



Data Protection Notice for leave

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

HR-BXL-RENDEZ-VOUS-SERVICE-MEDICAL@ec.europa.eu,

HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu.

HR BXL CONGES SPECIAUX MED@ec.europa.eu

Which is the legal basis for processing your personal data?

The legal basis for the processing activities are Article 5(1)(b) of Regulation (EU) No 2018/1725 because the processing is necessary for **compliance with a legal obligation** to which the controller is subject to in particular the following articles:

- Annual leave: Article 57 of Staff regulations² and Annex V, Section I, articles 1 to 5 and Commission decision “on implementing provisions on leave” C(2013)9051 final of 16.12.2013. This is applicable by analogy to contract staff and temporary staff.
- Sick leave: Article 59 of Staff Regulation and Commission decision introducing implementing provisions on absence as a result of sickness or accident C(2004) 1597 of 28.04.2004. This provision applies by analogy to temporary staff by virtue of Article 16 of the CEOS and to contract staff by virtue of Article 91 of the CEOS.
- Special leave: Annex V of Staff Regulation and Commission decision “implementing provisions on leave” C(2013)9051 final of 16.12.2013.

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

The purposes of this processing are:

- Annual leave: to grant rest and to respect entitlements given to staff by the Staff Regulations.
- Sick leave: to grant rest when a person is not able to work for health related issues

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.

- Special leave: to grant some days off in case of special circumstances.

Which personal data is collected?

The following of your personal data are collected: Name of the staff member, personal number, category, duration of the absence concerning the three kinds of leave;

In case of sick leave of a staff member the HaDEA does not have access to the medical certificate (which is sent directly to the medical services of the Commission by virtue of Appendix D of the Service Level Agreement concluded with the EC Medical Service on 22.03.2021). Nevertheless in case of sick leave of a child the medical certificate is handed to the leave manager of the Agency (the "GECO"). However no medical data is contained in the medical certificate that is sent to HaDEA human resources or to the medical service of the Commission as the case may be. It only contains the information that the concerned staff or child is ill and relevant administrative data.

In case of special leave, the data processed are the corresponding certificate and proofs of travelling if applicable. As much as possible this is only administrative data. For instance in case of illness of a child only the corresponding medical certificate is needed without data on the illness of the child; in case of participation in a competition only the corresponding proof of presence that day without details about the type of competition; in case of adoption of a child the corresponding administrative certificate etc. It cannot be excluded that sometimes (excepting medical certificates) some substantive data may be included in the administrative certificate:

The needed administrative documents (corresponding certificates) follows the specific requirements spelled out in the Commission decision of 16.12.2013 on implementing provisions on leave.

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 the HaDEA HR staff, Head of Unit Staff, Communication and Support, Head of Sector People (HR), JSIS, EC Medical Services, HaDEA Financial Support and Control unit, Head of Department Finance & Resources, and HaDEA Director as Appointing Authority and bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audits, European 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 as a general rule: ten years (seven for special leaves).

Exception: in case of dispute or appeal in which case they can be retained longer on a case-by-case basis.

Nevertheless for special leave relating to family matters (maternity leave, parental leave, adoption of a child etc.) the retention period follows that of the personal files (this is, at least the entire career of the data subject).

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.

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 (entity acting as data controller) via hadea-time-management@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>.