

DATA PROTECTION STATEMENT

RETURN TO WORK PROTOCOL

Organisational part of the Agency entrusted with the processing of personal data

Executive Director (information(at)osha.europa.eu)

Purpose

- To provide the affected employee with the necessary support measures to facilitate his/her return to work after prolonged sick leave.
- To encourage his/her mental and physical recovery.

Legal basis

- Council Regulation (EU) 2019/126 of the European Parliament and of the Council of 16 January 2019 establishing the European Agency for Safety and Health at Work (EU-OSHA), and repealing Council Regulation (EC) No 2062/94.
- Staff Regulations of Officials, in particular Articles 1d.4, 1e.2 and 59.1.

Type of data processed

- Information about data subjects' health conditions, including planned treatment.
- Contact information allowing the data subjects to be reached, i.e., telephone number, relatives' contacts etc.
- Recommendations of work adaptations provided by the data subjects' medical doctor for the purpose of putting in place adequate follow up measures (ergonomic equipment, working hours, redeployment etc).

Lawfulness of processing

The processing is based on Article 5.1 (a),(d) of [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 (hereinafter the Regulation).

Data recipients

Information about data subjects' health conditions and planned treatment:

- Data subjects' medical doctor.
- External medical service of the Agency.

Contact information:

- Director and Heads of Unit in their function as direct superiors of the employee concerned if the employee chooses to be contacted by his/her Head of Unit as foreseen in 2.) "Contact with employee" of the policy.
- Human Resources Section.

Recommendations of work adaptations provided by the data subjects' medical doctor (information necessary to implement the adequate follow up measures):

- External medical service of the Agency.
- Director, Head of Resource and Service Centre, Head of Prevention and Research Unit, Head of Communication as applicable.
- Human Resources Section, General Service Section and Health & Safety Committee.

The data subject's rights

Data subjects have the right to request from the controller access to and rectification or erasure of personal data or restriction of processing concerning the data subject or, where applicable, the right to object to processing or the right to withdraw consent at any time without affecting the lawfulness of processing based on consent before its withdrawal (Articles 17, 18, 19, 20, 22, 23 and 24 of the Regulation).

Any requests to exercise one of those rights should be directed per email to the organisational part of the Agency entrusted with the processing operation as indicated in this privacy statement, including in the subject the words "data protection".

Data subjects' rights can be restricted only in the cases foreseen in Art 25 of the Regulation.

- Data subjects are free to provide their consent to the application of the "Return to Work" protocol by filling and undersigning the consent form.
- Confirmation of the consent will be requested at initial contact. Withdrawal of the consent will be possible anytime, preferably in writing, by contacting the Human Resources Section.
- Failure to provide data, information and consent (and withdrawal) in the context of the protocol will not result into any negative consequence. The only consequence will be the non-application of the protocol.
- Data subjects have the right to access, rectify, block, and erase their identification data and to object about their processing at any time during the application of the protocol. They can exercise their right by submitting a request by email to the Human Resources Section.

Information on the conservation period of data

- Information likely to be stored by the medical adviser (data subjects' health conditions and planned treatment);

The retention period is 30 years following the termination of duties of the person concerned.- Information likely to be kept in the personal file (consent form and withdrawal, list of tasks in case of redeployment etc.):

As regard the information kept in the personnel file, the retention policy aligns to the current policy as it is foreseen in EU-OSHA Document Management Policy, namely 10 years following the termination of employment or the last pension payment.

- Recommendations of work adaptations provided by the data subjects' medical doctor:

The retention policy aligns to the current policy for sick leave foreseen in EU-OSHA Document Management Policy (30 years following the termination of duties of the person concerned).

Security measures

Throughout this procedure only authorised people are attributed access rights and only on a "need-to-know" basis.

Any possible security measure is taken to prevent any improper use of or unauthorized access to the

electronic file. Procedure-related documents are kept in a secure environment, on an encrypted data carrier, or locked in cupboards/drawers.

Request for information

For any further information regarding the handling of their personal data, data subjects can address their request to EU-OSHA Data Protection Officer at: [dpo\(at\)osha.europa.eu](mailto:dpo(at)osha.europa.eu).

Recourse to the EDPS

Data subjects are entitled to make recourse to the European Data Protection Supervisor: <http://www.edps.europa.eu>, should they consider that the processing operations do not comply with the Regulation.

Date when processing starts

Date of application of the protocol.

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