

REGISTER NUMBER: 240

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 4 June 2007

Case number: 2007-373

Institution: European Investment Bank

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 Investment Bank (EIB)

100 Bld Konrad Adenauer

L – 2950 Luxembourg

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

The Occupational Health Centre (OHC) is part of the Health, Prevention and Social Services Unit, itself under the Administration Division, Human Resources Department. It is under establishment and will be fully operational by 1 January 2006. Its operation will involve 5 members of staff, i.e. a full-time physician, three medical assistants/nurses (one full-time, two on a temporary basis of about 40 hours per month), and a secretary, either full-time or ¾-time.

Head of division HR/Adm; head of unit.

3/ Name of the processing

Medical Records & Services Management.

4/ Purpose or purposes of the processing

In conformity with clinical practice and national laws, the occupational health team is charged with keeping accurate information relative to individual staff members' health for the purposes of prevention, diagnosis, provision of care, treatment and follow-up of medical problems at an individual level, for the purpose of surveillance of the health situation at the Bank on a general level, as well as for the management of the services.

5/ Description of the category or categories of data subjects

Preventive Medicine

This concerns all *current and retired* EIB members of staff, as all members are required to undergo annual medical exams (Staff Rules, chapter 7), by the Bank's medical service or by a medical practitioner of their own choosing. In instances where members of staff exercise the option to have the examination performed by a medical practitioner of their own choosing, a report of the examination must be communicated to the Bank's Occupational Health Centre.

In addition, members of staff may, free of charge, undergo an annual ophthalmological examination as well as, with certain intervals subject to age, a full medical examination, on the basis of a specified programme. Reports issuing from these examinations are submitted to the Bank's OHC.

Further, persons considered for employment by the Bank are required to undergo a pre-employment medical examination to determine their suitability for the post in question. This examination takes place at the Bank' OHC.

In all of the above cases, reports issuing from these examinations are kept with the staff member's medical record.

Data Relative to Sickness Absence

Any member of staff absent for more than three consecutive days through illness or accident shall provide the Bank with a medical certificate on the fourth day at the latest. The Bank may have a medical examination carried out at any time during the illness (Staff Regulations Art. 27).

Medical certificates concerning sickness absence are currently kept with staff members' health insurance file (for which proper data protection measures are in place). However, once fully operational, the OHC will receive such certificates, which will be kept with the staff member's medical file.

In order to monitor staff health and with a focus on early prevention of health risks, the OHP shall have access to all data related to uncertified sick-leave, via a secured IT-tool, which can only be accessed by her- / himself.

Invalidity Pension

The Bank's Staff Pension Scheme Regulations (Art. 46-51) provide for an invalidity pension when a member is considered, on the basis of medical opinion, unable permanently to fulfil his duties. To qualify for an invalidity pension, a member of staff must authorise his doctors to give to the medical practitioner chosen by the Bank or the Pensions Board and, in the case of a dispute, to the members of the Committee (Art. 48.1) detailed information concerning his state of health. If the insured refuses to give such authorisation, the Board may disqualify him from entitlement to invalidity pension.

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

The processing concerns special categories of data (cf. Article 10.3 of EC/45/2001) "for the purposes of preventive medicine, medical diagnosis, the provision of care or treatment or the management of health-care services."

At present, data is almost exclusively paper-based and only immunisation records are held in a PeopleSoft module. Data includes information revealed by members of staff to the authorised OHC personnel concerning their health status. It includes findings in physical examinations done at the OHC, as well as laboratory analyses; x-rays and other image diagnostics; ECGs; cardiology exams; discharge letters from hospitals; reports of operations, of pathology findings, from speech therapists, psychologists, and nutritionists; vision tests; audiograms; physiology tests; videos and other renderings of endoscopies; physiotherapy records; photographs; slides; and other information from providers of diagnostic, preventive, promotive, therapeutic and rehabilitative medical services.

Staff members' medical records, including all data pertaining to the above categories, are subject to the confidentiality governing medical data. Records are inaccessible other than to authorised staff, i.e. the occupational health physician, the medical assistants, and the OHC secretary. These are all bound by professional confidentiality/secretcy.

Pre-employment examinations (as referred to in Staff Pension Scheme Regulations, Art. 6.1, 6.2 and 6.3), however, are not part of the normal therapeutic or preventive relationship and the conclusion of these (rather than the whole examination) will be communicated, in the form of "fit for work", "fit for work under specific conditions" or "unfit for work", to the Bank's staffing services.

The provision requiring a member of staff to authorise, for the purpose of establishing invalidity, detailed information concerning his state of health to be given to the medical practitioner chosen by the Bank or to the members of the Committee, applies equally to information held by the Bank's Occupational Health Centre.

TRANSFER OF MEDICAL RECORDS.

At present and until the Bank's OHC is fully functioning (end of 2005), members of staff medical records are held by the Medical Service of the European Commission in Luxembourg, with which the Bank has an agreement for provision of occupational health services. Once the Bank's own service is fully operational, the agreement with the Commission will be terminated and the medical records held there will be transferred to the Bank's OHC. The process will be arranged in an orderly and secure fashion, to allow for confidentiality during the transfer.

7/ Information to be given to data subjects

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

All information held in medical records is stored in accordance with strict security measures which guarantee exclusive access by authorised Occupational Health Centre personnel (physician, nurse/medical assistants, secretary/receptionist).

9/ Automated / Manual processing operation

The data is handled manually except immunisation records.

Data related to uncertified sick-leave, collected via the Gestion du Temps application, is accessible via a secured IT-tool. Access is limited to the OHP

10/ Storage media of data

11/ Legal basis and lawfulness of the processing operation

Staff Regulations; Staff Rules; Notes to staff.

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

Data from members of staff medical records held by the OHC will only be disclosed to third parties, including to the Bank's services, against signed consent by the staff member in question, or in certain circumstances where consent may be implied, e.g. referral or emergency, and then only to health professionals providing healthcare to the data subject concerned.

The transfer of files from the Commission to the OHC, and the transport of medical records or excerpts thereof in general, will be by way of a sealed envelope, container or similarly confidential means. Mail for the OHC will be treated in a similarly confidential manner, accessible only to the authorised personnel.

<p>13/ retention policy of (categories of) personal data</p> <p>Member of staff medical data originating from the OHC itself or from external providers of services will be kept on file for the duration of the member of staff's employment at the Bank. Records older than 10 years will be kept by the Bank's central archives, rather than at the OHC. However, only OHC authorised personnel will have access to these files.</p> <p>At the end of employment, a staff member may request, in writing, to have a copy of his medical record forwarded to a physician of his choice. The original medical record will be kept at the Bank's central archive for a period of 30 years upon termination of employment. This period is fixed and is not affected by the death of the data subject.</p> <p>Records pertaining to the management of the OHC, such as e.g. timetables of reservations, will be kept for a period of five years. Only OHC authorised personnel have access to such data.</p>
<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)</p>
<p>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</p>
<p>15/ Proposed transfers of data to third countries or international organisations Transfer of data to third countries and international organisations can only take place on the basis of written approval, or when consent may be implied, e.g. referral or emergency, and then only to health professionals providing healthcare to the data subject concerned.</p>
<p>16/ The processing operation presents specific risk which justifies prior checking (please describe): Occupational health scheme: medical and health-related data</p> <p>AS FORESEEN IN:</p> <p>Article 27.2.(a) Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures, and, as concerns pre-employment examinations,</p> <p>Article 27.2.(b) Processing operations intended to evaluate personal aspects relating to the data subject,</p>
<p>17/ Comments</p>
<p>PLACE AND DATE: Luxembourg, 9 December 2005</p> <p>DATA PROTECTION OFFICER: J.-Ph. Minnaert</p> <p>INSTITUTION OR BODY: European Investment Bank</p>