



Health data of staff members

Privacy Statement

The Education, Audiovisual and Culture Executive Agency ("EACEA") is committed to preserving your privacy. All personal data are dealt with in accordance with Regulation (EU) No 2018/1725 on the protection of personal data by the Union institutions, bodies, offices and agencies¹ ("the data protection regulation").

The following Privacy statement outlines the policies by which the EACEA collects, manages and uses the personal data of the concerned individuals within the health data of staff members.

1. Who is responsible for processing your personal data (data controller)?

The controller is the Education Audiovisual and Culture Executive Agency, Avenue du Bourget 1, BE-1049 Brussels

The person designated as being in charge of the processing operation is the Head of Unit R1 [Human Resources, Administration, Communication]

Email: EACEA-HR@ec.europa.eu

2. Which personal data are processed?

Identification data, such as name, date of birth, private and office address, personnel number, postal address, name of family members, etc.

No medical data in the strict sense are processed by the Agency. The Agency may process only administrative and financial data relating to the health status of a person (see section 5 below). These documents do **not** contain a diagnosis, details of examinations undergone, vaccination details etc.

It is mandatory to provide this data in order to identify the data subjects.

3. For which purpose do we process your data?

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 the HR Unit is to manage the Human Resources policies and procedures in the Agency. This include 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.

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 Text with EEA relevance, OJ L 295, 21.11.2018, p. 39.

4. Who has access to your personal data and to whom is it disclosed?

Access to your personal data may be given on a need-to know basis to the following recipients:

- The Human Resources Unit of EACEA
- The Director of EACEA
- The Medical Service of the European Commission
- The accountant of EACEA
- PMO Pension/Invalidity department (in case of declaration of invalidity)
- The Invalidity Committee
- Joint Sickness Insurance Scheme (JMS) (in case of exclusion from certain benefit for a period of 5 years from recruitment)

In case of control or dispute, the bodies charged with a monitoring or inspection task in application of Union law (e.g. Internal Audit Service, Internal Audit Capacity, European Commission, OLAF, EU Courts etc.).

5. How long do we keep your personal data?

- **Pre-employment certificate**

The aptitude certificate (for recruited staff) received from the Medical Service is filed by the HR in the staff 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).

The certificate for non-recruited staff is eliminated.

The excel table containing the expenses of the medical visits is kept for 4 years (12.3.14 CRL).

- **Request for ergonomic material**

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.

- **Medical leave**

The e-mail from the Medical Service is printed is stored for 4 years (12.3.14 CRL).

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).

The decision relating to control of sickness leave is stored for 4 years (12.3.14 CRL).

- **Special leave. Supporting documents for special leaves**

Supporting documents for special leave (sickness of a family member) are stored for 4 years (12.3.14. CRL).

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 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).

- **Part-time working arrangements**

The note received from the Medical Service in relation to medical part-time is stored for 4 years (12.3.14 CRL).

- **Family leave**

The e-mail from the Medical Service with the opinion on the family leave is stored for 4 years (12.3.14 CRL).

- **Art 60 authorisation**

The decision related to an Article 60 authorization is stored for 4 years (with the medical opinions) (12.3.14 CRL).

- **Psychosocial support**

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).

- **Medical Service Decision on the declaration of invalidity**

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) This is necessary for the financial and pension follow-up of the staff member.

- **Support to manage double allowances for disabled child and supplementary aid for the disabled**

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).

After the period mentioned above the files are eliminated by default.

6. What are your rights concerning your personal data and how can you exercise them?

Under the provisions of the data protection regulation, you have the right to:

- Request to access the personal data EACEA holds about you;
- Request a rectification of your personal data where necessary;
- Request the erasure of your personal data;
- Request the restriction of the processing of your personal data;
- Request to receive or to have your data transferred to another organization in commonly used machine readable standard format (data portability).

As this processing of your personal data is based on point of Article 5(1)(a), please note that you have the right to object to processing of your personal data on grounds relating to your particular situation under the provisions of Article 23 of the data protection regulation.

7. Your right to have recourse in case of conflict on any personal data issue

In case of conflict on any personal data protection issue you can address yourself to the Controller at the above mentioned address and functional mailbox.

You can also contact the Data Protection Officer of EACEA at the following email address: eacea-data-protection@ec.europa.eu.

You may lodge a complaint with the European Data Protection Supervisor at any time: <http://www.edps.europa.eu>.

8. On which legal basis are we processing your personal data?

- Article 5(1)(a) of Regulation 2018/1725: processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body (to be laid down in Union Law);
- Article 11, paragraph 6, and Article 18 of Council Regulation (EC) No 58/2003 laying down the statute for executive agencies, OJ L 11 of 16.01.2003, p. 1.
- Staff Regulations and the conditions of employment of other servants of the European Communities ("CEOS"), as fixed by Regulation (CEE, Euratom, CECA) no 259/68 of the Council, OJ L 56 of 4.3.1968. Regulation as last amended by Council Regulation (EU) No 1416/2013.
 - Pre-employment medical visits: Articles 28 (e) and 33 of the Staff Regulations and Article 1 of Annex VIII of the, as well as 12(d), 13(2) and 83(2) of the CEOS;
 - Annual medical visits: Articles 59 (6) of the Staff Regulations and Articles 16(1), 59 and 91 of the CEOS;
 - Maternity leave: Article 58 of the Staff Regulations and Articles 16 and 91 of the CEOS
 - Medical leaves: Article 59 (1, 2 and 3) of the Staff Regulations and Articles 16 and 91 of the CEOS;
 - Family leave: Article 42b of the Staff Regulations and Article 16 of the CEOS and Commission Decision on Article 42b of the Staff Regulations concerning family leave (C(2010) 7494 of 05.11.2010);
 - Commission decision of 28 April 2004 introducing implementing provisions on absences as a result of sickness or accident C(2004) 1597/11;
 - State of invalidity: Article 59(4) and Article 78 of the Staff Regulations, and Articles 7, 8 and 9 of Annex II to the Staff Regulations. and Articles 102 and 33 of the CEOS.