



EUROPEAN DATA PROTECTION SUPERVISOR

## AUDIT REPORT ON THE MEDICAL SERVICE OF THE EUROPEAN UNION AGENCY FOR LAW ENFORCEMENT COOPERATION (EUROPOL)

The Hague, 27 and 28 May 2024

EDPS case number 2024-0286

### ***Executive Summary***

#### *Introduction*

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

- Monitoring and ensuring the application of the provisions of the Regulation 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 and bodies and data subjects on all matters concerning the processing of personal data.

To these ends, the EDPS fulfils the duties provided for in Article 57 and exercises the powers granted in Article 58 of the Regulation. 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 Regulation.

The audit on the medical service of Europol was part of the EDPS Annual Audit Plan for 2024, where it was decided to put the focus on the processing of special categories of data, in particular health data, because of the high impact such processing has on data subjects. The formal Decision was communicated to Europol by means of Announcement Letters dated 10 and 30 April 2024. The fieldwork was carried out on 27 and 28 May 2024 at the Europol premises in the Hague (Netherlands).

The medical service of Europol was established in June 2020. Prior to this date, Europol had outsourced its medical services to an external service provider.

#### *Key findings of the audit*

The main findings include the following:

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<sup>1</sup> 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.



## EUROPEAN DATA PROTECTION SUPERVISOR

- Europol has not provided data subjects with the information required by Articles 14-15 of the Regulation concerning processing of their personal data in the context of pre-employment medical examination.
- Europol has not consulted the DPO in a timely manner in the context of handling of one data subject request.
- Europol has not deleted medical data of ‘non-recruited candidates’ within the established two-year retention period, as indicated in the corresponding record of processing operations.

### *Recommendations and follow-up to the audit*

The EDPS has issued a series of recommendations, which must be implemented within the timeline indicated in the Audit report to **ensure compliance** with the Regulation. Such recommendations concern compliance with transparency obligations, record-keeping obligations, the storage limitation principle, the accountability principle, handling of data subject requests as well as the implementation of technical and organisational measures.

The EDPS has also issued a series of recommendations that would help Europol **enhance compliance** with the Regulation. Such recommendations concern the implementation of additional technical and organisational measures concerning the handling of medical records.

Brussels, 12 February 2025