

REGISTER NUMBER: 612

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 30/07/2010

Case number: 2010-584

Institution: EASA

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

Surname: LORENZET First Name: Andrea

E-mail: Andrea.lorenzet@easa.europa.eu

Function: Head of Personnel

Administrative Address: European Aviation Safety Agency (EASA) , Ottoplatz, 1 D-50679 Köln, Germany

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

Human Resources Department of EASA

3/ Name of the processing

Health Data processed in Medical Files and administrative documents

Health Data processed in Medical Files and administrative documents. In particular this notification refers to all processing related to all medical data processed in the framework of the Agency's activities. This includes not only medical files that are kept with the medical advisor of EASA, but also to the administrative documents which are processed by the HR Department relating to the health status of the data subject (medical certificates, forms concerning sick leaves or special leaves).

EASA has a contract with a Medical Centre in Germany which performs services related to pre employment and annual medical visit (see annex 1) for pre-employment medical visits EASA has also signed Service level agreement with the medical service of the European Commission in Brussels and Luxembourg (see annex 1a). The supporting documents with the results of the pre employment medical visits are received by EASA medical advisor with whom EASA has a contractual relationship (see contract Annex 2).

EASA also provides the possibility for the staff to undertake a flu vaccination and also specific vaccination required when going on mission to certain country. In this case the process of data is limited to the organisation and booking of the appointment for the vaccination with the medical service provider.

4/ Purpose or purposes of the processing

Organisation and payment of pre-employment medical visits, Annual medical check ups and flu vaccinations programme, vaccinations of staff going on mission, granting sick leave, family or special leave compliance with the requirement for health and safety in the work place.

5/ Description of the data or categories of data Subjects : Easa Staff members and, in the case of pre employment medical visit, candidates who passed the interview

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

data concerning health ; data concerning sex life(name of parthner); data being used to evaluate personal aspects of the data subject ;data concerning the data subject's family; data concerning leave and absences; data concerning missions and journeys

In particular:

Data Concerning the data subject's family are treated in the framework of the processing focused on the evaluation for the reasons for granting family leave or special leave (for illness of spouse, family in ascending line and child) in this case the staff member/seconded national expert must provide his/her

leave administrator with a medical certificate containing his/her name and the name of the sick person, and certifying the need for him/her to be with the sick person between the dates stated.

Data being used to evaluate personal aspects of the data subject are processed in the framework of the pre employment medical visit. The original supporting documents concerning the pre employment medical visit (performed by an external medical service or by medical service of other EU Institutions), including tests and exams and medical visit reports are received by EASA Medical Advisor. The latter provides the HR department with a letter indicating whether the staff member is fit, unfit or fit with reserve for work. This letter from the Medical Advisor is included in the personal file.

In the framework of the pre-employment medical visit the data subject has to fill out a questionnaire which is handed out to the medical service, you can find it here in attachment (Annex 3), EASA use the same questionnaire as the EU Commission, but with the heading of our medical service provider.

Data Concerning Health are treated in the framework of all the processing described at the beginning in point 1.3.

The agency also organises vaccinations for the staff members going on mission in countries where some compulsory vaccinations are required, in this case the only data that are processed are the name of the staff members and the date of the vaccination (EASA HR dedicated staff books the appointment with the doctor on behalf of the staff member).

7/ Information to be given to data subjects

EASA Implementing Rules on data protection in preparation.

In the questionnaire completed before undertaking the per employment medical visit the person is informed that all the medical records are stored in the medical advisor office of the institution where the person is employed.

8/ Procedures to grant rights of data subjects
(rights of access, to rectify, to block, to erase, to object)

The procedure is established in the implementing rules on data protection which are being drafted at the moment

9/ Automated / Manual processing operation

non automated processing

10/ Storage media of data

Pre-employment medical visit results and supporting documents are kept by the Medical Advisor in locked cabinets (which he can only access).

A copy of the keys of his office are also in possession of the security office, but the keys of the cabinets are only with the medical Advisor.

The certificate whereby the Medical advisor certifies that the person is fit for work or fit with reserve, are stored in the personal file of the data subject, hence they follow the same period and media of storage. Personal files are stored in the HR department in locked cabinets.

11/ Legal basis and lawfulness of the processing operation

Pre employment medical visit: Article 28 (e) and 33 Of Staff Regulations, Article 12.2 (d), Article 13 and Article 83 of the CEOS

Annual Medical Visit: Article 59.6 of the Staff Regulations, Article 16 (1), 59 and 91 of the CEOS

Sick leave: Article 59.1 of the Staff Regulations

Special Leave for serious illness of a spouse, of a relative in ascending line, of a child: Annex V of Staff Regulations section 2 and Commission Decision C(2004) 1597

introducing implementing provisions on leave

Family leave: Article 42 b of the Staff Regulations

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

results of the medical visits and medical files: EASA Medical Advisor, Medical service of EASA,

The administrative documents (conclusions of the medical exams / conclusion of the medical advisor whether the absence is justified or not on the basis of medical grounds) are also transferred to the responsible person for HR department (leave administrators).

13/ retention policy of (categories of) personal data/Indicate the period of storage:

Pre-employment medical visit results and supporting documents (kept by the Medical Advisor):

- 1 year in case the candidate, after having undergone the medical visit, decides not to take up the job;
- if the employee has entered a working relationship with EASA, the results are kept in the medical file, which is kept for 10 years from the date in which the contract of employment has ceased.

-Certificate issued by the Medical Advisor to the HR department, following the pre employment medical visit (fit/non fit/fit with reserve):

In this case it is necessary to make a distinction:

the certificate whereby the Medical advisor certifies that the person is fit for work or fit with reserve, are stored in the personal file of the data subject, hence they would follow the same period of storage.

In case the data subject would be found unfit for work and therefore the contract of employment could not be signed, the personal file would not be created. In this case, the period of storage for the certificate would coincide with the prescription term for filing a complaint before the EU Ombudsman

and for complying with audit purposes (and anyway not more than five years).

- Certificate submitted to the medical advisor in the case of very serious illness of a child or family member in ascending line (in case a Decision of the ED

needs to be taken to grant more days of leave than the 2 normally foreseen):

In the case of family leave or special leave supporting documents are kept at least until the person has left the EASA.

This is in line with the practice adopted by the Commission.

- Sick leave certificates:3 years.

Medical certificates are filed in alphabetical order in a folder, The folders are kept in a locked cabinet and only HR Staff, who are dealing with sick leave, have access to them.

All the supporting documents (from the pre-employment medical visit) communicated to the Medical Advisor become part of the medical files and are stored in the office of the medical advisor in locked cabinet to which only the medical advisor can have access

13 a/ time limits for blocking and erasure of the different categories of data
(on justified legitimate request from the data subject)

as per implementing rules

(Please, specify the time limits for every category, if applicable)

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,

not applicable

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

not applicable

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):

please also see point 5 of the present notification

AS FORESEEN IN:

Article 27.2.(a) X

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Article 27.2.(b) X

Processing operations intended to evaluate personal aspects relating to the data subject,

Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

Article 27.2.(d) X

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

Other (general concept in Article 27.1)

17/ Comments

in attachment please find:

Annex 1 and Annex 1a): Contract with the medical provider (medical service)

Annex 2: Contract with the medical advisor

Annex 3: Questionnaire for medical examination before appointment

PLACE AND DATE: Cologne, 30 July 2010

DATA PROTECTION OFFICER: Francesca Pavesi

INSTITUTION OR BODY: European Aviation Safety Agency