

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1303

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 22/04/2015

CASE NUMBER: 2015-0366

INSTITUTION: EUROPEAN PARLIAMENT

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 Parliament
Plateau du Kirchberg
b.p. 1601
L-2929-Luxembourg

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

Directorate-General for Personnel
Data Controller – Mrs Olivia Ratti, Director for Management of Support and Social Services

3/ NAME OF THE PROCESSING

Disability establishment and provision of reasonable accommodation

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Establish the disability of a staff member (official) or another agent (temporary and contract staff, parliamentary assistants) and approve reasonable accommodation.

Gather basic data on persons with a disability in the EP and their needs for statistical purposes and in order to design and adapt policies.

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Establishing a disability

The data subjects are staff members and other agents requesting their disability to be established. Disability establishment is mandatory for persons asking for reasonable accommodation, access to positive action measures or other supporting measures, for example support from the budget line 'supplementary aid for persons with a disability'.

Provision of reasonable accommodation

Staff members and other agents requiring reasonable accommodation measures.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

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

Establishing a disability

- Administrative data
- Staff member's/-other agent's request to establish a disability
- Medical data: medical report from staff member's/ other agent's own doctor, expert's opinion if considered necessary, medical examination by EP medical officer – data to be processed by medical service only
- EP medical officer's opinion on the disability
- Decision on disability and period of validity

Provision of reasonable accommodation

- Reasonable accommodation request form: Administrative data, type of work carried out, places where work is carried out, limitations experienced when carrying out tasks in daily life, details of reasonable accommodation requested
- Medical data: medical report from staff member's / other agent's own doctor, if requested; expert's opinion if considered necessary – data to be processed by medical service only
- Relevant conclusions of medical reports, as far as strictly necessary for members of the Advisory Committee on Reasonable Accommodation and the Appointing Authority to evaluate a reasonable accommodation request
- Decision on reasonable accommodation, setting out details of reasonable accommodation to be provided

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

A privacy statement providing data subjects with information listed in Articles 11 and 12 of Regulation 45/2001 will be published on the EP intranet.

The form 'Request for reasonable accommodation' contains a link to this privacy statement.

Where Article 2(1) of the Internal rules implementing Article 1d-(4) of the Staff Regulations (Persons with a disability) applies, the medical officer will provide the privacy statement directly to the data subject.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

Data subjects may exercise their rights by contacting the person designated as being in charge of the processing operation.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The processing is manual.

10/ STORAGE MEDIA OF DATA

Personal data are stored in:

- paper form: files are locked in the archives of the DG
- electronic form: data are shared according to competences and kept in the respective drive of each unit involved in the procedure (Medical Service, Risk Prevention and Well-being at Work Unit, Equality and Diversity Unit, Recruitment and Transfers Unit, Individual Entitlements and Payroll Unit, relevant HR Director).

Those drives are part of the EP network ensuring appropriate security safeguards.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Staff Regulations of Officials (Article 1d- (4)) and Conditions of Employment of Other Servants (Articles 10, 80- (4) and 128) of the European Union

UN Convention on the Rights of Persons with Disabilities

Internal rules implementing Article 1d-(4) of the Staff Regulations (Persons with a disability). See in attachment.

Guidelines under the Internal rules implementing Article 1d-(4) of the Staff Regulations (Persons with a disability). See in attachment.

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

The recipients of the personal data are the following:

- Medical service: medical report from the staff member's -other agent's own doctor; expert opinions, reasonable accommodation request form
- Advisory Committee on Reasonable Accommodation (Medical Service, Unit for Risk Prevention and Well-being at work, Equality and Diversity Unit): relevant conclusions of medical reports and records, as far as strictly necessary to evaluate the request, reasonable accommodation request form, decision on reasonable accommodation
- Individual Entitlements and Payroll Unit (unit in charge of the personal file): decision on disability and period of validity, decision on reasonable accommodation
- Recruitment and Transfers Unit: decision on disability and period of validity and decision on reasonable accommodation in case of newly recruited candidates
- Director for Management of Support and Social Services: opinion of the medical officer on the disability of a staff member or other agent, reasonable accommodation request form, relevant conclusions of medical reports and records as far as strictly necessary to evaluate the request, advisory committee's recommendation on reasonable accommodation, comments of the relevant HR Director or equivalent on the impact of envisaged reasonable accommodation measures
- Human Resource Director or equivalent of DGs concerned: envisaged reasonable accommodation measures for newly recruited candidates, decision on reasonable accommodation

- Services providing physical reasonable accommodation (i.e. DG ITEC for specific computer programmes or DG INLO for specific requirements): details of the reasonable accommodation to be provided for a certain person

In case of complaints:

Legal Service of the EP, EDPS, Ombudsman, Civil Service Tribunal

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Data will be kept for 3 years after the end of validity of the Decision on Disability or the end of the employment of the staff member/other Agent, Except For the Medical file and documents sent to the personal file.

Data allocated to the personal and medical files will be kept according to the rules applicable to them.

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)

The time limits are:

Blocking

The data controller shall take a decision within 15 working days of receiving a request for data to be blocked. If the request is accepted, it shall be acted upon within 30 working days and the data subject notified thereof. Should the request for blocking be rejected, the data controller shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the rejection.

Erasure

The data controller shall reply within 15 working days of receiving a request for erasure. If the request is accepted, it shall be acted upon immediately. If the data controller deems the request unjustified, he or she shall have 15 working days within which to inform the data subject by means of a letter stating the grounds for the decision.

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)

In order to monitor the effectiveness of the disability establishment and reasonable accommodation procedure, as well as to gather basic data on persons with disabilities and their needs to design and adapt policies, anonymised statistical data will be gathered on

- disability establishment requests
- disability establishment decisions and their period of validity
- reasonable accommodation requests
- reasonable accommodation provided.

Appropriate safeguards shall be put in place to ensure that data is not processed for any other 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*)

AS FORESEEN IN:

Article 27.2.(a)

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

The processing operation implies health data as the procedure is focused on persons with disabilities.

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: LUXEMBOURG 27TH APRIL 2015

DATA PROTECTION OFFICER: SECONDO SABBIONI

INSTITUTION OR BODY: EUROPEAN PARLIAMENT