



European
Global Navigation
Satellite Systems
Agency

To be filled out in the EDPS' office

REGISTER NUMBER: 1358

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 22/12/2015

Case number: 2015-1129

Institution: European GNSS Agency

Legal basis: Article 27-5 of the regulation CE 45/2001

INFORMATION TO BE GIVEN(2)

(2) Please attach all necessary backup documents

1/ Name and adress of the controller

European GNSS Agency, Janovskeho 438/2, 170 00 Prague, Czech Republic.

2/ Organisational parts of the institution or body entrusted with the processing of personal data

Human Resources (HR) Department

3/ Name of the processing

Management of health data.

4/ Purpose or purposes of the processing

<p>The purpose of the processing is the management and administration of health data regarding:</p> <ol style="list-style-type: none"> 1) Aptitude tests for the assessment of the physical conditions of the candidate to perform his/her duties. 2) Sick leave for the justification of a medical absence. 3) Annual medical check-up for preventive purposes.
<p>5/ Description of the category or categories of data subjects</p> <ul style="list-style-type: none"> • GSA staff members (i.e. temporary agents and contract agents) are subject to the three processing. • Seconded national experts (SNE) and trainees are subject to the leave related processing. • Candidates offered a position as staff members are subject to the aptitude tests related processing.
<p>6/ Description of the data or categories of data (including, if applicable, special categories of data (article 10) and/or origin of data)</p> <ol style="list-style-type: none"> 1) Aptitude tests: name, gender, date of birth, nationality, job description, temporary agent or contract agent status, starting date of contract and medical examiner's statement on results of the aptitude tests. 2) Sick leave: name, date of birth, contact details, family tie with the person concerned (if applicable), time period concerned and contact details of the doctor chosen by the staff member. 3) Annual medical check-up: name, date of birth, contact details, examination programme requested by the staff member, attendance form and reasonable accommodation recommended by the examination doctor (if applicable).
<p>7/ Information to be given to data subjects</p> <p>A privacy statement on data protection will be added to the GSA intranet - HR Shared folders. The privacy statement informs the data subject about the identity of the controller, purpose of the processing, data concerned, data subjects, legal basis, lawfulness, recipients of the data, information on the retention period of the personal data, data subject's rights and contact information.</p> <p>The privacy statement is also available to data subjects before taking the aptitude tests during the recruitment procedure.</p> <p>Information on the procedure for having the annual medical examination carried out by an own practitioner is available on the GSA intranet - HR Shared folders.</p>
<p>8/ Procedures to grant rights of data subjects (rights of access, to rectify, to block, to erase, to object)</p> <p>Data subjects can exercise their rights at any time by sending a request to HR-Info@gsa.europa.eu. Requests shall be dealt with within 2 weeks.</p> <p>All data subjects may have direct access to their own medical file held by the medical adviser and to the related administrative data held by HR. The only exception, as covered by Art. 20.1 (c) of the Regulation, is in reference to access of data of a psychological or psychiatric nature whereby this may be provided in an indirect manner as determined by the medical adviser and where it is deemed necessary for the protection of the data subject. This is determined on a case by case basis.</p>
<p>9/ Automated / Manual processing operation</p> <p>The data are processed manually: the information is provided by the data subject him/herself, the European Commission Medical Service, and the medical services contracted providers: Mediconet (EUC Premium) and Program HPlus. All relevant documents are filed by the HR Department in the personnel file of the data subject.</p>
<p>10/ Storage media of data</p>

Electronic documents are stored in a secure database on the GSA Content Management System (Sharepoint). Paper copies are stored in the HR Department offices in locked cupboards accessible only by a limited number of HR staff.

Medical files containing health data are kept by the medical centre.

11/ Legal basis and lawfulness of the processing operation

- 1) Aptitude tests: Articles 28 and 33 of the Staff Regulations and Articles 12(2), 13 and 83 of the CEOS.
- 2) Sick leave: Article 59(1) of the Staff Regulations and Article 16 of the CEOS.
- 3) Annual medical check-up: Article 59(6) of the Staff Regulations and Articles 16 of the CEOS.

The lawfulness of the processing is based on Article 5(a) and (d) of Regulation (EC) No 45/2001. The processing is necessary for the performance of a task carried out in the public interest and, if particular, necessary for the management and functioning of the EU institutions and bodies. Furthermore, the data subject unambiguously gives his/her consent for the processing of personal data.

12/ The recipients or categories of recipient to whom the data might be disclosed

- 1) Aptitude tests: GSA HR staff (and where relevant their hierarchy) and GSA contractors for medical services which are Mediconet (EUC Premium) and Program H plus. In justified cases, the European Commission's medical service.
- 2) Sick leave: GSA HR staff (and where relevant their hierarchy) and the GSA contractor for medical services Program H plus. In justified cases, the European Commission's medical service.
- 3) Annual medical check-up: GSA HR staff and GSA contractor for medical services Mediconet (EUC Premium). In justified cases, the European Commission's medical service.

13/ Retention policy of (categories of) personal data

- 1) Aptitude tests: certificates regarding the aptitude of the staff member are kept in the personnel files. Personal data of not recruited persons are kept only for the period of time during which it is possible to challenge the data or the negative decision take on the basis of the data. This also applies to candidates who, due to health reasons, are not recognised by the medical adviser as being able to perform the tasks. Personal data of recruited persons is kept for a maximum period of 30 years. However, after retirement or leave for other reasons, aptitude test certificates are removed from the personnel files.
- 2) Sick leave: data are kept by HR for a maximum period of 3 years from the date that the data were collected. Data can only be kept for a longer period if there is a dispute or appeal under way.
- 3) Annual medical check-up: the authorisation to undergo a medical check-up and the reimbursement requests are kept in personnel for 5 years.

13 a/ Time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject)

(Please, specify the time limits for every category, if applicable)

Blocking: two weeks after the receipt of request

Erasure: two weeks after the receipt of 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

N/a

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

Data processed are related to health data.

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

Notification in compliance with the EDPS guidelines concerning the processing of health data in the workplace by Community institutions and bodies.

18/ Measures to ensure security of processing (3)

Please check all points of Article 22 of Regulation (EC) 45/2001.

(3) Not to be published in the EDPS' Register (article 27.5 of Regulation (EC) 45/2001)

PLACE AND DATE: 22 December 2015, Prague

DATA PROTECTION OFFICER: Triinu Volmer

INSTITUTION OR BODY: European GNSS Agency

To be filled out in the EDPS' office

Of date:

Case number:

Follow up*(in case of acting measures to be taken)*

