

REGISTER NUMBER: 219

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 21/05/2007

Case number: 2007-329

Institution: European Commission (JRC)

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

2) Name and First Name of the Controller: DEPIESSE Danielle

3) Title: Head of Unit

4) Directorate, Unit or Service to which the Controller is attached: C.02

5) Directorate General to which the Controller is attached: JRC

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

26) External Company or Directorate General to which the Processor is attached:

25) External Company or Directorate, Unit or Service to which the Processor is attached:

3/ Name of the processing

INDIVIDUAL MEDICAL FILES AT JRC IN ISPRA / SEVILLA.

4/ Purpose or purposes of the processing

The purpose of the processing of personal and medical data is to survey and to promote staff's health, also according to legal and statutory obligations; it includes pre-employment visits, fitness-for-work certificates, periodic visits, final visits, radioprotection, documentation of first aid treatment and registration of sickness.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

civil servants, temporary agents, contractual agents, auxiliary staff, grantholders, national experts.

16) Category(ies) of Data Subjects:

civil servants, temporary agents, contractual agents, auxiliary staff, grantholders, 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) *(including, if applicable, special categories of data (article 10) and/or origin of data)*

17) Data field(s) of Data Subjects:

Attention: Please indicate and describe in the answer to this question also data fields which fall under article 10

photo, first name, surname, personal number, birth date, birth place, marital status, children, profession, address, place of work, risk scheme, dosimetry data (attachment documento sanitario personale part 1 and 2), WBC data, medical history, actual clinical status, laboratory tests, x-ray, ECG, further medical tests (ophtalmologist, audiometry, spirometry, etc.) as necessary for the individual subject and other medical documents.

This processing of personal data is subject to art.27 and art. 10.2b

Information in case of internal mobility. (transfer of data art. 7)

see attachment (blank medical file)

18) Category(ies) of data fields of Data Subjects:

Attention: Please indicate and describe in the answer to this question also categories of data fields which fall under article 10

photo, first name, surname, personal number, birth date, birth place, marital status, children, profession, address, place of work, risk scheme, dosimetrydata, WBC data, medical history, actual clinical status, laboratory tests, x-ray, ECG, further medical tests (ophtalmologist, audiometry, spirometry, etc.) as necessary for the individual subject and other medical documents.

This processing of personal data is subject to art.27 and art.10.2b.

Information in case of internal mobility. (transfer of data art. 7)

7/ Information to be given to data subjects

15a) Which kind of communication(s) have you foreseen to inform the Data Subjects as described in articles 11 - 12 under 'Information to be given to the Data Subject'

Data subjects will be informed by a privacy statement (see attachement).

- The privacy statement will be put on the board in the waiting hall of the Medical service.

- The privacy statement will be published on the intra website of the Occupational Health and Safety Unit.

A copy of all laboratory tests and technical examinations is handed over on the occasion of the periodic visit and the decision on fitness for work is communicated.

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

15b) Which procedure(s) did you put in place to enable Data Subjects to exert their rights: access, verify, correct, etc., their Personal Data as described in articles 13 - 19 under 'Rights of the Data Subject' :

- the data subject can use a functional mailbox : jrc-medical-service@ec.europa.eu
see also privacy statement.

9/ Automated / Manual processing operation

7) Description of Processing:

Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"

Individual medical files of all people working at the DG JRC in Ispra and Sevilla (civil servants, temporary agents, contractual agents, auxiliary staff, grant holders, national experts) except people from external companies.

This processing of personal data is subject to art.27.

8) Automated Processing operation(s):

Not applicable

9) Manual Processing operation(s):

the medical files are completed manually and the different medical test results and medical certificates are collected in time.

10/ Storage media of data

all data are stored on paper in individual files.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Statut tit III, chapter 1, art. 33(24)
tit IV, chapter 2, art 59/6

D.Lgs 626/94 (see attachment) (Corresponds to EU directives 89/391, 89/654, 89/655, 89/656, 90/269, 90/270, 90/394, 90/679, 93/88, 95/63, 97/42, 9824, 99/38, 99/92)

D.Lgs 230/95 (see attachment) (corresponds to directives Euratom 80/836, 84/467, 84/466, 89/618, 90/641, 92/3)

D.Lgs 241/00 (see attachment) (composed of D.Lgs 230/95 and Directive du Conseil 96/29)

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing is necessary and lawful under art. 5(a) of Regulation (EC) 45/2001.

This processing of personal data is subject to art.27.

For drug and HIV tests an express consent (art. 10.2 (a)) is obtained from the data subject. (see attachments point 11

AIDS test unambiguous consent-12.07.2006.pdf

Drug test unambiguous consent_12.07.2006.pdf)

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

20) Recipient(s) of the Processing:

-Medical service of JRC Ispra site

on request medical files will be sent to medical services in Brussels, Luxemburg, Parma (agency EFSA).

medical files will be transferred under art. 7 of the Regulation.

-Human Resources:

the fitness-for-work certificate on assumption or mobility to another workplace is sent to Human Ressources Unit (transfer of data art. 7) please see also question 37.

21) Category(ies) of recipients:

Medical services and Human Resource Unit.

En plus des destinataires définis au point 20 ci-dessus certaines données du dossier peuvent être temporairement portées à la connaissance du :

a) Service Juridique pour, dans le cadre des recours devant le Tribunal de la Fonction Publique, la préparation de la mémoire en défense ou,

b) des Juges du Tribunal de la Fonction Publique, à leur demande, ou

c) du Médiateur européen, à sa demande.

toujours dans le respect de la législation en vigueur et la jurisprudence constante de la Cour européenne dans la matière.

13/ retention policy of (categories of) personal data

The medical files are kept for the whole time of employment of the data subjects and up to 35 (standard) or 40 (radiation exposure) years after the end of work.

D.Lgs 626/94, 239/95, 241/00

The retention period of medical files of data objects who have not been applied after pre-employment visit is 10 years.

According to the instructions of the Legal Service of the Commission, paper files has to be classified and stored for a period of 10 years (DPO-336 version 1)

<p>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) (on justified legitimate request from the data subject) (Please, specify the time limits for every category, if applicable)</p> <p>22 b) Time limit to block/erase data on justified legitimate request from the data subjects</p> <p>Upon a justified request by the data subject the personal data will be modified within 14 days. Results from medical tests and diagnosis cannot be modified: patient's comments can be added.</p>
<p>14/ Historical, statistical or scientific purposes <i>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,</i></p> <p>22 c) 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</p> <p>Not applicable</p>
<p>15/ Proposed transfers of data to third countries or international organisations</p> <p>27) Legal foundation of transfer:</p> <p>Only transfers to third party countries not subject to Directive 95/46/EC (Article 9) should be considered for this question. Please treat transfers to other community institutions and bodies and to member states under question 20.</p> <p>Not applicable</p> <p>28) Category(ies) of Personal Data or Personal Data to be transferred:</p> <p>Not applicable</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (please describe): <i>(please describe)</i>:</p> <p>7) Description of Processing: Attention: Please describe in the answer to this question if you process personal data falling under article 27 "Prior-Checking (by the EDPS - European Data Protection Supervisor)"</p> <p>Individual medical files of all people working at the DG JRC in Ispra and Sevilla (civil servants, temporary agents, contractual agents, auxiliary staff, grant holders, national experts) except people from external companies. This processing of personal data is subject to art.27.</p>

12) Lawfulness of Processing:

Answering this question please also verify and indicate if your processing has to comply with articles 20 "Exemptions and restrictions" and 27 "Prior checking (by the EDPS)"

The processing is necessary and lawful under art. 5(a) of Regulation (EC) 45/2001.

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Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

Processing of data relating to health

Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,

n/a

Article 27.2.(c) Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

n/a

Article 27.2.(d) Processing operations for the purpose of excluding individuals from a right, benefit or contract,

n/a

Other (general concept in Article 27.1)

n/a

17/ Comments

1) Date of submission:

10) Comments if applicable:

36) Do you publish / distribute / give access to one or more printed and/or electronic directories?

Personal Data contained in printed and/or electronic directories of users and access to such directories shall be limited to what is strictly necessary for the specific purposes of the directory.

If Yes, please explain what is applicable.

no

37) Complementary information to the different questions if applicable, including attachments to this notification which should not be public :

Fitness-for-work certificate.

Human Resource Unit of the JRC: the transfer of fitness-for-work certificates is operated under art.7 of the regulation.

PLACE AND DATE:21/05/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission