

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1284

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 24/11/2014

CASE NUMBER: 2014-1093

INSTITUTION: EUSC

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EU SATCEN (BASE AÉREA DE TORREJÓN ARDOZ, AVENIDA DE CÁDIZ S/N, EDIFICIO 457, 28850, TORREJÓN DE ARDOZ, MADRID, SPAIN) (DIRECTOR - MR. TOMAŽ LOVREN I)

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

Administration Division (Head of Administration)

3/ NAME OF THE PROCESSING

Invalidity pension procedure

4/ PURPOSE OR PURPOSES OF THE PROCESSING

An invalidity pension shall be payable to a staff member who is under the age limit (65) laid down in the EU SatCen Staff Regulations and who, at any time during the period in which pension rights are accruing to him, is recognised by the **Invalidity Board** (see below on composition) to be suffering from permanent invalidity which totally prevents him from performing his job or any duties proposed to him by the EU SatCen corresponding to his experience and qualifications.

Tasks of the Invalidity Board:

a) to ascertain whether a staff member is suffering from invalidity as explain above

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

- b) to decide to what extent the staff member's invalidity is the result of an accident or occupational disease;
- c) to decide whether a former staff member no longer fulfils the conditions for entitlement to an invalidity pension.

Cases shall be submitted to the Invalidity Board by the EU SatCen either on its own initiative or at the request of the staff member concerned.

When the Invalidity Board is to be convened at the **staff member's request**, the request shall be addressed to the Head of Administration: it must include his formal application to be declared a permanent total invalid, and give the name of the medical practitioner who is to represent his interests on the Invalidity Board. The request may be accompanied by a medical file, under separate confidential cover, for the attention of the EU SatCen's external medical adviser.

Upon receipt of this request the Head of Administration shall forward it to the EU SatCen's external medical adviser with a request to contact the medical practitioner nominated by the staff member. The staff member must ask his medical practitioner to forward to the EU SatCen's external medical adviser all medical evidence in support of his application.

Within 30 calendar days following receipt of the staff member's request, the Head of Administration shall inform the medical practitioner nominated by the staff member of the name of the medical practitioner who will represent the EU SatCen on the Invalidity Board.

When the Invalidity Board is to be convened at the **request of the EU SatCen**, the Head of Administration shall notify the staff member accordingly and ask him to make his observations, if any, and to nominate a medical practitioner to represent him on the Board, within 30 calendar days following receipt of the said notification.

This notification shall also state the name of the medical practitioner who will represent the EU SatCen on the Invalidity Board.

The Head of Administration shall ask the staff member to forward all medical documents concerning him to the medical practitioner representing the EU SatCen.

If one of the parties has not nominated a medical practitioner to represent it on the Invalidity Board within the prescribed time - limit, the other party shall ask the Chairman of the Appeals Board of the EU SatCen to appoint such a medical practitioner as soon as possible. He may, for this purpose, consult a list drawn up by:

- a Spanish judicial body, or
- the Spanish Medical Council, or
- failing this, another Spanish national body of the staff member's duty station or home country.

The third medical practitioner shall be selected by the other two within 30 calendar days at the most following notification of their names to the parties; failing agreement on this nomination within the prescribed time, the Chairman of the Appeals Board shall nominate, at the request of either party, this third medical practitioner in accordance with the procedure set out above.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Staff members (permanent and temporary)

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

The Head of Administration will submit to the Invalidity Board an “**administrative file**” containing, in particular, an indication of the post occupied by the staff member in the EU SatCen together with a description of his duties and of any duties proposed to him by the EU SatCen corresponding to his experience and qualifications, so that the Board can give its opinion as to whether the staff member is incapable of carrying out those duties.

Before the administrative file is forwarded to the Invalidity Board, the Head of Administration shall communicate the file to the staff member for his written comments. The latter shall send it back to Administration Division within 15 calendar days following their receipt.

The Invalidity Board shall have at its disposal a **medical file** containing the report presented by the medical representative of the EU SatCen or the staff member that has asked for the Board to be convened. The Board shall also receive any reports or certificates from the staff member’s medical practitioner or from practitioners whom the parties have consulted. This medical file shall also contain details of the length of absences of the staff member concerned which have provided grounds for the Board to be convened, as well as the nature of the disability on which the Board is asked to give a ruling.

The proceedings of the Invalidity Board shall be secret. The Board may ask to hear the staff member concerned. It may also ask him to undergo an additional medical examination by a medical practitioner appointed by the Board.

The findings of the Invalidity Board shall be determined by a majority vote. They shall be final except in the case of obvious factual errors and without prejudice to the competence of the Appeals Board.

In accordance with the findings of the Invalidity Board, the Director of the EU SatCen shall decide either:

- a) to grant to the staff member concerned an invalidity pension;
- b) not to recognise the staff member as an invalid within the meaning of the Rules (see attached).

Within 30 calendar days of receipt of the findings of the Invalidity Board, the Director shall notify his decision in writing, together with the findings of the Invalidity Board, to the staff member or former staff member.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A Privacy Notice is available on the EU SatCen ATLAS intranet and it will be provided to the staff member concerned when the Head of Administration communicates the administrative file to the staff member for his written comments (see attached).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Data subjects may have the right of access at any time without constraints, and likewise the right to rectify their “administrative file” whose data are found in their personal files.

As regards the medical file, which is set-up for the specific procedure, and which will be kept by the EU SatCen’s external medical adviser, staff members may also have access at any time and rectify any factual errors. They may also add any second opinions of other doctors to their medical file which may justify their request for invalidity. In case of psychological and / or psychiatric reports, staff members may have access to them in the presence of their private practitioner. Their access to the doctor’s personal notes may be limited on a case by case basis on the basis of Article 20 (1) (c) of Regulation (EC) 45/2001.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Automated and manual: staff member’s formal application for invalidity / notification of the Head of Administration sent to the staff member, staff members’ “administrative file”, medical reports composing the medical file, personal notes and findings of the Invalidity Board, Director’s Decision.

10/ STORAGE MEDIA OF DATA

Paper copies of the above data are stored in a locked archive and electronic copies stored in personal files folder named “Invalidity Pensions Procedure” found in the Agency’s server.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

CHAPTER III INVALIDITY PENSION, Article 13 – Conditions of Entitlement - Invalidity Board Rules & Instructions for the EU SatCen pension scheme (see attached).

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

Invalidity Board: it shall consist of three medical practitioners, the first two being appointed by the EU SatCen and the staff member, respectively, and the third one selected jointly by the first two. The Invalidity Board shall meet at the latest within 60 calendar days following the appointment of the third medical practitioner.

Director.

Possibly Appeals Board (Article 28 of the EU SatCen Staff Regulations).

Possibly Ombudsman.

In rare cases:

- a Spanish judicial body, or
- the Spanish Medical Council, or
- failing this, another Spanish national body of the staff member’s duty station or home country.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Staff members entitled to invalidity: All documents (administrative and medical) will be kept in their respective files for 10 years after the last pension has been granted to the invalid data subject.

Staff members not recognised invalid and former staff members no longer entitled to invalidity: their data will be kept in their respective file for a maximum of two years, taking into consideration the time they might need to challenge the decision

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

Within a month of delay after receipt of the 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.

NO

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,

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

PLACE AND DATE: TORREJON DE ARDOZ

DATA PROTECTION OFFICER: JEAN- BAPTISTE TAUPIN

INSTITUTION OR BODY: EUROPEAN UNION SATELLITE CENTRE