMISSION: 28/06/2013**

**CASE NUMBER: 2013-0740**

**INSTITUTION: EDA**

**LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001<sup>(1)</sup>**

### INFORMATION TO BE GIVEN

1/ NAME AND ADDRESS OF THE CONTROLLER

Jan-Paul Brouwer, Head of Human Resources Unit - rue des Drapiers 17-23 – 1050 Bruxelles (the medical file is processed solely by the Council Medical Service according to instructions given by the data controller).

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

The EDA HR Unit and the European Council Medical Service.

3/ NAME OF THE PROCESSING

Processing of health data at EDA.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The processing of health data serves various organisation management purposes at EDA, including:

- Management of pre-employment check-ups to future EDA staff members and annual medical check-ups for Temporary Agents (TA), Contract Agents (CA);
- Management of certain leave entitlements and determining working conditions for TA, CA and Seconded National Experts (SNE);
- Annual health promotion and sickness prevention programmes for EDA staff.

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

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Three categories of data subject can be distinguished, namely:

- EDA staff: Temporary Agents (TA), Contract Agents (CA) and Seconded National Experts (SNE) and Interns;
- In connection to certain types of special leave documented: relatives of EDA staff, including spouse, children and relatives in ascending line;
- Candidates offered TA or CA positions at EDA and undergoing a pre-employment medical check-up.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

For pre-employment medical check-ups the following personal data is provided to the Council Medical Service (see point 10):

First name, last name, date of birth, place and country of birth, nationality, gender, address, telephone, email, civil status and family status.

For annual and pre-employment medical check-ups EDA receives an invoice with a list of staff members and/or candidates who underwent a medical check-up.

EDA receives a note from the European Council medical service confirming that staff members are fit for duty for both pre-employment and annual medical check-ups.

The HR Unit receives medical certificates from staff members.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A specific information note compliant with Arts. 11 and 12 of Regulation No. 45/2001 is provided to data subjects as part of invitation to undergo the pre-employment medical check-up (**see annex 1**). For annual medical check-ups the note is available on the dedicated EDA HR Intranet page (**see annex 2**).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

(Rights of access, to rectify, to block, to erase, to object)

Data subject has access to his personal file in EDA.

However, detailed medical data are in each person's file at the European Council and the staff member can access it there.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing is currently manual.

10/ STORAGE MEDIA OF DATA

EDA has signed a Service Level Agreement with the European Council providing access to the Council Medical Service for pre-employment, annual medical check-ups and matters related to invalidity for staff members and dependants. The EDA medical files are stored at the European Council and data processing linked to medical files is notified to the EDPS under n°2004254. Medical certificates with no indication of the medical diagnosis are stored in a locked cupboard with restricted access to the HR Unit. Such data is kept for a period of 5 years.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

EDA Staff Regulations Art. 36, Art. 37, Art. 42, Art. 52 and Art. 75 for Temporary Agents and Art. 104, Art. 105, Art. 110 and Art. 119 for Contract Agents.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

The HR Unit, the EDA Chief Executive, the EDA Deputy Chief Executive, the Corporate Services Director, the Council Medical Service, the EDA Finance Unit (for payment of invoices).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The “apt for duty” note for the pre-employment check-up: as long as the personal file exists  
Confirmation that staff members underwent the annual medical check-up: **5 years**  
Confirmation of the invalidity: **for the duration of the invalidity until the pensionable age**  
The “apt for duty” or “not apt for duty” note of non-recruited persons: **2 years**

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Data subjects can exercise their rights at any time by contacting HR staff in charge. Justified requests for blocking and erasure will be handled as a priority matter and normally within 10 working days.

14/ HISTORICAL, STATISTICAL OR SCIENTIFIC PURPOSES

Not applicable.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

Not applicable.

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,*

17/ COMMENTS

None.

PLACE AND DATE: [BRUSSELS, .28 JUNE 2013](#)

DATA PROTECTION OFFICER: [ALAIN-PIERRE LOUIS](#)

INSTITUTION OR BODY: [EDA](#)

Annexes:

Annex I: Notice on personal data in the context of pre-employment medical check-up.

Annex II: Notice on personal data in the processing of health data.