

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1310

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 11/06/2015

CASE NUMBER: 2015-0509

INSTITUTION: COMMITTEE OF THE REGIONS

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Responsible person: Mr. Tom HAENEBALCKE, HoU, Unit A3, Directorate A
Delegated responsible person: Dr. Eveline MADRID, Medical Officer of the Committee of the Regions and Medical Assistant Nurse Aliisa Piskonen

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

The Committee of the Regions / A3 / Health and Well-being

3/ NAME OF THE PROCESSING

Stress screening test based on heart rate variability (Lifestyle Assessment)

4/ PURPOSE OR PURPOSES OF THE PROCESSING

Belgian legislation, in particular Articles 3 and 8 of the Royal Decree of 10 April 2014 regarding the prevention of psychosocial risks at work, obliges the employer to analyse and chart possible psychosocial risks at work.

The European Agency for Safety and Health at work (EU-OSHA) has launched a campaign, 'Healthy workplaces manage stress' for the years 2014–2015. The key task of the campaign is to raise awareness of stress and psychosocial risks in the workplace and encourage the management of those risks. The Committee of the Regions' Medical service is focusing on stress and burnout prevention in 2015 and, for that reason, a more detailed tool for evaluating stress among staff is

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

needed.

Firstbeat Lifestyle Assessment is a tool to measure level of the stress based on heart rate variability. Based on measurements individual report and feedback is provided to the participant. (For details please see annex I: Firstbeat Offer on 26/03/2015) Firstbeat Technologies Ltd is producing automated individual report to the Medical Service and the Medical Officer and /or Nurse of the CoR Medical service will provide the report to the individual with explanations and coaching in managing stress.

Participation to the measurement is voluntary.

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Article 59(6) of the Staff Regulations and Articles 16 and 91 of the Conditions of Employment of Other Servants requires members of staff to undergo an annual medical check-up. It is additionally proposed to invite staff to participate in the "Lifestyle Assessment" test on a voluntary basis.

It follows that the present notification constitutes a complement to the general notification made in respect of the processing of medical data by the CoR medical service.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA

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

For the description of the categories of the data and categories of data, please see annex II, (Annex II : Description of the file_Firstbeat Lifestyle assessment2015) in particular the part entitled "Content of the data file" at page 2.

For the description of the report, please see annex III. (Annex III: example of LifestyleAssessmentReport)

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Privacy statement (annex IV: Privacy StatementLifeStyleAssessmentEN_FR.doc) handed out together with heart rate measurement device.

Provision on intranet of a full notice about the data processing related to the Lifestyle Assessment.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The data subject has a right to access his personal data, and the right to correct any inaccurate or incomplete personal data, and the right to remove Lifestyle Assessment report from his medical file and electronic copy on external hard drive by sending an email to the COR Medical officer (ServiceMedicalCdr@cor.europa.eu).

The request is processed within 10 working days.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

The collection of the data and drafting of the Lifestyle Assessment report are automated using tool created by Firstbeat Technologies Ltd.

10/ STORAGE MEDIA OF DATA

Lifestyle Assessment report is stored in the staff member's medical file and therefore kept 30 years beyond the end of service with the Institutions as for all other medical data.

Data storage by Firstbeat Technologies Ltd. is kept on server. For details, please, see annex V (annex V: Security in Firstbeat Analysis server2015)

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

National legislation of the hosting Member State " Royal Decree of 10 April 2014 regarding the prevention of psychosocial risks at work " in particular its articles 3 and 8 obliges the employer analyse possible psychosocial risks at work.

The participation in the Firstbeat Lifestyle Assessment is done on a voluntary basis. The legal basis is article 5 (d) of Regulation 45/2001 – unambiguous consent of the data subject.

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

Individual measurement values are analysed at Firstbeat Technologies Ltd. by automated computer program.(for details please see annex V: Security in Firstbeat Analysis Server), for the purpose of carrying out basic operations and support operations (for details please see the part entitled "The purpose of processing of the personal data" of annex II: Description of the file Firstbeat Lifestyle assessment2015, page1.)

Firstbeat Technologies Ltd.is based in Finland and subject to national law (The Finnish Data protection Act) which implements the Directive (EC) 95/46.

The Lifestyle Assessment report on individual staff members are kept in their personal medical file, securely archived on the premises of the CoR Medical Service. Only the staff in the medical service has access to the personal medical file. The electronic version of the individual report is kept on separate external hard drive securely archived on the premises of the CoR Medical Service. Only the staff in the medical service has access to the electronic personal Lifestyle Assessment report.

The data subject can request the medical service to take out the report from his medical file and to erase the electronic version of the report from the above mentioned external hard drive.

In the case of transfer to another Institution, the written consent of the data subject is requested by the Medical service before any transfer of the medical file to the hosting institution's medical service.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

Since the Firstbeat Lifestyle Assessment report is kept in the medical file, it follows the same retention policy as the medical file, unless the data subject requests to delete it earlier. The retention period for medical files is 30 years beyond the end of the service with the Institutions.

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)

10 working days. A request must be sent to the COR Medical Officer:
ServiceMedicalCdr@cor.europa.eu

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)

Individual reports will not be given to anybody outside the Medical Service.
Only anonymous statistical data about the participation and general data about the measured stress level could be collected by the medical service.
Individual reports cannot be transmitted to other administrative services or to be used against the data subject.

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: BRUSSELS, 11/06/2015

DATA PROTECTION OFFICER: RASTISLAV SPAC

INSTITUTION OR BODY: COMMITTEE OF THE REGIONS