



EUROPEAN DATA PROTECTION SUPERVISOR

AUDIT REPORT ON THE EUROPEAN PARLIAMENT'S MEDICAL SERVICE (EP MS)

Brussels, 13 and 14 June 2024
EDPS case number 2024-0318

Executive Summary

Introduction

The European Data Protection Supervisor (EDPS) is the independent supervisory authority established by Article 52 of Regulation (EU) 2018/1725 ('EUDPR')¹ responsible for:

- Monitoring and ensuring the application of the provisions of the EUDPR and any other EU act relating to the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data by an EU institution or body;
- Advising EU institutions, bodies, offices and agencies (EUIs) as well as data subjects on all matters concerning the processing of personal data.

To these ends, the EDPS fulfils the duties provided for in Article 57 EUDPR and exercises the powers granted in Article 58 EUDPR. Among his powers to investigate, the EDPS can carry out investigations in the form of data protection audits. The power to audit is one of the tools established to monitor and ensure compliance with the EUDPR.

This audit is part of the EDPS annual audit plan for 2024 and should be viewed as the final stage before formal action under Article 58 EUDPR. The formal Decision was communicated to the Secretary General of the European Parliament by means of an Announcement Letter dated 13 May 2024.

The fieldwork was carried out on 13 and 14 June 2024 at the EP MS's premises in Brussels². Further contacts with EP MS have taken place concerning the minutes and the last item of evidence was received by the EDPS on 6 June 2024. The final minutes of the audit were sent to

¹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98,

² 60, rue Wiertz 1047 Brussels, SPINELLI 02F

the Secretary General of the European Parliament on 20 January 2025. The minutes summarised the meetings with the European Parliament and the EP MS staff during the exercise. A list of evidence requested during the audit was provided by the EDPS as an annex to the minutes.

This audit fits into the EDPS Strategy 2020-2024³. The Strategy underlines that one should make a distinction between measures introduced by EUIs during the COVID-19 crisis that have naturally developed from the ones that were only accelerated due to extraordinary circumstances (i.e., the contact-tracing public health measure and COVID-19 self-declarations); the latter should be recognised as temporary and discarded when the crisis is over⁴. Under the Strategy, the EDPS also highlighted that the new reality requires from the data protection community to continuously engage with the process of reaching a fair balance between the need to ensure public health and the protection of privacy and personal data⁵.

Overall, the EDPS notes that the EP MS cooperated with the EDPS audit team in an exemplary way.

Scope of the audit

This audit focuses on the implementation in practice of the **retention periods applicable to different medical documents**, which are kept in the EP MS's medical files.

Data concerning health is one of the special categories of personal data under Article 10 EUDPR. The EP MS processes health data of thousands of data subjects. Therefore, it is in the light of the responsibility of the EP MS as controller for adopting necessary and proportionate retention periods for each category of personal data they process and store, in line of Article 4(1)(e) EUDPR. In this spirit, the scope of the audit was determined by the EDPS as covering in particular the implementation of recommendations contained in a previous EDPS Opinion on the retention periods of different medical documents (Case 2015-0514).

The EDPS intends to accompany the EUDPR compliance process and to point out infringements, as the case may be. This audit additionally provides the opportunity to raise awareness on data protection issues more generally. Whenever relevant and necessary, the EDPS auditors could examine related activities and other related processing operations.

Key findings of the audit

The audit report summarises the findings identified during the data protection audit.

³ https://www.edps.europa.eu/sites/default/files/publication/20-06-30_edps_shaping_safer_digital_future_en.pdf

⁴ EDPS Strategy, p. 12.

⁵ EDPS Strategy, p. 10.

Following the documents received during the audit, the EDPS has learned that the EP MS has not proceeded entirely with the implementation in practice of the retention periods applicable to different medical documents, which are kept in the EP MS medical files.

The **major findings** include the following:

- EP MS has established procedures for the destruction of paper medical records, documents related to the reimbursement of annual check-ups and files pertaining to the invalidity committee. However, these **procedures** present certain gaps in terms of secure destruction and chain of custody;
- EP MS has not put in place a documented **policy** for the proper usage of mailboxes when processing medical data;
- The current retention period of 30 years for the processing of medical data by the internal clinical psychologist is **not justified** under Article 4(1)(e) EUDPR (storage limitation);
- EP MS has not established a specific **retention period** for the processing of personal data related to requests for disability affecting relatives of staff members in cases where continuous support for the family members is required;
- The current retention period of 30 years for the processing of medical data collected **during the COVID-19 crisis** for contact tracing purposes is not justified under Article 4(1)(e) EUDPR (storage limitation);
- EP MS has not implemented a **retention policy** for EP Health logs, including user and system logs;
- EP Medical Leave Service has not established a procedure for the deletion of either electronic or paper files related to medical absences.

Recommendations and follow up to the audit

The EDPS has thus issued a series of **recommendations**, which must be implemented within the **timelines** indicated in the audit report to comply with the Regulation. The EP MS shall demonstrate (i) the establishment of the retention periods in practice and inform data subjects accordingly, (ii) the deletion of records for which the retention period has elapsed, and (iii) the documentation of certain processes.

The EDPS will carry out a close **follow-up** to verify that the relevant deadlines specified in the report have been strictly followed. The EDPS reserves the right to investigate the matter and, if need be, to exercise powers listed in Article 58 of the Regulation.

Brussels, 16 December 2025