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Subject: Prior checking notification concerning Hostile Environment Awareness Training ("HEAT") managed by EEAS

Dear [...],

On 16 April 2014, the European Data Protection Supervisor ("EDPS") received from the data protection officer ("DPO") of the European External Action Service ("EEAS") a notification for prior checking on the processing by the EEAS of personal data of participants to the Hostile Environment Awareness Training ("HEAT"), a course organised by the EEAS and provided by a training provider under a framework contract.

According to the EEAS notification, accompanied by the specific privacy statement and the personal file data sheet for the designated participants in HEAT, the purpose of the processing operation in question is to allow registration to HEAT of officials, temporary agents and contract agents of the EEAS as well as of staff members of the EP, EC and GSC (the data subjects) and "photographing and video of certain training sequences" solely for the purpose of such training.

The personal data processed for registration to HEAT are collected before the start of the training and retained for a maximum period of 3 months (starting from the end of reporting on the training by the training provider) and automatically deleted at the end of this period, with the only exception of the record of attendance to the course, managed through Syslog.

Personal data (manually processed) for the purpose of registration to HEAT are the following:

- a) Identification of the participant to the training (Name, Institution, place of duty);
- b) Mobile phone number of the participant (for emergency contacts outside working hours, since training could partly take place during the weekend);
- c) [Information on] eventual diet or food allergy of the participant (information needed for the Training Centre catering facility);
- d) Information on the health condition of the participant (to either adapt the training or to exclude participants from certain physically-demanding parts).

EEAS notified the processing operations in question on the basis of Article 27(2)(a) of Regulation (EC) 45/2001¹, since they concern personal data relating to health [described in points c) and d) above], which are likely to present a specific risk to the rights and freedoms of data subjects.

Since the EPDS considers that the other grounds for prior checking established under Article 27 (2) of Regulation (EC) 45/2001 are not applicable in this case, the assessment of the notification is based on Article 27(2)(a).

By e-mail of 12 May 2014, the EDPS asked the DPO of the EEAS further information on the processing of health data in the context of the training programme.

As a reply, by e-mail of 20 May 2014 the DPO of the EEAS communicated the following specifications:

- certain information related to health and physical fitness are collected from the data subjects via an application form ("Personal Statement on the participation in the practical training sequence *Behaviour in complex situations - hostage taking*", a copy of which has been provided to the EDPS by the EEAS);
- participants can choose not to sign and fill in the form and still attend the training (except its practical part); however, non-attendance to the practical part will not have consequences on the current 'posting' of the participants;
- the personal data collected (namely, confirmation expressed by the participant that "he/she does not suffer from or knows of any cardio-vascular disease"; indication by the participant of "restrictions concerning his/her health" referring to the effect only, e.g. "cannot knee") are stored on a protected server and deleted after the administrative finalization of the training session (subject, as other data collected for HEAT, to a retention period of maximum three months).
- the personal data are processed only by the Training centre and exclusively for the purpose of the provision of the training.

Taking all of the above into consideration, the EDPS observes that the processing operation for enrolment to HEAT involves only an incidental processing of health related data, strictly limited to defined purposes: provision of adequate food catering, as for the information on food allergies; adaptation of the training to specific needs, as for the information on health condition.

The EDPS notes that aforesaid health related data are limited to the information obtained from the data subjects before and for the purpose of enrolment and participation to HEAT and that

¹ Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, published on the Official Journal of the European Communities of 12.1.2001, L 8/1.

the latters are informed of the processing operations through the specific EEAS privacy statement.

In addition to the aforesaid conditions and limitations for the processing of such health related data, including the exclusion of the use of the personal data in question for any other purpose than the one for which they are collected, the EDPS takes note of the 3 months maximum data retention period for data collected for HEAT as a further safeguard in terms of privacy risk management.

In view of the above, the EDPS concludes that the processing of personal data set out in the frame of HEAT by EEAS does not seem to present a specific risk to the rights and freedoms of data subjects in light of Article 27(2)(a) of the Regulation and, therefore, considers that the data processing in question is **not subject to prior checking** and has hence decided to **close** the case.

Yours sincerely,

Giovanni BUTTARELLI

Cc: [...], Data Protection Officer, EEAS.