

REGISTER NUMBER: 1397

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 23/09/2016
Case number: 2016-0779
Institution: EEAS
Legal basis: article 27-5 of the regulation CE 45/2001(1)

(1) OJ L 8, 12.01.2001

INFORMATION TO BE GIVEN⁽²⁾

(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.3 - Rights and Obligations Division

At the time of the notification – in charge of the management of the processing

Alison Weston
Head of Rights and Obligations Division – BA.HR.3
Francesco Caleprico

Deputy Head of Division Rights and Obligations Division – BA.HR.3

Delegated Contact Team

'Social Policy' - Danielle Moens, Policy Officer, Counsellor Social Matters, Rights and Obligations Division – BA.HR.3

2/ Organisational parts of the institution or body entrusted with the processing of personal data
EEAS.BA.HR.3

3/ Name of the processing

EEAS social and financial aid, social assistance and advice on reimbursement of medical expenses for Headquarters and EU Delegations

4/ Purpose or purposes of the processing

- Financial social aid: supervision of the various types of aid according to the implementing guidelines, mostly "supplementary aid for the disabled". BA.HR.3 is contact point for EEAS staff/staff in Delegations in order to provide information ? contacts with Commission (DG.HR). Files prepared and managed by the Commission, following a SLA.
- Decision, calculation, payment and archiving by EEAS for EEAS staff.
- Medical reimbursements: in principle fully managed by PMO. BA.HR.3 is contact point for the PMO regarding the particularities of the Delegations, and for EEAS staff/staff in Delegations in case of repeated problems and/or complaints article 90.2.

5/ Description of the category or categories of data subjects

EEAS staff (at Headquarters and posted in EU Delegations) and COM staff in EU Delegations and their families (not retired staff and their families, which are fully managed by COM).

Staff members from the responsible Commission departments (HR and PMO services)

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

Data (category or type of data), including personal data, processed are the following:

Personal data - Surname, first name, staff number, address, statutory link, family composition, salary and family allowances, information relevant to the nature of the request, possibly medical opinions (G.P., EEAS Medical Cell, COM Medical Service, JSIS Medical Advisor, etc.) along with the proposed assistance.

Financial data (in relation to social activity): for example verification of income and allowances of the family required for the determination of the level of social reimbursement

Social data (in relation to social activity): for example type of social institution concerned for the treatment of a

Medical data (in relation to social activity and for medical reimbursements): for example medical prescription in order to verify the type of treatment for which reimbursement is requested, etc.

This processing of personal data is subject to Art. 10. of Reg. (EC) 45/2001.

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 distinct Privacy Statement is available on the Intranet, EEASzone.

A link to the Privacy Statement will be included in the initial e-mail exchange following the first contact or if not possible, provided in person through a paper copy during the first meeting.

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 their 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: RIGHTS-AND-OBLIGATIONS@eeas.europa.eu

9/ Automated / Manual processing operation

Both

10/ Storage media of data

All data related to financial social aids, social assistance and medical reimbursements are stored as follows:

- paper documents (short reports, copy of e-mail exchanges, etc) are kept in a closed cupboard in an individual office which is always securely closed in absence of the administrator.
- electronic notes and messages are kept in a protected file, only visible to colleagues who deal with medical and social matters.

11/ Legal basis and lawfulness of the processing operation

- Staff Regulations for Officials of the European Communities - Articles 1e, 72, 76 and 76a.
- Conditions of Employment of other Servants of the European Union: Articles 28, 30, 95 and 98.
- Financial Regulations (Council Regulation (CE, EURATOM) n° 1605/2002 of 25/06/2002 concerning the financial regulations applicable to the general budget of the European Communities)
- Financial aid regulations, notably "Supplementary Aid for the Disabled" and "Assistance with home care or care for a sick child"

Rules and regulations are available on-line on the intranet page:

http://myintracomm.ec.testa.eu/hr_admin/en/social_bxl/pensioners/Pages/funds.aspx

https://myintracomm.ec.testa.eu/hr_admin/en/social_bxl/family/Pages/index.aspx

- Service Level Agreement (SLA) signed between EEAS and HR (version 21.12.2012) and in particular its Annex 3 (version 12.12.2012) - ref. Ares(2013)859035-25/4/2013

- Service Level Agreement (SLA) signed between the EEAS and the PMO on 22.12.2010

These Service Level Agreements are available on-line on the intranet page:

<http://intragate.ec.europa.eu/eeas/eeaszone/?q=node/26443>

The processing is necessary and lawful under Art. 5(a) of Reg. (EC) 45/2001.

The processing is needed for the execution of a mission in public interest (staff management).

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

I. Division "Rights and Obligations" (BA.HR.3) and EU Delegations:

- Assigned staff members (limited in number): Head of Division (and acting Head of Division, when the case) for
- Medical Cell, Heads of Sector and Legal Advisor: consulted on a case by case basis only;

- Financial/operational initiating/verifying officer: for payments;
- Heads of Administration of the EU Delegations: consulted on a case by case basis only
- Assigned staff members of Budgetary Coordination and Accounting sector of HR.3

II. European Commission services

The details relating to requests for assistance are kept within the Division and are not divulged to the exterior except for:

- the transmission if required of details of a medical nature to the Medical Service/JSIS medical advisor
- the transmission for advice to the EC Joint Advisory Committee on Welfare Grants and Loans (CCOPS)
- the transmission to the DG.HR and PMO in the case of joint handling of a case

III. Related to an appeal procedure

In addition, certain administrative details of the case may be disclosed on a temporary basis to:

- a) the Unit of "Appeals" of the European Commission to prepare a response to a complaint, an appeal and/or Article 24 lodged by an individual against the Administration
- b) the Legal Service of the EEAS

In these cases the service only communicates those details strictly necessary for the management of the case and always in compliance with the relevant current legislation and established case law.

~~Transmission is in compliance with articles 7,8 and 9 of the Regulation (EC) 45/2001~~
Transmission is in compliance with articles 7,8 and 9 of the Regulation.

13/ retention policy of (categories of) personal data

According to SEC(2007)970 of 4/07/2007: "Common Commission-level retention list for European Commission files":

Financial and social assistance: financial aids, general assistance, support for medical reimbursements:

This means the individual files of recipients of financial and social assistance for various types of requests.

The files contain personal and/or financial data on the recipient/beneficiary and may contain medical information.

These files are to be kept for **5+2 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)

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,

To be confirmed.

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

Only when required: national social and medical services, local authorities, insurances, etc.

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,

Medical data is processed as supporting information to the cases.

The purpose of the processing operation is not to process health related personal data.

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 the processing:

This processing of personal data includes:

- Analysis of individual situations and files (including personal data) to correctly inform staff and refer them to the appropriate COM services, in cooperation with COM (DG.HR.D1 and/or DG.HR.D3).

- Analysis of individual files regarding sickness insurance management, in cooperation with COM (PMO.3 and PMO.6)

Contact and the transmission of data and information are made by telephone, by post (internal and/or external) or by e-mail, according to administrative practice and for the convenience of the person making the request.

PLACE AND DATE: Brussels, 5-08-2016

DATA PROTECTION OFFICER: SAVOIA-KELETI Emese

INSTITUTION OR BODY: European External Action Service