



RECORD OF PERSONAL DATA PROCESSING

Art. 31 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 (henceforth the "Regulation")

Record n°

014-2019

In accordance with Article 31 of Regulation 2018/1725, individuals whose personal data are processed by the Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing operations.

This record covers two aspects:

- 1. Mandatory records under Art 31 of the Regulation (recommendation: make the header and part 1 publicly available)*
- 2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)*

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out*
- Record of a new data processing operation prior to its implementation*
- Change of a data processing operation.*

Health data of staff members	
1	Last update of this record (where applicable) The last version of this record was from December 2019 (reference n° 014-2019).
2	Short description of the processing One of the main tasks of the HR Unit of EACEA is to manage the Human Resources policies and procedures in the Agency. This includes among others, to implement Staff Regulations prescriptions related to staff health in the working environment. The Agency has a Service Level Agreement ("SLA") with the European Commission (SLA

	<p>concerning the collaboration between DG HR and EACEA signed on 21 December 2017 – Ares(2018)127508), which includes the processing of Medical Services and psychosocial interventions.</p> <p>No medical data in the strict sense are dealt with or kept by the Agency. The Agency only processes administrative and financial documents relating to the health of the staff.</p>
Part 1 - Article 31 Record	
3	<p>Name of the Controller Unit(s) and/or function of person acting on behalf of the Controller</p> <p>Controller: European Education and Culture Executive Agency Unit R1 (People, Workplace and Communication) EACEA-HR@ec.europa.eu</p>
4	<p>Contact details of the Data Protection Officer (DPO)</p> <p>EACEA-data-protection@ec.europa.eu</p>
5	<p>Name and contact details of joint controller (where applicable)</p> <p>N/A</p>
6	<p>Name and contact details of processor (where applicable)</p> <p><u>European Commission</u></p> <ul style="list-style-type: none"> • DG HR (Commission Medical Service) HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu HR-BXL-CONGES SPECIAUX-MED@ec.europa.eu
7	<p>Purpose of the processing</p> <p>The purpose of the processing of data relating to health at the Agency is to determine the physical fitness for employment, the entitlement to guaranteed benefits in relation to sickness, invalidity or death, or protecting the health of staff members. One of the main tasks of HR Unit is to manage the Human Resources policies and procedures in the Agency. This includes among others, to implement Staff Regulations prescriptions related to staff health in the working environment. In order to comply with the requirements set out by the Staff Regulations the Agency is required to process certain categories of data.</p>
8	<p>Description of the categories of data subjects</p> <p>Whose personal data are being processed? In case data categories differ between different categories of persons, please explain as well (e.g. suspects vs. witnesses in administrative inquiries)</p> <p><input checked="" type="checkbox"/> Agency staff (Contractual and temporary staff in active position)</p> <p><input type="checkbox"/> Visitors to the Agency</p> <p><input type="checkbox"/> Contractors providing goods or services</p> <p><input checked="" type="checkbox"/> Applicants, candidates for recruitment short-listed for potential recruitment in the</p>

	<p>Agency</p> <p><input checked="" type="checkbox"/> Relatives of the data subject</p> <p><input type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input type="checkbox"/> Witnesses</p> <p><input type="checkbox"/> Beneficiaries</p> <p><input type="checkbox"/> External experts</p> <p><input type="checkbox"/> Contractors</p> <p><input type="checkbox"/> Other, please specify:</p>
9	<p>Description of personal data categories</p>
	<p>Indicate <u>all</u> the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p> <p><i>a) Categories of personal data:</i></p> <p><input checked="" type="checkbox"/> in the form of personal identification numbers <u>personnel number</u></p> <p><input type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints</p> <p><input type="checkbox"/> concerning the data subject's private sphere</p> <p><input type="checkbox"/> concerning pay, allowances and bank accounts</p> <p><input type="checkbox"/> concerning recruitment and contracts</p> <p><input checked="" type="checkbox"/> concerning the data subject's family, <u>name of family members</u></p> <p><input type="checkbox"/> concerning the data subject's career</p> <p><input checked="" type="checkbox"/> concerning leave and absences, <u>start and end date.</u></p> <p><input type="checkbox"/> concerning missions and journeys</p> <p><input type="checkbox"/> concerning social security and pensions</p> <p><input type="checkbox"/> concerning expenses and medical benefits</p> <p><input type="checkbox"/> concerning telephone numbers and communications</p> <p><input checked="" type="checkbox"/> concerning names and addresses, <u>including home address and private email address</u></p> <p><input type="checkbox"/> Other: please specify: _____</p> <p><i>b) Categories of personal data processing likely to present <u>specific risks</u>:</i></p> <p><input type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures</p> <p><input type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct)</p> <p><i>c) Categories of personal data whose processing is <u>prohibited</u>, with exceptions (art. 10):</i></p> <p><input type="checkbox"/> revealing racial or ethnic origin</p> <p><input type="checkbox"/> revealing political opinions</p> <p><input type="checkbox"/> revealing religious or philosophical beliefs</p> <p><input type="checkbox"/> revealing trade-union membership</p> <p><input checked="" type="checkbox"/> concerning health</p>

	<ul style="list-style-type: none"> • Pre-recruitment medical examination: the Medical Service of the EC informs the Agency merely of the conclusion, i.e. candidate fit or not fit to be recruited. • Annual medical check-up: the Agency does not process any health data whatsoever but facilitates the access of the staff members to the doctors be it of the Medical Service or private doctors. • Data related to sick leave: the Agency is merely informed of the duration of the leave and the type of absence e.g. medical leave or medical part-time. • Maternity leave: the Agency is provided with the necessary certificates and communicates these to the Medical Service. • Request for declaration of invalidity: the Agency is informed of the results of the invalidity procedure of the staff member without processing any information relating to the specific medical situation. • Staff well-being at work: the Agency receives only instructions on how to improve the working conditions of a specific staff member without access to the medical files. • In some cases, the data subjects submit spontaneously detailed health data to the Agency which however, the Agency does not process. <p><input type="checkbox"/> genetic data, biometric data for the purpose of uniquely identifying a natural person</p> <p><input type="checkbox"/> concerning sex life or sexual orientation</p> <p><i>d) Specify any additional data or explanatory information on the data being processed, if any: _____</i></p>
10	<p>Retention time (time limit for keeping the personal data)</p> <ul style="list-style-type: none"> • <u>Pre-employment certificate</u> <p>The aptitude certificate (for recruited staff) received from the Medical Service is filed by the HR in the staff member's personal file. The CRL prescribes a retention period of 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person concerned. (12.3.7. of the Common Retention List (CRL) – Commission Decision SEC/2019/900 of 25/4/2019)</p> <p>The certificate for non-recruited staff is eliminated.</p> <p>The excel table containing the expenses of the medical visits is kept for 4 years (12.3.14 CRL).</p> <ul style="list-style-type: none"> • <u>Request for ergonomic material:</u> <p>The email with the requested material is kept for 2 weeks after request has been satisfied. After the period mentioned above the files are eliminated.</p> <ul style="list-style-type: none"> • <u>Medical leave</u> <p>The e-mail from the Medical Service is stored for 4 years (12.3.14 CRL).</p> <p>The HR Unit keeps a table to monitor and follow-up long term-medical leaves. This is stored for 4 years (12.3.14 CRL).</p> <p>The decision relating to the control of sickness leave is stored for 4 years (12.3.14 CRL).</p> <ul style="list-style-type: none"> • <u>Special leave: Supporting documents for special leaves</u> <p>Supporting documents for special leave (sickness of a family member) are stored for 4 years. (12.3.14. CRL).</p> <p>In case of maternity leave, the copy of the certificate from the doctor giving the expected dates of confinement is stored for 4 years (12.3.14. CRL) while the birth certificate is stored in the personal file. The CRL prescribes a retention period of 8 years after the extinction of</p>

<p>all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person concerned (12.3.7. CRL). The excel table for the monitoring and follow up is kept for 4 years (12.3.14. CRL).</p> <ul style="list-style-type: none"> • <u>Part-time working arrangements</u> <p>The note received from the Medical Service in relation to medical part-time is stored for 4 years (12.3.14 CRL).</p> <ul style="list-style-type: none"> • <u>Family leave</u> <p>The e-mail from the Medical Service with the opinion on the family leave is stored for 4 years (12.3.14 CRL).</p> <ul style="list-style-type: none"> • <u>Art 60 authorisation</u> <p>The decision related to an Article 60 authorization is stored for 4 years (with the medical opinions) (12.3.14 CRL).</p> <ul style="list-style-type: none"> • <u>Psychosocial support</u> <p>The decision on the advance of salary is stored in the personal file of the staff member 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person concerned (12.3.7. CRL).</p> <ul style="list-style-type: none"> • <u>Medical Service Decision on the declaration of invalidity</u> <p>This decision on the invalidity is stored in the personal file of the staff member 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person concerned (12.3.7. CRL).</p> <ul style="list-style-type: none"> • <u>Support to manage double allowances for disabled child and supplementary aid for the disabled</u> <p>The decision relating to double allowance or supplementary aid is stored in the personal file of the staff member 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person concerned (12.3.7. CRL).</p> <p>Whenever operations are partly carried out using the Sysper EC corporate tool, the retention period of data is governed by the European Commission.</p> <p>Invoices sent by the Medical Service to the Agency for all the services provided within the framework of the SLA are kept for 5 years from the budget discharge according to art. 75 of the Financial Regulation.¹</p> <p>Is any further processing for historical, statistical or scientific purposes envisaged?</p>

¹ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1.

	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
11	<p>Recipients of the data</p> <ul style="list-style-type: none"> • Medical Service of the European Commission • HR Sector EACEA • Financial Sector EACEA designated staff • Director of EACEA • PMO Pension/Invalidity department (in case of declaration of invalidity) • Invalidity Committee • Joint Sickness Insurance Scheme (JSIS) (in case of exclusion from certain benefit for a period of 5 years from recruitment) <p>In addition, in case of control or dispute, personal data can be shared with and processed by the bodies charged with a monitoring or inspection task in application of Union law in compliance with the applicable data protection rules and within the scope of their tasks entrusted by the relevant legislation. This includes, in particular, the following recipients:</p> <ul style="list-style-type: none"> • The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure; • The European Anti-Fraud Office (OLAF); • The Internal Audit Service of the Commission • The Investigation and Disciplinary Office of the Commission (IDOC) • The European Court of Auditors • The European Ombudsman • The European Public Prosecutor's Office • EU courts and national authorities
12	<p>Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?</p> <p>N/A</p>
13	<p>General description of the technical and organisational security measures</p> <p>The European Commission's IT systems used by the Agency abide by the Commission's security guidelines. The Agency must comply with Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.</p> <p>The list sent by the Medical Service mentions only the name of the staff member, the length of the absence and the type of leave (sick leave, part time medical leave, etc) and is saved on a file system drive. Only designated EACEA HR staff has access to these documents.</p> <p>In addition, a paper copy is made and saved in a paper file. The paper file is kept under lock and key with access restricted to designated HR Staff.</p> <p>1. <u>Organisational measures:</u></p> <p>A Corporate Local Informatics Security Officer (C-LISO) is in place. Its role includes supervising the Agency compliance with the relevant regulations, and the application of</p>

	<p>security measures recommend by DIGIT.</p> <p>Organisational measures include appropriate access rights and access control. As a rule within the Agency, access to information systems, the file system or offices are subject to a series of authorisations where the person granting the access is different from the person requesting or authorising the access - except in limited cases of delegation. The responsible person in the unit in charge of this action (processing operation of the current record) collects and places the documents on the secured drives of the Commission and all Agency staff are bound by a confidentiality obligation. The need-to-know principle applies in all cases.</p> <p>The NDP tool allows the digitisation and computerisation of all documents in the personal files in accordance with Article 26 of the Staff Regulations. Staff members have secure access to their own files from a computer (using their ECAS password). Designated HR staff have access to files or parts of files on a need-to-know basis.</p> <p>The pre-employment visit certificates are kept in the staff member's personal files. Only designated EACEA HR Staff has access to the mailbox where the Medical Service forwards information regarding medical leave. This is then printed and kept in a confidential file and kept under lock. Medical leaves are, furthermore, encoded in Sysper. Files regarding other aspects of staff well-being are stored on the HR designated drive with restricted access.</p> <p>Since Agency's staff members responsible for the processing of these data related to health are not health professionals, they sign a declaration of confidentiality that they are subject to an obligation of professional secrecy equivalent to that of a health professional in compliance with Article 10 (3) of Regulation (EC) N° 2018/1725.</p> <p>2. <u>Technical measures:</u></p> <p>State of the art technical cybersecurity measures are implemented in the corporate systems, according to the security needs. Those measures are in constant evolution.</p> <p>Paper copies: the paper versions are stored in locked cupboards and then in the archives of a locked room (when the procedure is closed).</p>
14	<p>Information to data subjects / Privacy Statement</p> <p>The Privacy statement is published on the intranet of the HR Sector (link) Staff members are always reminded that medical certificates should be sent to the Medical Service and not to the HR of the Agency. The page also contains a Privacy statement on leave and flextime data processing (link). A specific Privacy statement for operations carried out using Sysper can be found in Sysper (link).</p>