

Opinion on a notification for Prior Checking received from the Data Protection Officer of the European Commission regarding the Occupational Medicine (MeDeL) in the Directorate-General Joint Research Centre

Brussels, 23 January 2008 (Case 2007-504)

1. Procedure

On 3 September 2007, the European Data Protection Supervisor (**EDPS**) received a notification from the Data Protection Officer (**DPO**) of the European Commission concerning the Occupational Medicine software (**MeDeL**) used in Directorate-General Joint Research Centre (**JRC**).

The notification was accompanied by the following documents:

- a copy of the relevant provisions of the Staff Regulations;
- Commission decision No 92-2004 of 6 July 2004 introducing implementing provisions on absences as a result of sickness or accident,
- Italian Legislative Decree 626/94 transposing Directives 89/391/EEC, 89/654/EEC, 89/655/EEC, 89/656/EEC, 90/269/EEC, 90/270/EEC, 90/394/EEC, 90/679/EEC, 93/88/EEC, 97/42/EEC and 1999/38/CE concerning improvement of health and security during work,
- Italian Legislative Decree 230/95 transposing Directives 89/618/Euratom, 90/641/Euratom, 92/3/Euratom and 96/29/Euratom concerning ionising radiation,
- Italian Legislative Decree 241/00 transposing Directive 96/29/Euratom concerning the protection of general public and workers against the dangers arising from ionising radiation,
- "Privacy statement",
- "Fields of MeDeL Modules",
- "Data fields sent to PowerLab",
- templates of medical certificates for the purpose of sick leave, control visits and fitness to work attestations.

On 1 October 2007, the EDPS sent a request for additional information to the controller. The replies were provided on 11 October 2007 and 14 November 2007 following a meeting between the EDPS, the controller, the Commission DPO and the DG JRC Data Protection Coordinator (**DPC**) held on 13 November 2007 in Brussels. The draft opinion was sent to the Commission DPO and the DG JRC DPC for comments on 12 December 2007. The comments containing several modifications of previously submitted information were received directly from the controller on 14 January 2008.

2. Facts

2.1. Purpose of the processing

The purpose of the processing of personal data within the software environment MeDeL is the management of occupational health's related activities of the JRC Medical Service¹. It concerns management of (pre-employment, annual, final, check-ups, as well as professional risks related and upon request) medical visits, as well as registration of sick-leave (attested by medical certificate only). It also integrates an invoices production environment for professional risks related exams performed upon the personnel of external companies working at the JRC site².

2.2. Description of the processing

According to the information provided in the notification, the following processing operations are concerned:

- association of a specific clinical / medical test in function of professional risks exposure,
- automatic programming of periodical tests packages for all JRC personnel,
- scheduling, balancing and optimisation of workload of the Medical Service's resources,
- several types of statistics about usage of internal resources,
- automatic production of convocation letters for employees,
- daily transmission of working list to software environment PowerLab,
- programming of the working list for the clinical and radio-toxicological laboratory,
- production of standard pre-filled forms for request of patient's agreement to execute particular exams,
- production of reports with administrative data from sick leave certificates (for competent Services and Head of Units),
- production of reports with lists of personnel that has specific type of duration of periods of absence (for further medical controls in case of accidents or long periods of sick leave),
- production of pre-filled forms for specific type of internal certificates (fitness for work certificate),
- several statistic on sick leaves,
- production of invoices for medical activities on demand,
- sending of convocation letters (internal JRC mail),
- data entry,
- updating of personal data, risk associated, periodicity of exams and further exams (in case of Doctor's demand),
- modification of the automatic activities programming (re-scheduling of appointments on patients' demand),
- modification / translation of exams scheduling program.

The controller is the Head of the "Occupational Health and Safety" Unit C2 in the Ispra Site Directorate (**ISD**) of the DG JRC who is an occupational health physician and approved medical practitioner.

¹ The JRC Medical Service is located in the "Occupational Health and Safety" Unit C2 in the Ispra Site Directorate of the DG JRC and is totally independent of the Medical Service of the Commission.

² The management of the JRC clinical and radio-toxicological laboratories is being analysed within a separate opinion - cf. EDPS case **2007-649** (PowerLab). The actual medical procedures are also being analysed in separate opinions: cf. EDPS cases **2007-329** (Individual Medical Files - Ispra and Seville), **2007-372** (First aid, accidents at work and other medical exams - Ispra), **2007-508** (Contrôle des absence du travail pour maladie ou accident / Long term sick leaves - Ispra and Seville).

2.3. Data subjects

The following persons may be involved in the data processing in question:

- European Commission employees (civil servants, temporary agents, contractual agents, auxiliary staff, grant holders, detached national experts, trainees), as well as applicants for the respective posts,
- family members of subjects working for the JRC,
- employees of external companies working at the JRC site.

2.4. Description of the MeDeL software

For the time being, the MeDeL software is composed by the following operational modules³:

- Management of personal / administrative data and related personnel's professional risks: these risks are professional potentially dangerous or unhealthy situations to which a worker could be exposed during his ordinary time of work. In function of this exposure, a specific and personalised set of medical exams is set up for the worker.
- Management of automatic / manual medical convocation for clinical / medical / check-up exams (periodical mandatory examinations, exams on demand etc.; Medical service resources' calendar; related statistic).
- Management of data about sick leaves (medical certificates: days of absence, % of inactivity, disease group codes, description of diagnosis etc; related statistic).
- Management of invoices for clinical / medical / toxicological / radio-toxicological on demand exams (for personnel of external companies working at the JRC site), including identification data of the external companies.

2.5. Categories of processed data

Identification data: first name, last name, birth date, birth place, marital status, profession, addresses, place of work, professional and personal hazard scheme, invoices for medical service and related company identification and related administrative data.

Health-related data: professional risks history, sick leave status (administrative/time and diagnosis information), instrumental and laboratory tests scheduling and further medical tests scheduling (ophthalmologist, audiometry, spirometry etc.).

In terms of the respective MeDeL modules, the processed data can be categorised as follows:

- **Personal and administrative data module:** dossier number, personal number, fiscal number, first name, last name, acquired last name, sex, date of birth, citizenship, place of birth, town of residence, zip code of town of residence, address of domicile, home telephone number, cellar telephone number, military service status, marital status, education, death cause, employment date, start of presence date, notes at the services start, working status (qualification), institute, unit, building, office (room), tel. and fax number, TP (Internal Postal code), e-mail address, company, end of employment date, end of presence date, notes at the end of presence, default occupational physician (code of the preferred Doctor), check-up code (internal or external check-up preferred), date of the

³ According to the information provided in the notification and confirmed in the controller's comments, the Personal health / risk profile module is still not being used. In case this module would become operational at a later stage, it will be subjected to a separate prior checking by the EDPS.

automatic programming ending, date of the last check-up, site code (Ispra etc.), administrative dependence (code of internal structure responsible for administrative procedures), structure and destination codes (reference for sick leaves duration information sending); code of professional risks), starting date of exposition to that risk, ending date of exposition to that risk, date of filling of that specific record;

- **Convocations module:** ideal date for exams, foreseen date of exams, planned date and time for exams (invitation date/time), set of exams to be done (codes of exam) for each specific medical control episode, exams state of execution (done at date...), medical resources involved (Specific Lab, Doctor,...) for each exam; code of each single medical resource, slots of time availability, sets of exams, timing and related people (for each date within the planned/foreseen calendar);
- **Sick leave module:** start date, end date, certificate date, delivery of the certificate at the medical Service date, flag of continuation of sick leave (Y/N), flag of stay in hospital (Y/N), % of inactivity, name of Doctor, code of sick category, plain text diagnosis;
- **Invoices module:** company code, company name, address, town, zip code, fiscal identification code, tel. number, fax number, % of discount on; invoice number, rate (% of expenses participation), administrative dependence, date, status (in preparation, printed and valid, annulled...); user (identification code), exam code, quantity, unitary price).

2.6. Data retention

As the individual medical files, the data stored in MeDeL are kept for the whole time of employment and up to 30 (standard and/or radiation exposure) or 40 years (carcinogenic agents) after the end of occupation. In addition, data of non-recruited persons are kept for five years after the pre-employment visit.

2.7. Data transfers

The data may be communicated to the following recipients:

- Responsible of the Prevention and Protection Service (RSPP) and staff responsible for occupational safety in the "Occupational Health and Safety" Unit C2 in the ISD,
- authorised staff responsible for detection, measurement or radioactivity and dose estimation in the "Nuclear Decommissioning and Facilities Management" Unit C1 of the ISD / JRC Qualified Experts,
- Human resources within the "Management Support" Unit C6 of the ISD (administrative data only),
- Heads of Units / Directors of the respective data subjects (administrative data, fitness to work attestation; professional risks exposure pursuant to Italian Legislative Decrees 626/94, 230/95 and 241/00),
- employer of the external workers (external companies - administrative data, fitness to work attestation; professional risks exposure pursuant to Italian Legislative Decrees 626/94, 230/95 and 241/00).

2.8. Rights of the data subjects

According to the information provided in the notification, the data subjects may send a request to verify, modify or delete their administrative information to the following functional mailbox: jrc-medical-service@ec.europa.eu or contact directly the Medical Service Front Desk.

Upon a justified and legitimate request by the data subject, the personal data will be modified in the database within 14 days.

Information about risks exposure or sick leave and related diagnosis cannot be modified, but a comment of the data subject can be added.

2.9. Information to be given to the data subjects

According to the information provided in the notification, a privacy statement will be put on the board in the waiting hall of the JRC Medical Services, as well as will be published on the intra website of the "Occupational Health and Safety" Unit.

The privacy statement attached to the notification contains information about the controller (Head of the ISD "Occupational Health and Safety" Unit), certain information about the purpose of the processing (survey of staff's health), the categories of data processed (identification and medical data), the JRC Medical Service staff members that may be involved in the processing (physicians, medical secretary staff, internal IT and medical staff only), the existence of rights of access and rectification, the time limits for storing the data, as well as the right to sent a complaint to the EDPS.

2.10. Security measures

(...)

3. Legal aspects

3.1. Prior checking

Applicability of the Regulation: The notification received on 3 September 2007 deals with processing of personal data ("*any information relating to an identified or identifiable natural person*" - Article 2 (a) of the Regulation) within the software environment MeDeL at the DG JRC of the European Commission. The processing is carried out in the exercise of activities falling within the scope of Community law (Article 3 (1) of the Regulation). The processing is - at least partly - performed by automatic means and the data processed manually form a part of a filing system (Article 3 (2) of the Regulation). Therefore, the Regulation (EC) 45/2001 is applicable.

Grounds for prior checking: Article 27 (1) of Regulation (EC) No 45/2001 subjects to prior checking by the EDPS all "*processing operations likely to present specific risks to the rights and freedoms of data subjects by virtue of their nature, their scope or their purposes*". Article 27 (2) of the Regulation contains a list of processing operations that are likely to present such risks. This list includes "*processing of data relating to health*" (Article 27 (2) (a) of the Regulation). The present case clearly concerns processing of health-related data and thus needs to be subjected to prior checking.

Ex-post prior checking: Since prior checking is designed to address situations that are likely to present certain risks, the opinion of the EDPS should be given prior to the start of the processing operation. In this case however the processing operation has already been established. In any case, this is not a serious problem in that any recommendations made by the EDPS may still be adopted accordingly.

Deadlines: The notification of the DPO was received on 3 September 2007. According to Article 27 (4) of the Regulation, the EDPS opinion must be delivered within a period of two months. The procedure was suspended for a total of 80 days (44 +36). Consequently, the present opinion must be delivered no later than on 23 January 2008.

3.2. Lawfulness of the processing

The lawfulness of the processing operations in question has to be examined in light of Article 5 of Regulation 45/2001.

Performance of a public interest task: Pursuant to Article 5 (a) of the Regulation, the processing is lawful if it is "*necessary for performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof or in the legitimate exercise of official authority vested in the Community institutions or body*". The processing of personal data for performance of tasks carried out in the public interest includes "*the processing necessary for the management and functioning of those institutions and bodies*" (recital 27).

The MeDeL software is necessary for the management of the occupational health related activities of the JRC Medical Service, such as the management of pre-employment, annual, check-ups and professional risks related medical visits and registration of sick leave, all in accordance with the secondary legislation adopted in the particular area.

In fact, the **legal basis** confirming the lawfulness of the processing can be found in the following provisions:

- Article 33 of the Staff Regulations, Articles 13 (2) and 83 (2) of the Conditions of Employment of Other Servants (pre-employment visits),
- Article 59 (6) of the Staff Regulation, Articles 16 (1), 59 and 91 of the Conditions of Employment of Other Servants (annual visits, check-ups),
- Italian Legislative Decrees 626/94, 230/95 and 241/00 (professional risks related medical visits; invoices),
- Article 59 (1) of the Staff Regulations, Articles 59 and 91 of the Conditions of Employment of Other Servants, Article 12 (2) of the Rules on the Secondment of National Experts to the Commission and point 5.2.2 of the Rules governing the Official Traineeship Scheme (registration of sick leave).

As to the applicability of the Italian Legislative Decrees within the DG JRC of the European Commission, it has to be recalled that in line with the established ECJ jurisprudence, national law applies within EU institutions insofar as it does not run counter to the smooth functioning of these institutions. In fact, the privileges and immunities granted to the Communities on a basis of Article 291 of the Treaty, as implemented in the 1965 Protocol "*have a purely functional character, inasmuch as they are intended to avoid any interference with the functioning and independence of the Communities*"⁴. Therefore, in the present case, the above mentioned Italian Legislative Decrees can be invoked as legal basis for processing of personal data in relation with professional risks related medical visits (including processing of the respective invoices).

Consent of the data subject: As much as data processed within MeDeL are processed upon request of the respective EC staff members, employees of external companies working at the

⁴cf. ECJ, 1/88, SA Générale de Banque/ Commission [1989] ECR 857, §9; ECJ, C-2/88, Zwartveld and Others [1990] ECR I-3365, §§ 19 and 20; CFI, T-80/91, Campogrande/ Commission [1992] ECR II-2459, §42

JRC site or their family members, Article 5 (d) of the Regulation is applicable as well. According to this provision, the processing of personal data is lawful if *"the data subject has unambiguously given his or her consent"*.

The data subject's consent is defined in Article 2 (f) of the Regulation pursuant to which it is *"any freely given specific and informed indication of his wishes by which the data subjects signifies his agreement to personal data relating to him being processed"*. The consent is therefore based on information provided in line with Articles 11 and 12 of the Regulation (that are discussed in point 3.9.).

3.3. Processing of special categories of data

Pursuant to Article 10 of the Regulation, *"the processing of personal data concerning health is prohibited"* unless in specific predefined circumstances.

Obligation of the controller acting as employer: In the present case, the processing can be considered as *"necessary for the purposes of complying with the specific rights and obligations of the controller in the field of employment law insofar as it is authorised by the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof"* (Article 10 (2) (b) of the Regulation).

As explained above, the processing can be considered as necessary for the internal management of the JRC Medical Service in accordance with the relevant provisions of the Staff Regulations, the Conditions of Employment of Other Servants, the Rules on Secondment of National Experts to the Commissions, the Rules governing the Official Traineeship Scheme, as well as the Italian Legislative Decrees 626/94, 230/95 and 241/00.

Secrecy obligation imposed on health professionals: In addition, in the present case Article 10 (3) of the Regulation may be applicable. This provision allows for *"processing of health related data for the purpose of preventive medicine, medical diagnosis, the provision of care or treatment by a person subject to an obligation of secrecy equivalent to the one imposed on health professionals"*.

The health related data are processed by the JRC Medical Service. The EDPS notes that the physicians are bound by an obligation of secrecy by virtue of their profession.

As to the other JRC Medical Service staff members (medical secretary, nurses, laboratory technicians, "internal IT staff") that may be involved in the processing of the medical data within MeDeL, the EDPS recommends that these persons are reminded of their specific professional secrecy obligation in terms of Article 10 (3) of the Regulation.

Consent of the data subject: Finally, Article 10 (2) (a) of the Regulation allows for processing of the health-related data in case *"the data subject has given his express consent to the processing"*. As indicated above, this provision is applicable inasmuch the data are provided voluntarily by the respective data subject. In any case, the consent is based on information provided in line with Articles 11 and 12 of the Regulation (discussed in point 3.9.).

3.4. Data Quality

Adequacy, relevance and proportionality: According to Article 4 (1) (c) of the Regulation, personal data must be *"adequate, relevant and non excessive in relation to the purposes for which they are collected and/or further processed"*.

The data processed in the present case are of administrative and "medical" nature. The EDPS considers that the processing of the following administrative data cannot be deemed necessary for the management of the occupational health related activities of the JRC Medical Service: fiscal number, citizenship, military status, marital status and education.

Consequently, the EDPS recommends that these personal data shall not be included into MeDeL, unless the necessity of their processing can be reasonably explained.

Accuracy: Article 4 (1) (d) of the Regulation provides that personal data must be *"accurate and, where necessary, kept up to date"* and that *"every reasonable step must be taken to ensure that data which are inaccurate or incomplete are erased or rectified"*.

The EDPS acknowledges that it is difficult to assess the accuracy and completeness of the data processed in the present case. In any case, the rights of access and rectification also contribute to ensuring the quality of data processed within MeDeL (cf. point 3.8.in detail).

Fairness and lawfulness: Article 4 (1) (a) of the Regulation also provides that personal data must be *"processed fairly and lawfully"*. Lawfulness has already been discussed (cf. point 3.2.) and fairness will be dealt with in relation to information provided to data subjects (cf. point 3.9.).

3.5. Data retention

General: Article 4 (1)(e) of the Regulation states that personal data must be *"kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed"*.

As indicated above, the data are kept for the whole time of employment and up to 30 (standard and/or radiation exposure) or 40 years (carcinogenic agents) after the end of occupation. In addition, data of non-recruited persons are kept for five years after the pre-employment visit.

With respect to the fact that the MeDeL storage time limits were set out in accordance to the time limits applicable to the conservation of individual medical files at JRC Ispra and Seville, the EDPS would like to refer to its remarks provided in the respective opinion (EDPS 2007-329). In particular, EDPS would like to underline that the conservation periods shall be determined in relation to the nature of the respective document, as well as the necessity to keep the particular data. The personal data of non-recruited persons should be kept only for the period of time during which it is possible to challenge the data or the negative decision taken on the basis of the data⁵.

Statistical purposes: As indicated above, MeDeL is being used to established several types of statistics, such as statistics about usage of internal resources or statistics on sick leave. Pursuant to Article 4 (1) (e) in fine of the Regulation, *"the personal data which are to be stored for longer periods for statistical purposes should be kept either in anonymous form*

⁵ cf. also EDPS opinion on conservation period for medical documents of 26 February 2007

only, or if that is not possible, only with the identity of the data subject encrypted". The EDPS recommends that the JRC Medical Service is reminded accordingly.

3.6. Transfer of data

Internal transfers: The data transfers within the Ispra Site Directorate of the DG JRC shall be examined in light of Article 7 of the Regulation. This provision allows for transfers of personal data within Community institutions *"if the data are necessary for the legitimate performance of the tasks covered by the competence of the recipient"* (paragraph 1). The recipient can process the data *"only for the purposes for which they were transmitted"* (paragraph 3).

The EDPS considers that all these transfers are necessary for the legitimate performance of the recipients' tasks in the area of protection against professional risks (as determined in the Italian Legislative Decrees 626/94, 230/95 and 241/00). Therefore, Article 7 (1) of the Regulation is being complied with.

In order to ensure the full compliance with Article 7 (3) of the Regulation, the EDPS recommends that all recipients are reminded of their obligation not to use the data received for any further purposes than the one for which they were transmitted.

Transfers to the external companies: The transfers of personal data of external workers to their employers have to be examined in light of Articles 8 and 9 of the Regulation.

In case the external companies are subject to (the national measures adopted for the implementation of) Directive 95/46/EC⁶, Article 8 of the Regulation is applicable. Pursuant to Article 8 (a) of the Regulation, intra-Community transfers are possible *"if the recipient establishes that the data are necessary for the performance of a task carried out in the public interest or subject to the exercise of public authority"*.

EDPS is of the opinion that such a transfer may lawfully occur on a basis of Article 8 (a) of the Regulation since the external company needs the data in order to comply with its public interest task in the area of protection against professional risks as laid down in the Italian Legislative decrees 626/94 and 230/95. In fact, in their quality as employer, the external companies have to ensure adequate protection of their workers against conventional and ionising radiation related occupational risks, such as to make sure that only workers declared medically fit are exposed to the respective health risks.

In case the external companies are not subject to Directive 95/46/EC, Article 9 of the Regulation is applicable. In principle, transfers to such recipients may occur only *"if an adequate level of protection is ensured in the country of the recipient or within the recipient international organisation and the data are transferred solely to allow tasks covered by the competence of the controller to be carried out"* (paragraph 1), unless an exception laid down in paragraph 6 can be applied.

3.7. Processing of personal number

Article 10 (6) of the Regulation provides that *"the EDPS determines the condition under which a personal number or other identifier of general application may be processed by a Community institution or body"*.

⁶ in case they are established in the EU - cf. Article 4 (1) (a) of the Directive 95/46/EC

The MeDeL database contains the personal number of the data subject. The EDPS considers that the personal number can be used in this context since it allows for the identification of the respective staff member and facilitates the correlation of data. There is no reason to determine any further conditions in this case.

3.8. Right of access and rectification

Right of access: Article 13 of the Regulation establishes a right of access upon request by the data subject. In particular, the data subject has a right to obtain "*a communication in an intelligible form of the data undergoing processing and of any available information as to their source*" (Article 13 (c) of the Regulation).

As indicated above, data stored in MeDeL can be accessed upon request to the JRC Medical Service. Article 13 of the Regulation is therefore complied with.

Right of rectification: Article 14 of the Regulation provides the data subject with "*the right to rectify inaccurate or incomplete data*".

As indicated above, the administrative data can be modified and deleted upon request addressed to the JRC Medical Service; the modification occurs within 14 days. The medical data (risk exposure, sick leave and related diagnosis) cannot be modified, but a comment of the data subject can be added.

The EDPS welcomes the JRC practice as regards rectification of administrative data, as well as acknowledges that the possibility of rectification of medical data can be limited due to the difficulty to assess their accuracy and completeness (cf. point 3.4.). He also recognises that for quality control reasons, it may be inappropriate to include external medical opinions submitted by the data subject into MeDeL itself. Nevertheless, the EDPS is of the opinion that JRC Medical Service should consider whether references to external medical opinions provided by the data subjects and kept in the respective medical files could be provided in MeDeL (in particular in the comments of the data subjects on the medical data processed).

3.9. Information to the person concerned

Articles 11 and 12 of the Regulation 45/2001 provide for certain information to be supplied to the data subjects in order to ensure the transparency and fairness of the processing of the personal data. The provision of Article 11 is applicable in case "*the data have been obtained from the data subject*", the provision of Article 12 in case the data have been obtained from other source. In the present case, both Articles 11 and 12 of the Regulation are applicable.

According to the information provided in the notification, a privacy statement will be put on the board in the waiting hall of the Medical Services, as well as will be published on the Intranet website of the "Occupational Health and Safety" Unit.

The privacy statement annexed to the notification contains the following information:

- identity of the controller (Head of the Ispra Site Occupational Health and Safety Unit),
- certain information about the purpose of the processing (survey of staff's health),
- the categories of data processed (identification and medical data),
- the existence of rights of access and rectification,
- the time limits for storing the data,
- the right to send a complaint to the EDPS.

In order to ensure full compliance with Articles 11 and 12 of the Regulation, the EDPS recommends that the information about data recipients, as well as the legal basis of the processing is being added to the privacy statement available on the board of the waiting hall of the JRC Medical Service, as well as on the Intranet.

In addition, the information provided about the purpose of the processing shall be modified so that the data subjects are informed that - at the current stage - MeDeL is used for the management of the occupational health's related activities of the JRC Medical Service.

Finally, a link to the revised privacy statement should be included in the various convocations produced by MeDeL. Only then an informed consent for the purpose of Articles 5 (d) and 10 (2) of the Regulation can be assumed.

3.10. Security measures

(...)

4. Conclusion

There is no reason to believe that there is a breach of the provisions of Regulation 45/2001 provided that the above considerations are fully taken into account. In particular,

- the JRC Medical Service staff members (medical secretary staff, nurses, laboratory technicians, "internal IT staff") should be reminded of their professional secrecy obligation laid down in Article 10 (3) of the Regulation,
- the need for processing of the following administrative data should be reconsidered: fiscal number, citizenship, military status, marital status and education in order to comply with Article 4 (1) (c) of the Regulation,
- the possibility of including a reference to external medical opinions submitted by the data subject into the MeDeL database should be considered (Articles 4 (1) (d) and 14 of the Regulation),
- the JRC Medical Service should reconsider the current storage periods in order to comply with Article 4 (1) (e) of the Regulation,
- the JRC Medical Service should be reminded of their obligation to process personal data for statistical purposes in anonymous form only (Article 4 (1) (e) of the Regulation),
- the data recipients within the Ispra Site Directorate should be reminded of their obligation not to use the data received for any other purposes than the one for which they were transmitted (Article 7 (3) of the Regulation),
- the privacy statement posted in the JRC Medical Service's waiting hall, as well as on the Intranet shall be modified in order to provide information about the data recipients, the legal basis, as well as the actual purpose of the processing (Articles 11 and 12 of the Regulation),
- a link to the revised privacy statement should be included in the various convocations produced by MeDeL (Articles 11 and 12 of the Regulation).

Done at Brussels, 23 January 2008

Joaquín BAYO DELGADO
Assistant European Data Protection Supervisor