

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1368

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 10-03-2016

CASE NUMBER: 2016-0271

INSTITUTION: EASA

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

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

Surname: Rebender First Name: Georges
E-mail: georges.rebender@easa.europa.eu
Function: Head of Air Crew & Medical Department
Administrative Address: European Aviation Safety Agency (EASA) , Ottoplatz, 1 D-50679 Köln, Germany

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

FS.3 - Aircrew & Medical Department

3/ NAME OF THE PROCESSING

European Aeromedical Data Repository (EAMR)

4/ PURPOSE OR PURPOSES OF THE PROCESSING

The EAMR is established following the recommendation by the Task Force³ on measures following the accident of Germanwings flight 9525. The EAMR, as proposed by the Task Force, is a means to facilitate the

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

³ The Task Force, led by EASA, was assembled in May 2015 at the request of EU Commissioner for Transport Violeta Bulc. It analysed the preliminary findings of the crash investigation to assess the adequacy of European air safety and security rules. On 17 July 2015, the Agency delivered the report of the Task Force on the crash of Germanwings Flight 9525. In this report, the Task Force issued six recommendations. The document is available

sharing of pilots' aeromedical information with regard to Class 1 medical certificates amongst the National Aviation Authorities (NAA) and aero-medical examiners (AME) and means to tackle the issue of pilot non-declaration. The ultimate goal of the repository is to ensure a high and uniform level of protection of the European citizen at all times in civil aviation by enforcing common safety rules as established by Regulation (EC) No 216/2008 of the European Parliament and of the Council⁴

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

- Applicants for/holders of Class 1 medical certificates according to Regulation (EU) 1178/2011
- Aero-medical examiners
- Medical Assessors of NAAs in EASA Member States

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

The information recorded from the medical certificate as described in ARA.MED.130 of Regulation (EU) 1178/2011 will be limited to:

Basic data related to applicant

1. Licensing authority
2. Surname & forename(s) of applicant
3. Date of birth of applicant
4. Nationality of applicant
5. Applicant identification document incorporating the applicant's photo*: {such as a passport or ID card as to which identification is to be used}
6. Applicant email address: {for notification purposes}

** no photos will be collected and processed within the EAMR*

Data related to applicant's medical certification

7. The date of the medical examination or the date the medical examination was initiated, if process not completed
8. The place of medical examination
9. Any limitations on licence(s)/medical certificate held (No / Yes)**
10. Medical certificates denied, suspended or revoked by any licensing authority***
11. AME/AeMC or Medical Assessor who issued medical certificate
12. Competent authority for the AME/AeMC or Medical Assessor who issued medical certificate
13. Expiry date of medical certificate
14. Date of issue of medical certificate

*** details of the limitations will not be recorded in the EAMR*

**** reasons for which a medical certificate has been denied, suspended or revoked will not be recorded in the EAMR*

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

on the European Commission web page here:

http://ec.europa.eu/transport/modes/air/news/2015-07-17-germanwings-report_en.htm

and can be downloaded via this link:

<http://ec.europa.eu/transport/modes/air/news/doc/2015-07-17-germanwings-report/germanwings-task-force-final-report.pdf>

⁴ And its implementing rules, particularly Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council

A privacy notice will be developed by EASA and shared with respective licensing authorities. Licensing authorities will be required to make available the privacy notice to data subjects, either via an individual notification in writing (e.g. by email) or a wide publication open to public (e.g. on NAA website).

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

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

The data subjects are informed by the competent licensing authority about their right to access and rectify their data stored in the EAMR at any time.

Data subjects will be enabled to exercise their rights in accordance with the Directive 95/46/EC via the competent licensing authorities of the Member States. The role of each licensing authority will be to manage the applicant/license holder's record created in the EAMR under its jurisdiction, in accordance with the applicable regulations and the operating procedures of the EAMR (typically for inserting, updating, deleting, viewing, validating data, etc.).

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Data are collected from the data subject. Processing is carried out partly by automatic means as well as by non-automated processing intended to form part of a paper filing system: The data will be processed and recorded in compliance with Regulation (EU) 1178/2011 and in particular in accordance with the provisions of ARA.MED.150 as summarised below:

Who	Does what	When
EASA authorised administrative staff	Creates the list of Member States to grant access to EAMR	EASA Initialisation of the EAMR
	Manages the list of Member States	As needed to update the status of the Member States
	Extracts aggregated data from EAMR	See 8.5 for more details
Administrative staff and Medical Assessors of Competent Authorities of Member States	Create the list of Medical Assessors and Aeromedical Examiners to grant access to EAMR	Member States initialisation of the EAMR
	Manage the list of Medical Assessors and Aeromedical Examiners	As needed to update the status of the Medical Personnel
	Access data in the EAMR for oversight and validation	As required by regulation see 3.4 for more details
Administrative staff and Medical Assessors of Competent Authorities of Member States and authorised AMEs	Create the applicant record containing the basic data related to applicant as described in 4.4	Before a Class 1 Medical certificate is issued to the applicant.
	Manage the applicant record.	As needed to update the record.
	Access data in the EAMR for oversight, validation and medical certification	As required by regulation see 3.4 for more details
Medical Assessors of	Create medical certificate records for	As required by Regulation (EU)

Who	Does what	When
Competent Authorities of Member States and authorised AMEs	each applicant.	1178/2011.
	Manage medical certificate records	
	Access data in the EAMR for oversight, validation and medical certification	As required by regulation see 3.4 for more details
Applicant for Class 1 medical certificates	Access data related to own records.	Each time a record related to applicant is created or changed, following a notification sent by the system.

10/ STORAGE MEDIA OF DATA

Data in the EAMR will be encrypted and stored centrally in the electronic format on servers operated/hosted by EASA.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

- Article 15(1) and article 38(3)(e) of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 (the Basic Regulation);
- ARA.GEN.200 (c), ARA.GEN.220(a)(5), ARA.MED.130, ARA.MED.150 (a), ARA.MED.150 (b) and ARA.MED.150 (c), MED.A.035(b)(2)(ii) and MED.A.035(b)(2)(iii) of Regulation (EU) 1178/2011.

The introduction of pan European medical certification has given pilots freedom to apply to an aero-medical examiner certificated by any EASA State. A system to share aeromedical information in an efficient manner is important to minimise the risk of non-declaration introduced by this freedom.

The applicable Regulations already provide a basis for the sharing of aeromedical information amongst different actors, as follows.

- Paragraph 1 of Article 15 of Regulation (EC) No 216/2008 of the European Parliament and of the Council requires national aviation authorities to exchange any information available to them in the context of the application of this Regulation and its implementing rules.
- ARA.GEN.200 (c) of Regulation (EU) 1178/2011 requires each competent authority to establish procedures for participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned.
- ARA.GEN.220(a)(5) requires each competent authority to establish a system of record-keeping providing for reliable traceability of processes for issuing personnel licences, ratings, certificates and attestations. This includes medical certificates associated to licences.
- ARA.MED.150 (a) requires in addition to the records required in ARA.GEN.220, that each competent authority includes in its system of record-keeping details of aero-medical examinations and assessments submitted by AMEs or Aeromedical Centers (AeMCs)
- ARA.MED.150 (b) requires that all aero-medical records of licence holders to be kept for a minimum period of 10 years after the expiry of their last medical certificate.
- ARA.MED.150 (c) requires that aero- medical records shall be made available, after written consent of the applicant/licence holder, to an AeMC or AME for the purpose of completion of an aero- medical assessment. The purpose of processing of the personal data is precisely to ensure compliance with this requirement. The written consent of the applicant/licence holder is part of the Acceptable Means of Compliance (AMC) AMC1 ARA.MED.135(a) issued by EASA ED Decision 2012/006/R, see item (31).
- MED.A.035(b)(2)(ii) and MED.A.035(b)(2)(iii) Requires the applicants for a medical certificate to declare whether they have previously undergone an examination for a medical certificate and, if so, by whom and with what result and whether they have ever been assessed as unfit or had a medical certificate

suspended or revoked. The purpose of the European Aeromedical data repository is precisely to verify that this declaration is consistent with the records in accordance with ARA.MED.150 as explained above.

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

Staff and affiliates of Aero-Medical Examiners (AMEs), Aero-Medical Centers (AeMCs), National Aviation Authorities of EASA Member States as in Regulation (EC) 216/2008 , EASA's authorised personnel.

The data will be accessed in accordance with ARA.MED.150 (c) of Regulation (EU) 1178/2011. This includes access by the Agency for standardisation purposes after de-identification of the applicant/licence holder as provided for by ARA.MED.150 (c) (6).

The implementation of the EAMR will not extend the list of recipients of the data compared to the current situation without the EAMR when complying with Regulation (EC) No 216/2008 and its implementing rules.

Refer to section 9 for more details on who access what for what purpose.

Refer to section 11 for the legal framework in which the data will be accessed.

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

For data related to license holders, 10 years after the expiration date of their last Class 1 medical certificate (see ARA.MED.150(b) of Regulation (EU) 1178/2011).

For other data, the retention period is 5 years (see ARA.GEN.220(c) of Regulation (EU) 1178/2011).

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

N/A

(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.

N/A

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

Access to data will be granted to AMEs and AeMCs, under Regulation (EC) No 216/2008 and Regulation (EU) 1178/2011, who may be located in a third countries (i.e. outside the territories of the EU/EEA Member States) as provided for by MED.A.001 (a) and (b). Compliance with/ enforcement of the equivalent level of protection to EU Data Protection requirements based on Directive 95/46/EC, as applicable to these aeromedical professionals, is ensured by the competent authority exercising oversight over their activity as determined by MED.A.001.

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

17/ COMMENTS

This notification is made for the purpose of triggering a "real" prior check procedure since the processing at stake has not yet started.

The target for the launch of the EAMR is December 2016. The preparatory steps, including the design and implementation of the technological solution, are ongoing.

More details about the EAMR can be found in the attached documents

PLACE AND DATE:

DATA PROTECTION OFFICER:

INSTITUTION OR BODY: