

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1231

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 24/04/2014

CASE NUMBER: 2014-0331

INSTITUTION: GSA EUROPEAN GNSS AGENCY

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

European GNSS Agency, Janovskeho 438/2, 17000 Prague, Czech Republic

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

Human Resources

3/ NAME OF THE PROCESSING

Management of Health Related Data in the Workplace

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Management and administration of health data related to 1) APTITUDE related processing; 2) LEAVE related processing; 3) ANNUAL MEDICAL CHECKUP related processing are in compliance with the Staff Regulations and its implementing provisions.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

GSA statutory staff members, i.e. temporary agents and contract agents - are concerned by all 3 processings.

Seconded national experts (SNE) and trainees - are concerned only by the LEAVE RELATED

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

PROCESSING.

Candidates to GSA vacancy notices - are concerned by the processing 1) APTITUDE tests related processing and/or to others if eventually recruited.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

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

1) APTITUDE TESTS RELATED PROCESSING : a) name and function; b) date of birth; c) TA or CA status and starting date of contract; d) Commission Medical Services's statement on results of aptitude tests.

2) LEAVE RELATED PROCESSING: HR is responsible for processing basic administrative data for the purposes of identifying a person : a) name of the staff member, b) date of birth, c) contact details, d) the link with the person concerned if applicable, e) time periods concerned, f) doctor's contact details.

3) ANNUAL MEDICAL TESTS RELATED PROCESSING - HR Staff gives the authorisation to undergo the annual medical check-up in compliance with the SR provisions. If applicable, HR provides necessary forms (as provided by the Medical Service EC).

- Medical Service EC is associated in areas as defined by the Staff Regulations (SR) and CEOS - for all three processings.

The GSA is currently preparing a tender on providing the medical services locally (Czech Republic)

- namely the pre-recruitment check-up visits, annual check, medical advisor.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

The disclaimer on data protection (attached) will be added to the GSA intranet - HR Section.

An internal note specifying the procedure for having the annual medical examination carried out by an own practitioner is available on the GSA intranet - HR section.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

All data subjects may have direct access to their own medical file held by the local medical adviser/Medical Service EC and to the related administrative data held by HR.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The data are processed manually: the information is provided by the data subject him/herself and/or the medical advisor or Medical Service EC. All relevant documents are filed by the HR Department in the personnel file of the data subject.

10/ STORAGE MEDIA OF DATA

Electronic documents are stored online in a secure database - HR SharePoint.

Paper copies are stored in the Human resources Department Offices in locked cupboards accessible only by a limited number of HR staff.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Staff Regulations and CEOS

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

- 1) APTITUDE tests: Medical Service of Commission; GSA HR Staff; Contractor of GSA for Medical Services, EC Medical Service recommended list of medical centers in Member States.
- 2) LEAVE related processing : Medical Service EC, medical advisor, GSA HR Staff
- 3) ANNUAL MEDICAL tests : Medical Service EC, medical advisor; GSA HR Staff; Contractor of GSA for Medical Services.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

The health data related to 1) APTITUDE tests are an integral part of the personnel file and are kept for 120 years. The medical data of not recruited persons should be kept only for the period of time during which it is possible to challenge the data or the negative decision taken on the basis of the data. This should also apply to candidates who, due to health reasons, are not recognised by the Medical Service as being able to perform the tasks. 2) LEAVE related data are kept by the HR for a maximum of 3 years for data necessary to justify an absence due to sick leave (according to the recommendation of EDPS guidelines based on Article 59 (4) of the Staff Regulations). The only justification for keeping them any longer would be if a dispute or appeal were under way. 3) Data related to ANNUAL MEDICAL tests (authorisation and reimbursement requests) are stored in the personnel file and are kept for 120 years.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS
(Please, specify the time limits for every category, if applicable)

2 weeks from 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)

N/A

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

No

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,)

Yes, all 3 categories of processing are related to health data.

Article 27.2.(b)

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

Article 27.2.(c)

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

Article 27.2.(d)

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

Other (general concept in Article 27.1)

17/ COMMENTS

Linked documents: 1) DECISION OF THE EXECUTIVE DIRECTOR OF THE GSA ON SETTING UP MEDICAL SERVICES IN PRAGUE, CZECH REPUBLIC FOR THE GSA STAFF MEMBERS AND CANDIDATES GSA/2013/HR/MV/107939; 2) Service level agreement entre le Service Medical de la Commission Europeenne et l'Autorite Europeenne de Surveillance GNSS; 3) Contract GSA/OP/02/14 - in procurement process; 4)Decision N. GSA/2012/HR/LEG/OED/653345 -EUHR Allegro N.1 on the implementation of the electronic tool for HR management "EUHR ALLEGRO" 5)Decision N. GSA/2012/HR/LEG/OED/653096 -EUHR Allegro N.2 on access rights, delegations and authorizations in "EUHR ALLEGRO"

PLACE AND DATE: PRAGUE, 24/04/2014

DATA PROTECTION OFFICER: MS TRIINU VOLMER

INSTITUTION OR BODY: GSA EUROPEAN GNSS AGENCY