

**REGISTER NUMBER: 1394**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 01/09/2016

Case number: 2016-0776

Institution:

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

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 for Local Agents in EU Delegations - Incapacity for work exceeding 30 days

4/ Purpose or purposes of the processing

The purpose of the data processing operation is to manage and follow up the incapacity for work for local agents working in EU delegations and for accidents occurring outside the country of employment.

5/ Description of the category or categories of data subjects

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

Local agents  
General Practitioners (GPs) or other medical practitioner

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 is the following:

Name  
Last Name  
Address  
Telephone number  
Personnel number  
Period of incapacity  
Medical report

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=221>

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 mailbox (FMB):

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 a locked room, in locked cupboards. Only staff dealing with CSISLA has access to this room. Information is also kept in a safe way in the administrative area in the EU Delegations. Files are so far not uploaded onto any IT Applications.

<p>11/ Legal basis and lawfulness of the processing operation</p> <p>Articles 16 and 17 of the Framework rules laying down the conditions of employment of local staff of the Commission of the European Communities serving in non-member countries</p> <p>Chapter VII of the Rules laying down the Specific Conditions of Employment of local staff (SCE)</p> <p>Articles 4, 5 and 6 of the CSISLA* regulation</p> <p style="text-align: right;">*Complementary Sickness Insurance Scheme for Local Agents (CSISLA)</p> <p style="text-align: right;">Link on intranet/EEAS zone: <a href="http://intragate.ec.europa.eu/eeas/eeaszone/?q=node/28121">http://intragate.ec.europa.eu/eeas/eeaszone/?q=node/28121</a></p> <p>Further legal reference:</p> <p>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 <a href="http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf">http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf</a></p>
<p>12/ The recipients or categories of recipient to whom the data might be disclosed</p> <p>Delegations: Head of Delegation (HoD), Head of Administration (HoA), other dedicated staff dealing with this.</p> <p><i>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</i></p> <p>HQ: Assigned staff, case handlers of the EEAS BA.HR.5 CSISLA team, the Head of Division, the Head of Sector, subcontractors active for EEAS.BA.HR.5 (medical consultants)</p>
<p>13/ retention policy of (categories of) personal data</p> <p>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.</p> <p>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);</p> <p>Other data in supporting documents are to be kept for 5 years for control, inspection and audit purposes.</p> <p>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.</p>
<p>13 a/ time limits for blocking and erasure of the different categories of data (on justified legitimate request from the data subject) <i>(Please, specify the time limits for every category, if applicable)</i></p> <p>Justified requests are treated within 10 working days after the request will have been deemed legitimate.</p>
<p>14/ Historical, statistical or scientific purposes</p> <p><i>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,</i></p>

N/A

15/ Proposed transfers of data to third countries or international organisations

Potential transfer to the Primary Insurance Company, with whom the local agent has the primary insurance coverage in the relevant third country.

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, health data are involved in the process

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 of process

At EU Delegations, the Heads of Administration must notify Headquarters of cases of prolonged incapacity for work exceeding 30 days without delay, and in any case no later than the 31st day of incapacity, using the relevant form.

When calculating the duration of a period of incapacity, any absence which occurs during the two calendar weeks following the end of an earlier period of incapacity, is added to the first, unless a medical certificate shows that this new period of incapacity is due to a different illness or accident or unless local law provides otherwise.

(b) At Delegations covered by the CSISLA, all local staff absent for periods of incapacity exceeding 30 days will henceforth automatically be required to submit a detailed medical report (with precise diagnosis, description of symptoms, cause and estimated duration of the incapacity for work).

(c) At Delegations not covered by the CSISLA, reference must be made to the terms of the insurance contract concerned or the rules of the applicable social security scheme.

#### **Incapacity for work exceeding 180 days**

(a) The CSISLA cover is limited to the period between the 31st and 180th days of incapacity for work. Thus, the EU Delegation must notify Headquarters of any absence from work due to incapacity extending beyond the 180th day of incapacity and provide information about the relevant specific provisions laid down in local law.

(b) At Delegations not affiliated to the CSISLA, the duration of cover for incapacity for work is governed by the terms of the insurance contract concerned or the rules of the applicable social security scheme. The Delegation must notify Headquarters of any absence from work due to incapacity extending beyond the 180th day of incapacity and provide information about the specific provisions laid down in local law.

#### **Incapacity for work occurring outside the country of employment**

The usual place of work, referred to in Article 3 of the SCE, is considered one of the most important contractual elements in the field of employment legislation. Therefore, with the exception of annual leave, local staff is obliged to remain close to their place of employment, even when they are unavailable for work due to incapacity or any other reason.

If incapacity for work occurs during a period of annual leave spent outside the country of employment, local staff is required to return there as soon as possible, unless there are duly compelling and substantiated medical reasons for not doing so.

Local staff finding themselves in this position must notify, or have someone notify, the Delegation accordingly and provide proof that they are unable to return to the country (e.g. supporting medical report). At the same time, they must also provide contact details, allowing for a medical examination to be organised (address, telephone number or e-mail address).

#### **Comments**

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 at present there is no 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