



Data Protection Notice for Medical Services

This Data Protection Notice describes the measures taken to protect your personal data with regard to the action involving the present data processing operation and what rights you have as a data subject.

European Health and Digital Executive Agency (HaDEA or Agency) protects the fundamental rights and freedoms of natural persons and in particular your right to privacy and the protection of your personal data.

Your personal data are processed in accordance with Regulation (EU) No 2018/1725¹ on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

Who is the data controller?

The data controller of the processing operation is Head of Unit Staff, Communication and Support of the HaDEA.

The following **entity process** your personal data on our behalf: The Head of Unit of Medical service is identified as processor & for assessing the medical file ([HR-BXL- RENDEZ-VOUS-SERVICE-MEDICAL@ec.europa.eu](mailto:HR-BXL-RENDEZ-VOUS-SERVICE-MEDICAL@ec.europa.eu), HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu, HR-BXL-CONGES-SPECIAUX-MED@ec.europa.eu), HR-INVALIDITE@ec.europa.eu.

Which is the legal basis for processing your personal data?

The legal basis for the processing activities is/are the following articles:

Article 5(1)(a) and (b) of Regulation (EU) No 2018/1725 because processing is necessary for the **management and functioning** of the Agency and for compliance with a **legal obligation** to which the controller is subject, in particular Article 33 and 59(6) of the CEOS² and in addition

- Pre-employment medical visit: Articles 28 and 33 of the Staff Regulations and Articles 12(d), 13(2) and Article 83(2) of the Conditions of Employment of Other Servants (CEOS).
- Medical annual visits/ screening programme/Medical annual visits/Vaccination: Article 59(6) of the Staff Regulations, Articles 16(1), 59 and 91 of the CEOS.
- Registration of sickness: Staff Regulations, Title IV, Article 59 (1)
- Health screening programme/Medical annual visits/Vaccination: Article 59(6) of the Staff Regulations, Articles 16(1), 59 and 91 of the CEOS.
- For health data related to pandemic: Art 10(2)(i) of Regulation 2018/1725
- For invalidity: Art 77, 81, 83, 53, 78, 70, 79 to 81 of Staff regulation & Art 13 to 15; 17 to 29, 40 & 45 of Annex VIII

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 L295/39 of 21.11.2018).

² Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community as last amended by Commission Decision 2020/C 428/10.

Article 10(2)(i) of Regulation (EU) No 2018/1725, if applicable, because processing is necessary for reasons of public interest in the **area of public health**, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

What is the purpose(s) of this processing activity?

The purpose of the processing of medical data is to survey and to promote staff's health. It includes pre-employment medical visits, vaccination, annual medical visits, health screening programme, invalidity and registration of sickness, including information on pandemic or similar events i.e. linked to COVID-19 pandemic

Which personal data is collected?

The following of your personal data are collected:

Pre-employment medical visit: Name, date of birth, date of the medical examination, grade, certificate if you have or have not the necessary physical aptitude required to fulfil her/his duties. This medical certificate which is only an administrative document does not contain information about your medical record; it only provides if you have the necessary physical aptitude required to fulfil his duties. Your medical details of the data subject are only communicated directly to you by the doctor/medical service of the institution.

Medical annual visit: HaDEA only has access to the administrative data, this is, the date of the appointment with the medical service. The HaDEA does not access any medical information.

Vaccination: HaDEA does not access any medical information.

Registration of sickness: your name and first name staff member, name doctor, information if you are unfit to work, generic reason of absence (whether this is illness, accident, extension), if you can/cannot leave the house. The cause of the illness or the exact illness is not communicated. More generally, no medical data in the strict sense is sent to the HaDEA.

Invalidity: your name and first name staff member, number of sick leaves days, name of representative Doctor

Other health related processing related to pandemic or similar i.e. COVID-19 pandemic: the name of the concerned member of staff, the name of the illness and the time of infection if necessary.

The above mentioned personal data are **mandatory** for the purpose(s) outline above.

Who has access to the personal data of data subjects and to whom can they be disclosed?

The recipients of your personal data will be authorised HaDEA HR staff, Head of Unit Staff, Communication and Support, Head of Sector People (HR), authorised staff of DG HR Medical Services and PMO, HaDEA Director as Appointing Authority, if applicable competent national public health authorities and bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audits, Court of Auditors, European Anti-fraud Office – OLAF, EPPO).

Your personal data **will not be transferred** to third countries or international organisations.

The processing of your data will **not include automated decision-making** (such as profiling).

How long do we keep your personal data?

Your personal data will be kept for a maximum period for:

-the pre-employment medical aptitude certificate will be kept throughout the employment of the data subject at the HaDEA. The data will be retained for a period of maximum 30 (thirty) years as of the termination of the employment. The data of non-recruited persons will be retained only during the period of time during which it is possible to challenge the data (if this is a negative decision taken on the basis of the data), this is, 2 (two) years. The data related to sick leave are kept for a period of 5

(five) years. Data will be manually deleted at the end of this period.

What are your rights regarding your personal data?

You have the right to access your personal data and to request your personal data to be rectified, if the data is inaccurate or incomplete; where applicable, you have the right to request a restriction of or to object to processing, to request a copy or erasure of your personal data held by the data controller. If processing is based on your consent, you have the right to withdraw your consent at any time, without affecting the lawfulness of the processing based on your consent before its withdrawal.

Restrictions in particular for the right to information, modification or cancellation in accordance with Article 25 of Regulation (EU) 2018/1725 may apply in case of pre/investigations for irregularities or anti-fraud in order not to jeopardize potential investigations.

Your request to exercise one of the above rights will be dealt with without undue delay and within **one month**.

If you have **any queries** concerning the processing of your personal data, you may address them to Head of Unit Staff, Communication and Support, Head of Sector People (HR) (entity acting as data controller) via HADEA-PEOPLE@ec.europa.eu or to HaDEA Data Protection Officer at HADEA-DPO@ec.europa.eu.

You shall have right of recourse to the European Data Protection Supervisor at <https://edps.europa.eu>.

Version August 2021