

(To be filled out in the EDPS' office)
REGISTER NUMBER: 1558

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NOTIFICATION FOR PRIOR CHECKING

DATE OF SUBMISSION: 27/06/2018

CASE NUMBER: 2018-0592

INSTITUTION: COUNCIL OF THE EUROPEAN UNION

LEGAL BASIS: ARTICLE 27-5 OF THE REGULATION CE N° 45/2001⁽¹⁾

INFORMATION TO BE GIVEN²

1/ NAME AND ADDRESS OF THE CONTROLLER

GALLACH Cristina
Equal Opportunities Officer
DGA1 Equal Opportunities Office
(+32) 02 281 64 67

2/ ORGANISATIONAL PARTS OF THE INSTITUTION OR BODY ENTRUSTED WITH THE PROCESSING OF PERSONAL DATA

Equal Opportunities Office (+32) 02 281 83 33

3/ NAME OF THE PROCESSING

Reasonable Accommodation

¹ OJ L 8, 12.01.2001.

² **Please attach all necessary backup documents**

4/	PURPOSE OR PURPOSES OF THE PROCESSING
<p>The UN Convention on Rights of Persons with Disabilities (UN CRPD) , which applies to the EU institutions, states that persons with disabilities have the right to work on an equal basis with others. To facilitate access to work, the employer must provide reasonable accommodation to persons with disabilities who request it, unless this would impose a disproportionate burden (e.g. unreasonable costs) on the employer. Denial of reasonable accommodation can constitute discrimination on the basis of disability, which is prohibited.</p>	
5/	DESCRIPTION OF THE CATEGORY OR CATEGORIES OF DATA SUBJECTS
<p>Officials of the GSC, Seconded national experts, Trainees, A candidate from an EPSO recruitment list, another agent (temporary and contract staff)</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>Identification data: First Name, Surname, Staff Number, contact details of private medical practitioners Health related data intended to evaluate personal aspects such as ability: information relating to the physical or mental health of the person Specific data categories: reasonable accommodation required (Reasonable Accommodation Request form) Appointing Authority's decision ('Reasonable Accommodation Agreement')</p>	
7/	INFORMATION TO BE GIVEN TO DATA SUBJECTS
<p>The privacy statement is attached to the request for reasonable accommodation and it is included in the Guidelines on Reasonable Accommodation for Persons with Disabilities. The staff member's attention will be drawn to it, when being presented this document by the Equal Opportunities Office. The staff member will also be informed that the meetings will be confidential and that the RA Committee and EO Office members are bound by the obligation of confidentiality.</p>	
8/	PROCEDURES TO GRANT RIGHTS OF DATA SUBJECTS <i>(Rights of access, to rectify, to block, to erase, to object)</i>
<p>Data subjects will have the right to request access to their personal data, to ask for its rectification or its erasure. Under certain circumstances, they may have the right to ask for the restriction of the handling of their personal data and the right to object to it. Data subjects can exercise these rights by sending an e-mail to the person responsible for the handling of their personal data, with a copy to the Data Protection Officer.</p>	

9/ AUTOMATED / MANUAL PROCESSING OPERATION

A candidate, staff member (official or trainee) or another agent (temporary and contract staff) who declares a disability should be physically fit to perform their duties, if they can perform the essential functions of the job when reasonable accommodation is made. The person requests reasonable accommodation through the use of the 'Request for Reasonable Accommodation' form with the assistance of the Equal Opportunities Office. The AIPN asks the opinion of the 'Advisory Committee on Reasonable Accommodation' which consists of the Chair (the Equal Opportunities Officer), a member of the Healthcare and Social Services Unit, and the line manager. The Advisory Committee will consult the person with a disability and may also consult other internal or external specialists. Upon reaching an agreement, the Advisory Committee sends a joint proposal to the AIPN. The AIPN makes the final decision and communicates this to the person with a disability through a Note called the 'Reasonable Accommodation Agreement' with a copy to the members of the Advisory Committee for action. The request is entered into the 'Reasonable Accommodation Register'. The Equal Opportunities Office provides the secretariat to the Advisory Committee. It also prepares the decisions to be taken by the Advisory Committee, coordinates the provision of the reasonable accommodation and monitors its effectiveness. It also gathers basic data on persons with a disability in the GSC and their needs for statistical purposes and in order to provide quality assurance, for monitoring purposes and to review policies.

Partially automated (electronic) processing. The data is generated by entering it into the system manually through the use of Outlook (email for communication and calendar for coordination), WORD (notes, tables) and EXCEL (Reasonable Accommodation Register). Media for storing data during and after electronic data processing on a server hard disk
\\Consilium\dfs\EQUALOPPORTUNITIES. Data is stored on paper in a filing cabinet during processing, then archived electronically on the Equal Opportunities Server.

10/ STORAGE MEDIA OF DATA

11/ LEGAL BASIS AND LAWFULNESS OF THE PROCESSING OPERATION

Article 1d (4) and article 28e of the Staff Regulations, article 10(1) and 80(4) of the Conditions of Employment of other servants of the Communities, New SG Decision with Staff Note, UN Convention on Rights of Persons with Disabilities, Article 5(a) of Regulation 45/2001.

12/ THE RECIPIENTS OR CATEGORIES OF RECIPIENT TO WHOM THE DATA MIGHT BE DISCLOSED

Within the Institution on a "need to know basis": The Medical Officer receives, adds to and archives the medical data. The Equal Opportunities Office staff when providing the secretariat to the Advisory Committee, preparing the decisions to be taken by the Advisory Committee, coordinating the provision of the reasonable accommodation and monitoring its effectiveness. The Healthcare and Social Services Unit and line manager (permanent members) and ad-hoc members (legal councillors, IT department, Buildings department, Huissiers department, Mobility unit, Individual Rights unit, Budget Unit) of the Advisory Committee.

13/	RETENTION POLICY OF (CATEGORIES OF) PERSONAL DATA
Data will be kept until the staff member's retirement or until the staff member leaves the Institution. In case of legal challenge, data may be kept as long as necessary.	
13 A/	TIME LIMIT TO BLOCK/ERASE ON JUSTIFIED LEGITIMATE REQUEST FROM THE DATA SUBJECTS <i>(Please, specify the time limits for every category, if applicable)</i>
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>
Anonymised data by removing identification data (reasonable accommodation granted without individual data linked) for statistical purposes, quality assurance, monitoring and reviewing policies.	
15/	PROPOSED TRANSFERS OF DATA TO THIRD COUNTRIES OR INTERNATIONAL ORGANISATIONS
None	
16/	THE PROCESSING OPERATION PRESENTS SPECIFIC RISK WHICH JUSTIFIES PRIOR CHECKING <i>(Please describe):</i>
Processing of data relating to health, article 27(2)(a).	
17/	COMMENTS
All officers involved are bound by the obligation of confidentiality.	

PLACE AND DATE: Brussels, 27 June 2018

DATA PROTECTION OFFICER: Reyes Otero Zapata

INSTITUTION OR BODY: Council of the European Union