

(To be filled out in the EDPS' office)

REGISTER NUMBER: 1040

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 26/06/2013

CASE NUMBER: 2013-0721

INSTITUTION: EIGE

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

EUROPEAN INSTITUTE FOR GENDER EQUALITY (EIGE)
HUMAN RESOURCES
GEDIMINO PR. 16
LT-01103 VILNIUS
LITHUANIA

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

ADMINISTRATION UNIT, HUMAN RESOURCES
Marc Jaccarini, Marc.Jaccarini@eige.europa.eu

EIGE has the agreement with UAB „SK Impeks Medicinos diagnostikos centras" for annual medical examinations and medical adviser services.

3/ NAME OF THE PROCESSING

Processing of staff medical data via an appointed private medical services company for annual medical examinations and a medical adviser.

4/ PURPOSE OR PURPOSES OF THE PROCESSING

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

The annual medical examinations are to meet the requirements of article 59 of the Staff Regulations.

The services of medical advisor are used for:

- explaining the results of the annual medical examination;
- medical examination of staff members/staff member's medical files;
- checking the medical certificate in case the EIGE's staff members is on sick leave;
- giving EIGE medical advice;

5/ DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS

Temporary agents, contract agents and seconded national experts.

6/ DESCRIPTION OF THE DATA OR CATEGORIES OF DATA (*including, if applicable, special categories of data (Article 10) and/or origin of data*).

EIGE does not have any contracts for pre-employment medical check-up. The candidate can do it in the medical centre of her/his choice and only needs to provide fit for work certificate on the date when the contract is signed. The check-list for pre-employment medical check is provided in Annex 2.

The data collected for annual medical examination is provided in Annex 3.

7/ INFORMATION TO BE GIVEN TO DATA SUBJECTS

Staff are not obliged to undergo the annual medical exam with medical services chosen by EIGE but can opt to be examined by a doctor of their choice. EIGE makes clear that medical clearance however needs to be provided by EIGE's medical adviser.

For the annual medical visit, an email is sent each year by the HR department. Information is given that if a staff member decide to go to his/her own doctor, they will have to use the same relevant forms as for the contracting doctors of EIGE and will be reimbursed, on request, in accordance with article 59(6).

In the e-mail following statement is made:

After the Annual Medical Examination EIGE will only receive a Fit for Work certificate; no any details of the examination will be provided to EIGE.

The cost of the Annual Medical Examination will be 100% covered by EIGE. If you would like to consult medical doctors/carry out tests other than those assigned to carry out during Annual Medical Examination, you may at your own expense, i.e. you will have to pay for such consultations/tests and then send a request for reimbursement of costs to the JSIS.

Art. 59 (6) of Staff Regulations states that "Officials shall undergo a medical check-up every year either by the institution's medical officer or by a medical practitioner chosen by them. In the latter case, the practitioner's fees shall be payable by the institution up to a maximum amount fixed for a period of no more than three years by the Appointing Authority after consulting the Staff Regulations Committee".

In case you choose to undergo Annual Medical Examination NOT in EIGE's appointed Medical Centre – please inform HR ASAP.

8/ PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS

Every staff member has the right to request the HR section to provide access her/his own personal file which will include the relevant documents relating to their medical certificates. Normally such a request is made verbally or in writing to eige.hr@eige.europa.eu.

The copies of the results of annual medical examinations are given to the staff members. Staff members need to address the requests for accessing their data to the EIGE's contractor. Contractor was instructed in the tender specifications (4.7 Data protection) that it will have to follow the Regulation and EDPS guidelines.

9/ AUTOMATED / MANUAL PROCESSING OPERATION

Annual examinations results and forms are kept in paper files by the contractor.

The Institute uses e-mail to receive confirmation of clearance from the medical adviser.

The staff members need to send the medical certificates for absence to the functional e-mail address of the medical advisor for checking.

All certificates received by HR are kept in the personal file of relevant staff member in a locked cupboard.

10/ STORAGE MEDIA OF DATA

Paper files.

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 5(a) of the Regulation.

For the pre-recruitment fit for work certificate - Articles 12(d), 13 (2) and 83 (2) of the CEOS.

For the annual medical examination - Article 59 (6) of the Staff Regulations.

For medical advisor services - Article 59 of the Staff Regulations.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

Fit for work certificates are received by HR officer.

Medical practitioners of the contractor.

Transfer of medical files to another contractor might be in place after the end of current contract (with the agreement of the data subject).

13/ RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA

There is no separate retention policy for medical certificates. The general policy is to keep the records ten years after the termination of employment or the last pension payment in case of litigation.

13 A/ TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS

Not applicable.

(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.

No identifiable data will be kept longer than the specified period.

15/ PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS

No identifiable data shall be transferred to third countries other than the requested by the treaties on the functioning of the European Union.

16/ THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING *(Please describe):*

AS FORESEEN IN:

↑ Article 27.2.(a)

The processing operations in this notification does process data related to health.

17/ COMMENTS

This notification is an ex-post prior check (the processing operations are already implemented).

List of Annexes:

Annex 1 - Contract and technical specifications

Annex 2 – List of Pre-recruitment medical exam

Annex 3 – Standard protocol for annual medical check

PLACE AND DATE: VILNIUS, 21 JUNE 2013

DATA PROTECTION OFFICER: RAMUNAS LUNSKUS, RAMUNAS.LUNSKUS@EIGE.EUROPA.EU

INSTITUTION OR BODY: EUROPEAN INSTITUTE FOR GENDER EQUALITY (EIGE)