



GIOVANNI BUTTARELLI
ASSISTANT SUPERVISOR

Mr James CALLEJA
Director
European Centre for the Development
of Vocational Training (CEDEFOP)
P.O. Box 22427
Thessaloniki
55102 GREECE

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GB/XK/sn/D(2014)1541 C 2012-0384
Please use edps@edps.europa.eu for all
correspondence

Subject: EDPS Opinion on a notification related to the processing of health data for medical part-time work by CEDEFOP, case 2013-0721.

Dear Mr Calleja,

We have analysed the notification and further information you have provided to the EDPS for prior-checking under Article 27(2)(a) of Regulation 45/2001 ("the Regulation") on the processing of health data for medical part-time work by the European Centre for the Development of Vocational Training at the European Institute for Gender Equality ("CEDEFOP").

The EDPS issued Guidelines on the processing of personal data in the area of leave and flexitime¹. The notification has therefore been analysed in light of the EDPS Guidelines. The EDPS will only identify CEDEFOP's practices which do not seem to be in conformity with the principles of the Regulation and the EDPS Guidelines, and then provide CEDEFOP with relevant recommendations.

¹https://secure.edps.europa.eu/EDPSWEB/webdav/site/mySite/shared/Documents/Supervision/Guidelines/12-12-20_Guidelines_Leave_Flexitime_EN.pdf

1) Retention periods

The notification does not mention any retention period for the administrative data related to medical part-time work collected by the HR officers (i.e name, surname, duration and percentage of medical part-time work prescribed by the medical officer).

The EDPS invites CEDEFOP to set up a retention period for this category of data which is necessary for the purpose for which they are collected (management of absences) and for which they might be further processed (audit, possible complaints and/or judicial proceedings), within the meaning of Article 4.1.e) of the Regulation.

2) Information to be given to the data subject

The time-limits for storing the data

In light of Articles 11(1)(ii) and 12(1)(ii) of the Regulation, CEDEFOP should clearly indicate in both the privacy statement and the notification the retention period of administrative data related to medical part-time work.

3) Security

The HR officers process administrative data which directly reveal the health status of a staff member.

Due to the sensitive nature of such data, the EDPS recommends that they sign confidentiality declarations mentioning that they are subject to an obligation of professional secrecy equivalent to that of a health professional. This organisational measure aims at maintaining the confidentiality of personal data and at preventing any unauthorised access to them within the meaning of Article 22 of the Regulation.

In the context of the follow-up procedure, please send to the EDPS a revised version of the notification and privacy statement as well as a copy of the confidentiality declaration within a period of 3 months, to demonstrate that **CEDEFOP** has implemented the above EDPS recommendations.

Yours sincerely,

(signed)

Giovanni BUTTARELLI

Cc: Mr Spyros ANTONIOU, Data Protection Officer

Ms Ginette MANDERSCHIED, Head of Human Resources