

*(To be filled out in the EDPS' office)*

**REGISTER NUMBER: 1148**

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**NOTIFICATION FOR PRIOR CHECKING**

**DATE OF SUBMISSION: 08/08/2013**

**CASE NUMBER: 2013-0934**

**INSTITUTION: CLEANSKYE**

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

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

1/ NAME AND ADDRESS OF THE CONTROLLER

CS JU

TO 56/4

B-1049 BRUSSELS

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

HR Team, Mariella PIERSANTINI  
(Mariella.piersantini@cleansky.eu)

Other EU institutions are involved (EC PMO and EC medical service). Terms of the involvement is laid down in a service level agreement.

3/ NAME OF THE PROCESSING

Management of health data in the workplace.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

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

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

Personal data is collected and managed for the purpose of complying with certain mandatory obligations under the Staff Regulations, notably:

- Recruitment (pre-recruitment medical examination);
- Annual mandatory medical visit and specific medical check-ups;
- Medical certificates (e.g. justifying sick leave, special leave; working conditions for temporary agents and contract agents or reimbursement of medical expenses);

The assessment is based on information and/or administrative documents provided by staff members or medical services to justify his/her or relatives health status.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Staff members of the CS JU (temporary staff, contract staff)

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

Categories of data processed:

- Identification data: name (first, maiden and family name) of the staff member or his/her relatives, other identification data can be required depending on the situation (e.g. address, phone number, staff member number, family composition, etc.).
- Health data collected (e.g. report of mandatory medical visits, medical certificates with name/speciality of the doctor providing the certificate, etc.). No information is provided about the diagnosis neither the content is processed.
- Special categories of data processed: none

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The CS JU ensures that staff members' personal data are processed as required by Article 11 of Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of Individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (Official Journal of the European Communities, L 8 of 12 January 2001).

Information is included in the privacy statement prepared for the processing operation related to the health data in the workplace. It explains to the staff the purpose, the procedure to be followed, the confidentiality, the timing, the possibilities of appeal and the interaction between the staff and the management.

This information was sent to all CS staff and is available on the CS shared drive.

## 8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

The procedure to grant rights to data subjects is laid down in Article 8 of the Implementing Rules concerning CS Data Protection Officer. These include:

- Access to the DPO's register of data processing operations;
- Requests from data subjects to the Data Controller to exercise their rights; as well as
- Detailed procedures to exercise the rights to access, rectify, erase, block, and object (as required by articles 13-16 of Regulation (EC) No 45/2001).

CS JU staff members have the right of access their data (even after leaving the service) and to rectify data, to appeal or request to erase inaccurate data.

Exemptions and restrictions as specified in Article 20 of the Regulation apply.

## 9/ AUTOMATED / MANUAL PROCESSING OPERATION

Processing of data:

- Collection: HR team.
- Use: management, HR team and data subject.
- Transfer: Hierarchy, EC PMO, Medical Service, Court of Auditors, European Court of Justice, Lawyers (internal & external), Internal Audit Service of the EC.
- Storage: restricted HR team, EC PMO, Medical Service if applicable.
- Destruction of data: maximum conservation of medical data is 30 year; maximum conservation of administrative health data is 3 years except if a dispute and appeal is underway (e.g. sick leave, annual leave); maximum conservation of medical data of non-recruited candidates is the period for challenging the data.

The data collection, use and transfer are done either using the CS JU's IT infrastructure or manually. The data is stored electronically and manually and access is protected by the management of the access rights. Paper requests files are stored in a locked cabinet by the HR team until their destruction.

## 10/ STORAGE MEDIA OF DATA

Data is stored on paper in a closed cupboard in the HR team; EC PMO and Medical Service, if applicable.

Data which is stored in electronic files are protected by a restricted access to the HR team.

## 11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Staff Regulations [Articles 28-33 (pre-recruitment medical examination); and 59(1)(6) (annual medical visits, specific medical check-ups and medical certificates)] CEOS [Articles 12(d), 13(2) and 83(2) (pre-recruitment medical examination); 16(1), 59, 91 (medical visits and certificates)].

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

Court of Auditors, European Court of Justice, Lawyers (internal & external), Internal Audit Service of the EC, EC PMO, Medical Service.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- Maximum retention period of medical data is 30 year;
- Maximum retention period for administrative health data is 3 years except if a dispute and appeal is underway (e.g. sick leave, annual leave);
- Maximum retention period for medical data of non-recruited candidates is the period for challenging the data.

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

- Requests to erase and rectify data should be treated within 5 working days upon request with legitimate grounds.
- The data should be immediately blocked for verifying purposes.
- The data subject will be informed within 5 working days of the approval/rejection of his/her request.

*(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.*

Data are not kept for historical, statistical or scientific purposes.

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

Data are not transferred to third countries or international organisations.

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,*

17/ COMMENTS

PLACE AND DATE: BRUSSELS, 08/08/13

DATA PROTECTION OFFICER: BRUNO MASTANTUONO

INSTITUTION OR BODY: CSJU

