

REGISTER NUMBER: 1398

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 02/09/2016
Case number: 2016-0780
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 adress 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

Sector 'Medical Support and Medical repatriations' – EEAS BA.HR.3 - Rights and Obligations
Division

Isabelle Delbeke – Medical Officer, Evert-Jan Sloodman - Medical Officer;

~~Sabrina Bidet – Psychologist; Inge Thounissen – medical support assistant~~

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

EEAS.BA.HR.3

3/ Name of the processing
Activity of the Medical Service of the EEAS

4/ Purpose or purposes of the processing
Provide medical and psychological support (including treatment and advice) to EEAS staff members including HQ and Delegations and Commission staff posted in Delegations as well as to handle the repatriation of EU expatriate staff on medical grounds (recorded in a separate Notification).

5/ Description of the category or categories of data subjects
EEAS staff (at headquarters and posted in EU Delegations)
European Commission staff in EU Delegations
Family or relatives of EEAS and EC staff in EU Delegations
Local Agents

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

family composition

family allowances

description of the request

individual medical files

medical opinions (reports from General Practitioner, Medical Specialists, Medical expertise,

sick leave certificates

personal data from reporting on sick leave

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 to be available on the intranet, EEASzone.

A link to the Privacy Statement will be included in the initial e-mail exchange following the first contact and/or 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, if it is processed unlawfully, which will be implemented within 10 working days after the request has been deemed legitimate.

Access to the notes and reports of doctors may be denied in conformity of Art. 20. 1 (a) of the Reg. 45/2001 and on the basis of a case-by-case evaluation.

The results of medical examination and the diagnosis cannot be altered, but a comment of the person can be added.

Access to the medical file and related documents is defined by Art. 26bis of Staff Regulations and by the rules marked out by the Conclusions 221/04 of Heads of the Administration "defining the access to medical files".

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: "EEAS MEDICAL SERVICE"

MEDICAL-SERVICE@eeas.europa.eu for queries concerning medical issues, advice, etc.

(MEDICAL-REPATRIATIONS@eeas.europa.eu for queries concerning evacuations and reimbursements of evacuations)

9/ Automated / Manual processing operation

Both, but mainly manual processing - print and electronic means

10/ Storage media of data

Electronic storage of the authorisations for medical evacuation: Access protected folder on the Group drive (only assigned persons have access to our medical and evacuation folder on the group

Paper medical files

Mail folders

11/ Legal basis and lawfulness of the processing operation

Legal bases:

Staff Regulations for Officials of the European Communities - Articles 1 sexies, 76 and 76bis.

Conditions of Employment of other Servants of the European Union: Articles 30 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: "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

Service Level Agreements bw. EEAS and EC HR (**Ref. Ares(2013)859035 - 25/04/2013: SERVICE-LEVEL AGREEMENT** concerning the collaboration between the European External Action Service (EEAS) and the Directorate-General for Human Resources and Security of the European

Commission (DG HR)

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).

This processing of personal data is subject to Art.27. of Reg. (EC) 45/2001.

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

Personal data* may be disclosed to the following recipients:

I.

Assigned staff members (limited in number) of Division "Rights and Obligations" (BA.HR.3)
EEAS Medical Service

Advice to human resources and AIPN (fitness to work advice, early rotation, evacuation?)

Legal Advisor of Division "Rights and Obligations" (BA.HR.3) (consulted on a case by case basis)

Assigned staff members of the relevant EU Delegations and namely head of delegation and head of administration(e.g. authorisation of the medical evacuation, conservation of original documents and of the decisions in case of medical repatriation)

*** Medical files are only shared with other medical services, only administrative data will be consulted with other (non-medical / administrative) services.**

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 doctor and/or the JSIS medical advisor

the transmission of parts of the dossiers to the AIPN (the Head of Unit HR.C.1 Brussels) for decision

the transmission to the medical services of other sites 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 EC

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.

- Staff of the Medical Service
- Person concerned
- JSIS Medical Advisor
- AIPN (head of division)
- Human Resources
- EU joint committees dealing with social affairs
- PMO
- Other EC social services
- Local medical services (hospitals or medical practitioners, psychologists) in EU Delegations

ANY ADDITIONAL Recipients

Transmission is in compliance with articles 7, 8 and 9 of the Regulation.

13/ retention policy of (categories of) personal data

Medical data is kept for 30 years (après la cessation d'activité) according Commission Retention
Administrative note for medical evacuations is retained for 10 years - confirmed by DMO services.

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

Local medical services/follow up (hospitals or medical practitioners, psychologists) in EU Delegations

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. Medical data is processed.

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:

I.

Individual requests:

The service provides health related advice/support by phone, by mail or in person (consultation).

The service also handles the evacuation requests from delegations including payments for

II.

Administrative requests:

Advice ~~for~~ to the administration related to fitness to work, invalidities, early rotation for medical reasons

Advice to the administration related to the evaluation of the Living Conditions Allowances (advice regarding the Health Parameter).

III.

Missions abroad:

The Medical Service could also provide an on-the-spot support and medical help in case of crises or to visit hospitals abroad to assess the quality of medical care.

The Medical service of the EEAS acts in cooperation with the EC Medical Service in the framework of the Service Level Agreement with the European Commission for the purpose of assessing medical cases. The EC provides service for EEAS Headquarters staff.

PLACE AND DATE: Brussels, 05.08.2016

DATA PROTECTION OFFICER: Emese Savoia-Keleti

INSTITUTION OR BODY: European External Action Service