

REGISTER NUMBER: 1015

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 11/06/2013

Case number: 2013-0627

Institution: EMA

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

European Medicines Agency- EMA;
7 Westferry Circus, E14 4HB London, United Kingdom

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

Head of Administration Unit, Mr. Andreas Pott and Human Resources Department

3/ Name of the processing

Counselling Service

4/ Purpose or purposes of the processing

Provide psychological support to EMA staff for work-related reasons (bullying, harassment etc);
Ensuring welfare of EMA staff for distress caused by major accidents, i.e. Business Continuity.

5/ Description of the category or categories of data subjects

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EMA Staff (all contractual categories, including interim staff)

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

Staff member's names in the letter sent to the external counselling service provider, requesting, at the data subject's request, a series of six session appointments.

Summary report of the service provided containing an indication of whether additional service might be required.

Invoices received from the counselling service company ,however the invoices received only contain an allocated case number, not the name of the recipient of the services.

7/ Information to be given to data subjects

Staff members are provided with a general data protection notice for all processing operations related to HR procedures;

A general privacy notice is available on the external website, no specific data protection notice is provided to staff members.

In the internal Memo available to staff (Doc Ref. EMEA/312151/2008 310, Annex I), it is specified that "*Please be reassured that these delicate matters will be treated as highly confidential*"

The concerned staff member is also included in copy in the communication between Head of human Resources and the external counselling service company.

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

As per general EMA policy, data subjects can request access, rectification, blocking and erasure of data by contacting the relevant Data Controller.

9/ Automated / Manual processing operation

Both Automated and Manual

10/ Storage media of data

The records are on paper and contained in a folder held by the Head of Human Resources. In some cases, an electronic copy is created and uploaded under restricted access (ACL) in the electronic document management server.

11/ Legal basis and lawfulness of the processing operation

- Article 59 of Staff Regulations;
- for invoices received from the external counselling service provider, applicable provisions of Financial regulations;

The Controller has indicated that the legal basis for the processing is both the functional need of the service and the unambiguous consent of data subjects concerned

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

Head of Human Resources, in case staff member contacts Line Manager with a request , the relative Head of Sector/Section Head;
Counselling service company

13/ retention policy of (categories of) personal data

5 years after budget discharge

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)

N.A.

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,

It is envisaged the creation of general aggregated data (numbers) concerning the use of the service from EMA staff in a calendar year (e.g. 15 cases)

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

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

The processing concerns sensitive information about the health and private life of staff members

Article 27.2.(b)

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)

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

Other (general concept in Article 27.1)

17/ Comments

This processing is different and independent from the Employee Assistance Programme whereas staff members can contact directly an external counselling provider.

I understand that an oral and informal meeting between Head of HR and concerned staff member is held before the start of the counselling request to the external counselling service provider company.

PLACE AND DATE: London, 11/06/2013

DATA PROTECTION OFFICER: Alessandro SPINA

INSTITUTION OR BODY: European Medicines Agency

Encl.

Annex I Memo of the 19 June 2008 Ref.: EMA/312151/2008 310

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