

**REGISTER NUMBER: 1393**

**NOTIFICATION FOR PRIOR CHECKING**

Date of 01/09/2016  
Case number: 2016-0775  
Institution: EEAS  
Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and address of the controller

Controller

European External Action Service (EEAS)

Directorate/Division responsible for managing the personal data processing operation:

EEAS.BA.HR.5, Local Agents Division

Former MDR.C5, Local Agents

At the time of the notification in charge of the management of the processing operation:

Luc Véron

Head of Division, EEAS.BA.HR.5, Local Agents

05/211 Rue de la Loi, Brussels 1040, Belgium

Tel: 25844152

Co-controller

EU Delegation to each specific third country and international organisation

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

EEAS BA.HR.5

3/ Name of the processing

Complimentary Sickness Insurance- Declaration of accidents for Local Agents in EU Delegations

4/ Purpose or purposes of the processing

The purpose of the data processing operation is to manage the reports of accidents at work concerning local agents in order to proceed with the reimbursement of the medical expenses.

5/ Description of the category or categories of data subjects

Data are processed from the following individuals or group of people:

Local Agent involved in the accident

Third party responsible for the accident

Actual policy holder concerning the third party (if applicable)

6/ Description of the data or categories of data (*including, if applicable, special categories of data (article 10) and/or origin of data*)

Data processed are the following:

I. Personal Data of the local agent suffering the accident:

-Name,

-Personnel number,

-Place of employment

-Date of the Accident

-Time and Location of the Accident

-Detailed Description of the Accident

-Consequences of the Accident (involvement or not of the police, incapacity or not for work as a consequence of

-Number of days of absence after the accident (if applicable)

-Medical report

II. Data collected from liable third parties:

-Name

-Private Address

-Name of the Insurance Company

-Number of Insurance Policy

7/ Information to be given to data subjects

A Privacy Statement linked to this Notification contains all information provided to the Data Subject(s).

The aforementioned Privacy Statement is available on the intranet EEASzone: ADMINISTRATION > HUMAN

RESOURCES > LOCAL AGENTS > CSISLA: <http://intragate.ec.europa.eu/eeas/eeaszone/?q=node/28121> and on the

EU Delegations' Guide: HUMAN RESOURCES > LOCAL AGENTS > CSISLA:

<http://intragate.ec.europa.eu/admcorner/eudelguide/policy.cfm?pid=1641>

8/ Procedures to grant rights of data subjects (*rights of access, to rectify, to block, to erase, to object*)

Data subjects have the right to access their personal data and the right to correct any inaccurate or incomplete personal data, as well as to request the removal of unlawful personal data, which will be implemented within 10 working days after the request has been deemed legitimate. If the data subject has any queries concerning the processing of his/her personal data, s/he may address them to the data controller at the following functional mailboxes: LOCAL-AGENTS-CSISLA@eeas.europa.eu, LOCAL-AGENTS@eeas.europa.eu

9/ Automated / Manual processing operation

Both

10/ Storage media of data

The files are kept in HQ, in a locked room, in locked cupboards. Only the staff dealing with CSISLA has access to this  
In EU Delegations, files are kept in the personal files locked in the administrative area.

The filing of the documents would be either in the personal file (in the HOA safe) or in a sealed envelope together with the reimbursement and stored in a locked cupboard (or both). Files are not uploaded so far onto any IT application.

#### 11/ Legal basis and lawfulness of the processing operation

Legal basis at stake:

Articles 6 and 10 of the CSISLA\* regulation.

\*Complementary Sickness Insurance Scheme for Local Agents (CSISLA)

Link on intranet/EEAS zone: <http://intragate.ec.europa.eu/eeas/eeaszone/?q=node/28121>

This information is available on the EU Delegations' Guide.

Further legal reference:

Good administrative practices in the framework of the Treaty of Lisbon and the Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on [http://www.eeas.europa.eu/background/docs/eeas\\_decision\\_en.pdf](http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf)

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

In EU Delegations: The Head of Delegation, the Head of Administration, other dedicated administrative staff with specific access granted by the Head of Administration.

In order to safeguard the confidentiality of the medical data, the member of local staff may exceptionally forward in person the medical report to the CSISLA functional mailbox. In such case, the local agent will have to inform the Administration of the Delegation. A confidential declaration needs to be signed by staff members dealing with medical files.

In HQ: Assigned staff members, case handlers of the CSISLA team in MDR C5, the Head of Division, the Head of Sector, assigned subcontractors (medical and dental consultants)

#### 13/ retention policy of (categories of) personal data

Medical records are to be kept for 30 years after the termination of duties of the person concerned in accordance with the Common Commission-Level Retention list Management Schedule - Annex I. Point 12.3.10.

Payment related financial documents are to be kept for the periods determined under the Financial Regulation as justification for the payment (5 + 2 years due to budgetary discharge);

Other data in supporting documents are to be kept for 5 years for control, inspection and audit purposes.

When appropriate, in accordance with Article 48(3) of the Rules of Application of the Financial Regulation, personal data contained in supporting documents should be deleted where possible where these data are not necessary for budgetary discharge, control and audit purposes.

#### 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)*

Justified requests are treated within 10 working days after the request will have been deemed legitimate

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

Potential transfer of data to

(1) 'Primary Insurance company' the insurance company with which the local agent has a primary coverage

(2) Insurance company of the EU Delegation itself.

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,

Yes. The report of the accident includes the medical report with data relating health including details of the diagnose

Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

N/A

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

N/A

Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

N/A

Other (general concept in Article 27.1)

N/A

17/ Comments

Description

In the event of an accident, the local staff member must report the exact circumstances in which the accident occurred (on an accident report form which he or she must send to the Head of Delegation).

The report of the accident shall state particulars on the date and time, the causes and the circumstances of the accident and also the names of witnesses and of any third party which may be liable. A medical certificate shall be annexed, specifying the nature of the injuries and the probable consequences of the accident.

Unless there are exceptional circumstances, the local staff member concerned must submit the accident statement to the Head of Delegation within 3 working days.

In the case of an accident at work, duly recognised as such by the CSISLA medical advisor, the reimbursement of the medical expenses will amount to 100% of the difference between the intervention by the primary (local) health insurance and the actual cost incurred by the local agent.

In the event of exceptional circumstances, the accident statement has to be introduced as soon as possible.

1/

To be noted: any disclosure or unauthorised use by an official or contractual agent constitutes a failure to comply with the obligations laid down in Article 17 of the Staff Regulations and is liable to lead to disciplinary proceedings under Title VI of the Staff Regulations. Such an act by a local staff member constitutes serious misconduct within the meaning of Article 20 of the Framework Rules and Chapter IX of the Specific Conditions of Employment, without prejudice to the relevant provisions of national legislation.

In order to safeguard the confidentiality of medical data, it is necessary to reduce to the strict minimum the number of people required to handle the reimbursement of local staff members' medical expenses in accordance with article 66 of the FR and article 49 of the RAP.

Even though actually there is not an electronic storage, EEAS.BA.HR.5 is working to implement an electronic storage to save information from the requests.

2/

To be noted that the present data protection notification is a model notification. Model notifications are used when there are similar processing operations in several divisions, directorates, or in this case, in EU Delegations. It means that there will be only one notification covering the same process for all EU Delegations. There is a central management of the present procedure and data processing determined by the relevant division of the EEAS. Therefore, with regard to the personal data processing operation, the controller is the division in HQ, who is responsible for determining the purpose and the means of the procedure, defined under point 2 of the data protection notification. Although the Data Controller for the Model Notification is the organisational entity specified under point 2 of this notification, **each Delegation under the supervision of the Head of Delegation will be the co-controller responsible for processing personal data in compliance with the provisions of Regulation (EC) 45/2001.**

PLACE AND DATE: Brussels, 05.08.2016

DATA PROTECTION OFFICER: SAVOIA-KELETI Emese

INSTITUTION OR BODY: European External Action Service