



## Data Protection Notice

### Processing of personal data in the context of a pandemic situation in view of the protection of work conditions and health of staff

In accordance with Regulation (EU) 2018/1725 of 23 October 2018 on data protection (hereinafter the Regulation), the European Health and Digital Executive Agency (hereinafter referred to as HaDEA or Agency) collects your personal data only to the extent necessary to fulfil the precise purpose related to its tasks.

1. The **controller** is the Head of Unit Staff, Communication and Support, email: [Sylvia.ferretti@ec.europa.eu](mailto:Sylvia.ferretti@ec.europa.eu)
2. The **purpose of the processing** is to record personal data considered necessary to ensure the working conditions and health of staff in a pandemic situation, such as the COVID-19 circumstances.

This applies, notably to the identification of participants for all meetings organised by HaDEA, including internal meetings, meetings with external participants, stakeholders' meetings, conferences, etc. taking place in HaDEA or Commission premises as well as on external venues. The aim is to centrally register participants to meetings, to identify them in case an infection among meeting participants occurs so as to take all necessary measures to protect the health of staff.

This also applies to the collection of any lists with the name of staff members and all information deemed necessary aiming at ensuring and regulating the presence of staff in HaDEA premises before, during and after a pandemic situation. This includes lists of staff presence or lists organization of staff shifts to ensure working conditions and health of staff when resuming normal work after a pandemic situation.

This applies also to identify critical staff for any relevant measures (e.g. such as to be authorized to come to the office during a quarantine period, etc.).

It aims also to inform the relevant staff members (AHCC /AIPN, i.e.: Director), HR, relevant managers, etc) of staff suffering from a pandemic situation in order to take any appropriate measures to protect other staff members.

The purpose is also to process the necessary personal data to enable certain staff members (e.g.: with special ID card) and their family listed in SYSPER to obtain relevant certificates (e.g. COVID vaccination certificate etc.) from the relevant hosting Member State 's authorities.

Finally, it aims at taking any relevant decision, which may be needed during a pandemic situation.

3. The **categories of personal data** collected and used for the processing operations are:

Identification (name, surname, unit if applicable), office address, telephone numbers and communications (including professional or personal e-mail address), data concerning missions of staff, data concerning meetings in which the data subjects participated, data concerning presence in the office and organisation of work shifts or other arrangements at ensuring the presence in HaDEA premises.

HaDEA will not collect any specific health data from the data subjects as this will be handled by the Medical Service but may collect data on the pandemic situation faced by its staff (e.g. is the staff member suffering from COVID 19 or not). The collection of information related to absences of statutory staff due to illness will be processed normally (a specific record covers the time management and absences of staff).

In addition to the above and in the framework of access to the Digital Key for HaDEA staff residing in Belgium and having specific ID cards delivered via the EC and in order to benefit from services granted by the host Member State (e.g. delivery of certificate), the following data may be processed:

Date of birth, National registration number (NISS/BIS), and if applicable identification data of their family members: Full Name, Date of birth, Relationship, National registration number (NISS/BIS) and email address.

4. The **recipients** of the data are:

All recipients are on a "need to know" basis:

HaDEA Director, Heads of Department, Heads of Unit, Unit Secretariats, the Business Continuity Team, designated persons from Human Resources unit, meeting organisers, authorised personnel dealing with the obligatory records of meeting participants.

Authorised staff of the Commission services concerned (i.e. SG, DG HR).

Relevant national authorities from the host Member State (e.g. Health Ministry, Federal Public Service Strategy and Support).

In case of audits or legal proceedings, HaDEA's Internal Controller, DPO, Legal Team, Staff Committee.

In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purpose of the processing:

- 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 competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- IDOC in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings - C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protection rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;

- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004;
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725;
- The European Public Prosecutor's Office within the scope of Article 4 of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office.

The transmission will be restricted to the information necessary for the competent entity to carry out its task.

#### 5. **Data Subjects rights:**

You may exercise your rights of information, access, restriction, rectification and erasure at any time. This should be done by contacting the controller stated in section 1 above by sending an e-mail giving details of your request to the 1st functional mailbox stated in this section.

You may request to object to the processing of or limit access to your personal data.

In line with Article 25 of the Regulation, the data controller may restrict the rights of the data subjects based on the Decision of the Steering Committee (2020) 26 of 14/10/20 (OJEU L 45 on 9.2.2021, p. 80), in case where such restriction constitutes a measure necessary to safeguard the protection of the data subjects or the rights and freedoms of other data subjects, etc.

In any cases your data will be modified or removed accordingly and as soon as practicable (maximum within 15 working days).

When processing is based on data subject consent, they have the right to withdraw their consent at any time, without affecting the lawfulness of the processing before such a withdrawal.

#### 6. **How does HaDEA protect and safeguard your data?**

Paper files are stored in locked cupboards that are accessible to authorised staff members only.

All data in electronic format (e-mails, uploaded batches of data, etc.) are stored either on the servers of the HaDEA or the European Commission.

It is recommended to all the internal stakeholders involved in this processing to exclusively use the encrypted (S/MIME aka SECEM) security email system.

Access to data is safeguarded by the internal European Commission IT systems (e.g. SYSPER, etc ), which protect against external users accessing the data. Access to electronic files is protected via the Commission security measures (use of password & ECAS authentication system, etc).

In order to protect the personal data, HaDEA has put in place a number of technical and organisational measures. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

HaDEA is also bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.

**7. The legal basis of the processing are:**

Lawfulness: Article 5.1 (a), (a2), (b) & (e) of the Regulation:

(a) 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;

(a2) including processing of personal data necessary for the management and functioning of the Union Institutions or bodies [Recital (22) of the new Regulation];

(b) processing is necessary for compliance with a legal obligation to which the controller is subject;

(d) the data subject has given consent to the processing (e.g. to obtain COVID 19 related certificate from the hosting Member State's authorities, etc);

(e) processing is necessary in order to protect the vital interests of the data subject or of another natural person.

The legal basis references which apply to the probation period report are contained in:

- Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes<sup>1</sup>;
- Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, and repealing Implementing Decisions 2013/801/EU<sup>2</sup>;
- Commission Decision C(2021)947 of 12 February 2021 delegating powers to the European Climate, Infrastructure and Environment Executive Agency with a view to the performance of tasks linked to the implementation of Union programmes in the field of transport and energy infrastructure; climate, energy and mobility research and innovation; environment, nature

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<sup>1</sup> OJ L11, 16.1.2003, p. 1

<sup>2</sup> OJ L 50, 15.2.2021, p. 9–28

and biodiversity; transition to low-carbon technologies; and maritime and fisheries;

- Staff Regulations of officials and the Conditions of Employment of other servants of the European Union - Article 1e(2) of the Staff Regulations related to working conditions and health of the EU staff;
- For access to the Digital Key for Belgian residents to obtain certificates processing is based on Articles 11 and 15 of the Protocol (No 7) on the Privileges and Immunities of the European Union and on European Commission Decision of 5 March 2021 on the transmission of personal data of Commission staff, pensioners and their family members to national health authorities in the context of COVID-19 vaccination and consent of the data subjects;
- Commission Decision C(2006)1623 - Harmonised policy for health and safety at work;

8. The **time limits for keeping** the data are the following:

HaDEA applies the principles and retention periods indicated in Common Retention List of the Commission<sup>3</sup> by analogy.

[a] Retention period:

The Data Controller only keeps the necessary data for as long as the pandemic situation justifies it and for the purposes clearly defined to protect the work environment and the health of staff. All personal data will be (1) deleted when no longer needed for the purposes of the processing or, as soon as the pandemic situation is over, or (2) archived, if need be, in respect and according the Commission archiving policies and retention times.

The personal data related to participation in meeting, or lists of staff aimed at controlling presences in the office or organization of specific work arrangements will be kept for a maximum period of two months from the date of the meeting as declared in the registry or the end of the specific working arrangements. Personal data will be deleted at the end of this period.

b) Storage period: HaDEA applies the principles and retention periods indicated in Common Retention List of the Commission<sup>4</sup> by analogy. The storage periods are the same as indicated for the retention period in point a).

## 9. Contact information

In case you have any questions about the collection/processing of your personal data, you may contact the data controller who is responsible for this processing activity by using the email address mentioned here above in Section 1.

You may contact at any time the Data Protection Officer of the Agency ([HADEA-DPO@ec.europa.eu](mailto:HADEA-DPO@ec.europa.eu)). You have the right to have recourse at any time to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)).

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<sup>3</sup> SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

<sup>4</sup> SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019