

REGISTER NUMBER: 309

NOTIFICATION FOR PRIOR CHECKING

Date of submission: 26/10/2007

Case number: 2007-649

Institution: European Commission

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

POWERLAB MANAGEMENT OF CLINICAL AND TOXICOLOGICAL LABORATORIES ENVIRONMENT

4/ Purpose or purposes of the processing

Staff medical surveillance.

The purpose of the processing of personal and medical data is to survey staff's health according to legal and statutory obligations; it includes pre-employment visits, periodic visits, final visits, radioprotection visits.

5/ Description of the category or categories of data subjects

14) Data Subject(s) concerned:

European Commission employees (civil servants, temporary agents, contractual agents, auxiliary staff, grant holders, detached national experts, trainees); Relatives (family members) of subjects working for the JRC and other people working on-site (employees of external companies working for the JRC) for visit and/or exams on demand.

16) Category(ies) of Data Subjects:

Civil servants, temporary agents, contractual agents, auxiliary staff, grant holders, detached national experts (DNEs), trainees; Family members of subjects working for the JRC; People working on JRC's site (employees of external companies working for the JRC).

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

Progressive check-in number, MeDel check-in code, dossier number, personal number, last name, first name, gender, date of birth, check-in date in MeDel and place of work.

Medical data: laboratory tests data (clinical and radiotoxicological).

Refer also to point 37.

~~This processing of personal data is subject to art 10~~

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

Medical, toxicological and personal data fields.

The processing of this personal data is subject to art.10.

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'

Privacy statement is available for Data Subjects.

- 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.

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.

The data subject can refer directly to the Medical Service Front Desk, in order to obtain more information and to request further possible action.

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)"

- POWERLAB IS A WINDOWS BASED DATA ACQUISITION DATABASE SYSTEM USED FOR THE MANAGEMENT OF THE WORK CYCLE OF THE CLINICAL AND RADIOTOXICOLOGICAL LABORATORY AND OF OUTCOMES OF CLINICAL AND RADIOTOXICOLOGICAL ANALYSES FOR INTERNAL AND EXTERNAL STAFF.

- POWERLAB DATA ACQUISITION DATABASE SYSTEM IS LINKED TO MeDel (see notification DPO-678) Refer to point 37.

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

8) Automated Processing operation(s):

Powerlab acquisition of clinical data from laboratory instrumentation.

9) Manual Processing operation(s):

Entering clinical and toxicological data into Powerlab databank for data processing.

10/ Storage media of data

Paper and electronic media.

11/ Legal basis and lawfulness of the processing operation

11) Legal basis of Processing:

Staff Regulations - art. 59;

Commission Decision N° 92-2004 / 06.07.2004;

Financial Regulation

Italian laws:

- Decreto Legislativo 626/94 (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, 98/24, 99/38, 99/92, 2001/45/CE, 2003/10/CE and 2003/18/CE on improving health and safety conditions at work);

- Decreto Legislativo 230/95 (corresponds to directives Euratom 80/836, 84/467, 84/466, 89/618, 90/641, 92/3, 96/29) on ionizing radiation.

- Decreto Legislativo 239/95

- Decreto Legislativo 241/00 (composed of D.Lgs 230/95 and Directive du Conseil 96/29 on safety standards for the protection of the health of workers and the general public).

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)"

Lawfulness of processing is based on the art. 5(a) of the Regulation 45/2001.

The processing is needed for the execution of a mission in public interest (Staff management of the European Commission).

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

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

20) Recipient(s) of the Processing:

- Medical Service;
- RSPP (Responsible of the Prevention and Protection Service) and staff responsible for occupational safety;
- Authorized staff responsible for detection, measurement of radioactivity and dose estimations;
- Human resources (Administrative data ONLY);
- Heads of Units / Directors of respective Data Subjects (Administrative data, fitness to work attestation, professional risks exposure). (For an instance of communications standard forms for these 2 last recipients, please see point 37). Data transfer follows art. 7 of the Regulation (EC) 45/2001.
- Responsibles of employees of external companies working on-site under contract.

21) Category(ies) of recipients:

- Human resources (Administrative data ONLY).
- Heads of Units / Directors (Administrative data, fitness to work attestation, professional risks exposure).
- Medical Staff.

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.

(Decreto Legislativo 626/94, 230/95, 241/00).

A retention period of 10 years is applied to medical files for people who have not been appointed after their pre-employment visit.

Refer to the instructions of the Legal Service of the Commission:

paper files are classified and stored for a period of 10 years (ref. DPO-336 vers. 1- point 22a).

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)

22 b) Time limit to block/erase data on justified legitimate request from the data subjects

Upon a justified and legitimate request by the Data Subject, the personal data will be modified in the database within 14 days.

Medical data cannot be modified but the data subject can add a comment.

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,

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

Not applicable.

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

27) Legal foundation of transfer:

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.

Not applicable.

28) Category(ies) of Personal Data or Personal Data to be transferred:

Not applicable.

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

7) Description of Processing:

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- POWERLAB DATA ACQUISITION DATABASE SYSTEM IS LINKED TO MeDel (see notification DPO-678)

Refer to point 37.

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

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)"

Lawfulness of processing is based on the art. 5(a) of the Regulation 45/2001.

The processing is needed for the execution of a mission in public interest (Staff management of the European Commission).

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

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

Art. 27.a)

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 :

PLACE AND DATE:26/10/2007

DATA PROTECTION OFFICER: RENAUDIERE Philippe

INSTITUTION OR BODY:European Commission