

## MEDICAL SERVICES PRIVACY STATEMENT

### PROTECTION OF YOUR PERSONAL DATA

**This privacy statement provides information about the processing and the protection of your personal data.**

**Processing operation:** *Individual medical file - electronic (SERMED) and paper file*

**Data Controller:** *Directorate D*

**Record reference:** *DPR-EC-01837*

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#### 1. Introduction

The European Commission (hereafter 'the Commission') is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

Medical file at the **Medical Services of Brussels, Luxembourg and Ispra (occupational medicine)** and at the **Medical Absences Unit (management of sickness absences)** (referred to hereafter as Data Controller) contains: all medical examination results, details of care and treatment provided at the medical centre, information on voluntary participation by members of staff in prevention campaigns organised by the Medical Services (such as the annual seasonal flu vaccination campaign, the anti-smoking campaign and the diabetes prevention campaign etc.) as well as medical reports on individuals, from their pre-recruitment medical examination until they cease work at the Commission.

The medical data managed by the Medical Services is not available to the staff of the Medical Absences Unit and vice versa.

The information in relation to processing operation "*Individual medical file - electronic (SERMED) and paper file*" undertaken by the **Medical Services** and the **Medical Absences Unit** is presented below.

## **2. Why and how do we process your personal data?**

Purpose of the processing operation:

**Medical Services** collect medical data with the purpose to monitor the state of health of staff working at the Commission and to verify their fitness to work, according to the applicable legal and statutory obligations, as well as to the social policies aimed at promoting Commission staff health and wellbeing.

**Medical Absence Unit** collects medical data to ensure that the policy on absences is consistent with the objectives of the Commission and to ensure that absence for sickness is justified and that its duration is proportionate to the nature of the illness.

Your personal data will not be used for an automated decision-making including profiling.

## **3. On what legal ground(s) do we process your personal data**

We process your personal data, because:

- (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;
- (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 of his or her personal data for one or more specific purposes;
- (e) Processing is necessary in order to protect the vital interests of the data subject or of another natural person.

The basis for the processing referred to in points (a) and (b) has been laid down in the following Union law: Articles 33, 53, 59, 60 and 78 of the Staff Regulations; Chapters 1 and 3 of Annex VIII to the Staff Regulations.

We process special categories of personal data indicated in Section 4, data concerning health, because:

- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security.
- Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent.
- Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union law or pursuant to contract with a health professional.
- 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.
- Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

#### **4. Which personal data do we collect and further process?**

In order to carry out this processing operation the Data Controller collects the following categories of personal data:

- Identification/administrative data :  
Surname, forename, gender, personnel number, date and place of birth, nationality, civil status, children, languages, postal address, e-mail address, telephone numbers, name of family doctor, education, post requested, type of contract, risk assessment sheet.
- Medical data (data concerning health):

**1. Medical data in the part of the medical file managed by the Medical Services is the following:** Personal medical history, lifestyles (smoking, alcohol consumption, physical activity), family medical history, physical examination, usual medication, results from the laboratory testing, x-rays, radiography, ECG, allergies, ongoing treatments, pregnancy (certain examinations and/or vaccines can be contra-indicated in specific cases), chronic illnesses, results of other complimentary examinations (ophthalmological, audiometry, spirometry, etc.), dosimetry data, WBC (Whole Body Counter) data, medical certificates, periods of absences, any conclusions and comments made by doctors and other medical documents.

In certain cases medical data will include data on illicit drug consumption when mandatory under national legislation or for certain types of post.

Medical file includes all the data obtained during the invalidity procedure i.e. medical examination(s), reports submitted by the staff member, conclusions of the Invalidity Committee,

medical consideration underpinning the Invalidity Committee's conclusions set out in the detailed summary report.

**2. Medical data in the part of the medical file managed by the Medical Absences Unit is the following:** medical certificates (date of issue, date and duration of the sickness i.e. incapacity to work, in certain cases diagnosis of the prescribing doctor, depending on national rules in the country where certificate is issued and specialisation of the prescribing doctor); periods of absences; reports and diagnosis of the control doctor; date of control; medical reports submitted by the staff member necessary for the control; any conclusions and comments made by the control doctors; medical expertise and reports issued from arbitration procedures; medical reports for family members of the staff concerned used to grant and to validate special medical leaves; the application for authorization to be away from place of employment during the sick leave as well as for travelling outside the place of employment for undergoing medical tests and medical treatment.

The provision of personal data is mandatory to meet a statutory requirement as per legal basis indicated in point 3.

Data are collected, in the context of medical examinations and consultations, for staff of the European Commission as well as EEAS staff and agencies which have a Service Level Agreement with the Medical Service.

#### **5. How long do we keep your personal data?**

The Data Controller only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing.

#### **Medical file**

Medical files are kept for 30 years after you cease work at the Commission. In the case of persons exposed to carcinogens or mutagens, files are kept for 40 years after the last exposure incident or, in any event, until you reach the age of 75. (General Regulation for the protection of workers, Belgium, Article 16, occupational medical services).

#### **Pre-recruitment medical examination files (apt / apt with reserve but not recruited)**

Pre-recruitment medical examination files for applicants who are not recruited will be destroyed after one year.

#### **Pre-recruitment medical examination files (inapt)**

In the event of a negative medical opinion, the file will be destroyed after 5 years if no complaint has been lodged.

#### **Flu vaccination consent forms**

Flu vaccination consent forms are kept for 3 months.

#### **“Fil de l'eau”**

"Fil de l'eau" refers to all the paper documents, including medical results, that are received, scanned and then attached to the electronic medical files. These paper copies are kept for 18 months since reception. The scanned version has the same retention period as the medical file as it forms part of it.

### **Medical data of external workers/visitors in exceptional cases**

Medical data of external workers/visitors that can be treated on site when emergency/incident occurs is kept for 18 months since the incident.

### **Medical data concerning family members related to the requests for the double the child allowance**

This medical data is kept for 7 years in line with the retention period in the record DPR-EC-01117.

## **6. How do we protect and safeguard your personal data?**

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored either on the servers of the European Commission. All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. 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.

## **7. Who has access to your personal data and to whom is it disclosed?**

Access to your personal data is provided to the Commission staff responsible for carrying out this processing operation and to authorised staff according to the "need to know" principle. Such staff abide by statutory, and when required, additional confidentiality agreements.

The medical data managed by the Medical Services is not available to the staff of the Medical Absences Unit and vice versa. Access to your electronic medical file is only granted to staff according to specific access rights, as described in the matrix enclosed:



Matrix of access  
rights.pdf

In addition to the access rights described above, EEAS doctors have access to the medical files of EEAS staff as well as Commission staff working in delegations.

Your medical file can be transferred to another European Institution, only with your prior agreement, when you move from an Institution to another.

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

## 8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a).

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below in your request.

You have access to your medical file according to the rules defined in Conclusion 221/04 of the Heads of Administration (see file enclosed):



Conclusion 221 4  
ENGLISH.pdf

Restrictions may be applied in accordance with the Commission Decision (EU) 2019/154 of 30 January 2019 laying down internal rules concerning the restriction of the right of access of data subjects to their medical files ([Decision \(EU\) 2019/154](#)).

If you wish to check, modify, correct or delete any personal data, you should apply to the Head of the Medical Service in Brussels, Luxembourg, Ispra or the Medical Absence Unit who is responsible for such processing, by sending an e-mail giving details of your request. Deadline for response: within 1 month of your reasoned request to the Head of the Medical Service.

The results of medical examinations and the diagnosis cannot be altered, but you may add your own comments.

A copy of laboratory tests and medical reports can be sent to your family doctor at your request.'

For EEAS staff who wish to access their file, they may send a written request to the Head of Medical Service, DG HR D3 – Medical Service Brussels.

## 9. Contact information

### - **The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller, using the following contact information:

The Data Controller: Medical Service Brussels, Luxembourg, Ispra, Medical Absences Unit

DG HR, Unit D3, D4, D5, D6

Email :

Medical Service Brussels:	<a href="mailto:hr-mail-D3@ec.europa.eu">hr-mail-D3@ec.europa.eu</a>
Medical Service Luxembourg:	<a href="mailto:hr-lux-serv-medical@ec.europa.eu">hr-lux-serv-medical@ec.europa.eu</a>
Medical Service Ispra:	<a href="mailto:jrc-medical-service@ec.europa.eu">jrc-medical-service@ec.europa.eu</a>
Medical Absences Unit:	Brussels: <a href="mailto:HR-BXL-CONTROLES-MEDICAUX@ec.europa.eu">HR-BXL-CONTROLES-MEDICAUX@ec.europa.eu</a> Luxembourg: <a href="mailto:HR-LUX-CONTROLES-MEDICAUX-CONGES-SPECIAUX@ec.europa.eu">HR-LUX-CONTROLES-MEDICAUX-CONGES-SPECIAUX@ec.europa.eu</a> Ispra: <a href="mailto:HR-ISP-CONTROLES-MEDICAUX-CONGES-SPECIAUX@ec.europa.eu">HR-ISP-CONTROLES-MEDICAUX-CONGES-SPECIAUX@ec.europa.eu</a>

- **The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer ([DATA-PROTECTION-OFFICER@ec.europa.eu](mailto:DATA-PROTECTION-OFFICER@ec.europa.eu)) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. **Where to find more detailed information?**

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: <http://ec.europa.eu/dpo-register>.

This specific processing operation has been included in the DPO's public register with the following Record reference: *DPR-EC-01837*