

**REGISTER NUMBER: 584**

**NOTIFICATION FOR PRIOR CHECKING**

Date of submission: 19/04/2010

Case number: 2010-263

Institution: OHIM

Legal basis: article 27-5 of the regulation CE 45/2001<sup>(1)</sup>

*(1) OJ L 8, 12.01.2001*

**INFORMATION TO BE GIVEN<sup>(2)</sup>**

*(2) Please attach all necessary backup documents*

1/ Name and adress of the controller

José Antonio Martin Ruiz, Head of Sector

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

3/ Name of the processing

Control and management of sickness leaves

4/ Purpose or purposes of the processing  
Efficient and correct management of the aforementioned absences

5/ Description of the category or categories of data subjects

The object of the operation is to define the way of actuation of the new created Absence Management Service, a section of the Occupational Risk Prevention and Well-being Sector, with respect to the register, control and notification of absences caused by sickness or accident. This includes also the time management operations in case of justified absences. For this purpose a new form to register the relevant data will be used and the data will be recorded in a special software application only the medical control will have access to.

<p>6/ Description of the data or categories of data <i>(including, if applicable, special categories of data (article 10) and/or origin of data)</i></p> <p>Name and Surname; result of medical visit; diagnosis; medical and administrative report; home address; date of absence and days and probable length of absence; telephone number  Place where data is stored: Software application and physical archive located at Medical Service  Who has access to the data: Medical Service and Medical Control  Time Limit for storage: 30 years</p>
<p>7/ Information to be given to data subjects</p> <p>When the data subject receives an official notification informing about an irregularity in the medical certificates, all relevant information concerning articles 11 and 12 is included.</p>
<p>8/ Procedures to grant rights of data subjects <i>(rights of access, to rectify, to block, to erase, to object)</i></p> <p>To have Access: Yes 3 months  To Rectify: Yes Immediate  To Block Yes-Confidential data  To Erase: No Data has to be stored 30 years in the medical archives. Only after that period of time the affected person can ask to erase the file/data.  To Object: No Data refers to medical information</p>
<p>9/ Automated / Manual processing operation</p>
<p>10/ Storage media of data</p> <p>30 years</p>
<p>11/ Legal basis and lawfulness of the processing operation</p> <p>1 Article 5(a) of Regulation 45/2001 ("processing is necessary for the performance of a task carried out in the public interest on the basis of the Treaties establishing the European Communities or other legal instruments adopted on the basis thereof [...]")  Legal instrument: Article 59 of staff regulation; Commission Decision N° 92-2004/06.07.2004</p> <p>1 Article 5(b) of Regulation 45/2001 ("processing is necessary for compliance with a legal obligation to which the controller is subject")</p>

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

A part from the affected person, the medical service, administration, medical control, a third doctor if this should be necessary. Independent doctors consulted by medical service/control

13/ retention policy of (categories of) personal data

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)*

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,*

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

16/ The processing operation presents specific risk which justifies prior checking (*please describe*):  
Prior checking is advised with respect to processing personal data in view of collecting data relating to health  
(Art 27 2 a)

AS FORESEEN IN:

☐ Article 27.2.(a)

Processing of data relating to health and to suspected offences, offences, criminal convictions or security measures,

☐ Article 27.2.(b)

Processing operations intended to evaluate personal aspects relating to the data subject,

☐ Article 27.2.(c)

Processing operations allowing linkages not provided for pursuant to national or Community legislation between data processed for different purposes,

☐ Article 27.2.(d)

Processing operations for the purpose of excluding individuals from a right, benefit or contract,

☐ Other (general concept in Article 27.1)

17/ Comments

PLACE AND DATE: Alicante, 6.4.2010

DATA PROTECTION OFFICER: Ignacio de Medrano

INSTITUTION OR BODY: OHIM