

NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 04/07/2013

CASE NUMBER: 2013-0810

INSTITUTION: EUROPEAN COURT OF AUDITORS

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER
HEAD OF UNIT HUMAN RESOURCES SERVICE CENTER
12 RUE ALCIDE DE GASPERI
L1615 LUXEMBOURG

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA
Medical service
Caisse de Maladie
Invalidity Committee
Recruitment and career development unit.

3/ NAME OF THE PROCESSING
Medical data treatment

4/ PURPOSE OR PURPOSES OF THE PROCESSING
Determine if the potential candidate for a vacancy is medical fit to perform its tasks.
Mandatory annual medical prevention check.
Reimburse the medical costs to staff members.
Keep up to data the presence/absence data for the time registration system.
Determine if a staff member should be placed into the invalidity status.
Medical intervention after an emergency or accident happened in the ECA premises.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

All ECA staff (Members, officials, temporary & contractual), national experts and trainees.
Plus all candidates to which a job offer has been made.
Visitors to ECA buildings.

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

Administrative data (name, first name, address, telephone number, date of birth, sex, weight, length) but also sick leave forms.

Medical files containing medical data (biological and technical analyses, X-Rays, scanner pictures, medical reports, illnesses, medical treatments, questionnaires, tests, prescriptions, etc).

Health care invoices.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

At the pre-recruitment phase a privacy statement will be given to the candidate which contains the controller of the medical data, the purpose of the treatment, her/his rights, if questions/tests are mandatory or not and the retention period of their medical data.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The data subjects can have access to their medical data at any time by requesting to consult their medical file.

The absences are available within SYSPER2 at any time from the workplace for a period of 3 years.
The data subjects can make a justified request at any time to rectify, block or erase incorrect data into their medical file or within SYSPER2.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The manual treatment consists in managing the medical paper file as well as the reception and storage of the health care invoices and sick leave forms.

The annual medical checks and the follow up of the medical situation of staff are done in an automated way within the e-Med application, SYSPER2 and the reimbursement application.

The invalidity examination process is entirely manual and based on the paper medical files.

10/ STORAGE MEDIA OF DATA

In paper for the medical file as well the archives of the health leave forms.

In a digital format for the data stored in SYSPER2, the time registration, the e-MED application and the health care reimbursement system.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Articles 28 and 33 of the staff regulation and articles 12(d), 13 (2) and 83(2) of the Conditions of employment of other Servants for the pre-recruitment examination.

Article 59(6) of the staff regulation and articles 16(1), 59 and 91 of the Conditions of employment of other Servants for the annual medical visit.

Articles 71 – 76 (2) of the staff regulation and articles 28-30 of the Conditions of employment of other Servants for the health care reimbursements.

Article 78 and articles 31-33 of the Conditions of employment of other Servants for the invalidity status.

Guide on absence for illness and accidents and article 59 of the staff regulation for the time recording.

Vital diagnosis for medical incidents within the premises of the ECA.

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

Internal and external auditor for audit purposes but limited to financial and administrative data.

Doctor mandated by auditors to consult medical data for audit purposes.

OLAF, administrative and disciplinary investigators during investigations once again limited to financial and administrative data.

EDPS and DPO in case of data protection complaints and limited to administrative and financial data.

Medical service in another EU Institution, agency and body in case of a transfer of an ECA staff to that organisation.

Invalidity committee in case of a request for invalidity.

National authorities upon presentation of an official mandate.

Health organisations/professionals in case a visitor was treated by the ECA medical service and data was collected and treated.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Medical file 30 years after the end of the employment. 50 years for the staff that worked in a nuclear environment (Euratom).

Medical files of staff judged physically able to take up their duties but not recruited: 3 years.

Medical files of staff judged physically unable to take up their duties : 1 year with possibility to request that the medical examination results (X-Rays) will be returned to the concerned person.

Time registration data is kept for 3 years.

Health care reimbursement data is kept for 7 years after the year within the reimbursement happened.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
NO TIME LIMIT.

(Please, specify the time limits for every category, if applicable)

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.

N/A

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS
Not foreseen.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING (*Please describe*):

YES

AS FORESEEN IN:

X Article 27.2.(a)

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

í Article 27.2.(b)

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

í Article 27.2.(c)

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

í Article 27.2.(d)

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

í Other (general concept in Article 27.1)

17/ COMMENTS

PLACE AND DATE: LUXEMBOURG 02 JUNE 2013

DATA PROTECTION OFFICER: JOHAN VAN DAMME

INSTITUTION OR BODY: EUROPEAN COURT OF AUDITORS

