

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1149

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22/08/2013

CASE NUMBER: 2013-0956

INSTITUTION: ARTEMIS (JU)

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

**ARTEMIS Joint Undertaking
TO 56
5/20
1049 Brussels**

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

**HR Department
Juan Pablo Contreras, Head of Administration**

Outsourced processors involved: PMO, medical service, invalidity committee

3/ NAME OF THE PROCESSING

Processing of health data in the workplace.

¹ OJ L 8, 12.01.2001.

² Please attach all necessary backup documents

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Health data are processed for the following purposes:

- For recruiting new staff (pre-recruitment medical examination);
- For managing sick leave and special leave;
- For managing annual medical checks.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

ARTEMIS staff members: temporary agents, contract agents.

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

Identification data: name, personal number, age, gender, grade. Name/age/gender of relatives covered by the Community medical insurance scheme.

Health data:

- Medical report following compulsory checks;
- Medical certificates to justify sick leave (with no information as regards the medical reason but including doctor specialisation).

As claims for reimbursement are not dealt with internally but are sent directly by the data subject to the PMO, no further medical information is processed by ARTEMIS.

Special categories of data (article 10): none

Origin of the data: data are either disclosed directly by the data subject, or are transmitted by the medical service in charge of medical checks.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

ARTEMIS JU ensures that staff members' personal data are processed as required by Article 11 of Regulation 45/2001.

Information is included in the ***Privacy Statement related to the processing of 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 has been sent to all staff and is available on the shared drive.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Article 8 of ARTEMIS implementing rules concerning the DPO details how the rights of data subjects can be exercised:

- Through a direct access to the register,
- From the controllers who inform the data subjects about their rights,
- By approaching the relevant controller: a detailed procedure is explained.

In the specific case of health data in the workplace, the rights are clearly explained in the specific Privacy Statement. Rights of rectification, erasure, blocking or objection will only be implemented if they are duly justified, in accordance with Regulation 45/2001.

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

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Collection: by the HR team;

Use: management, HR team and data subject;

Transfer: management, PMO, medical service, invalidity committee, Court of Auditors, European Court of Justice, Internal Audit Service of the EC;

Storage: HR team, PMO, medical service, invalidity committee;

Destruction of the data:

- Maximum conservation of health data is 30 years.
- Data related to sick leave, medical data of non-recruited persons: data are destroyed after 3 years;

Processing: the processing is manual and electronic.

10/ STORAGE MEDIA OF DATA

Data are stored both physically and electronically. Physical files are stored in a locked cupboard with limited access from the HR Department. Electronic files are also with a restricted access.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Articles 28 and 33 of the Staff Regulations, article 12(d), 13(2) and 83(2) of the Conditions of Employment of Other Servants (pre-medical examinations);
- Article 59(1) of the Staff Regulations (medical checks-up);

- Decisions ARTEMIS-GB-45/08 and ARTEMIS-GB-2010-D.05 of the Governing Board on the adoption of Implementing Rules to the Staff Regulations.

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

HR team, management, PMO, medical service, invalidity committee, Court of Auditors, European Court of Justice,
Internal Audit Service.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

- Maximum retention of health data: 30 years.
- Data related to sick leave, medical data of non-recruited persons: retention of 3 years

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.

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

Not applicable.

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

Article 27.2.(a)
Processing of data relating to health (...).

17/ COMMENTS

No comments.

PLACE AND DATE: Brussels, 20 August 2013

DATA PROTECTION OFFICER: Anne Saläin

INSTITUTION OR BODY: ARTEMIS Joint Undertaking

