DATA PROTECTION STATEMENT

MEDICAL DATA

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

Head of RSC (information(at)osha.europa.eu)

Purpose

There are two different purposes for which the Agency collects data related to health:

1) To check and ensure that staff members are fit for work upon start of service and on an annual basis, fostering attention to health care and prevention measures. For this purpose, no medical data of staff is disclosed to the Agency and the Agency only receives the ‘fit to work’ certificates. Medical data of staff is only processed by the external medical service provider.

2) To check and ensure that staff members are entitled to specific special leave, family leave, or specific and temporary 100% teleworking. For this purpose, staff needs to provide the specific data/information necessary to justify the special circumstances to HR.

Legal basis

Articles 26a, 33, 42b, 59, Annex V Section 2 of Staff Regulations.

Type of data processed

- Basic personal data relevant for a medical file or certificate, such as name, surname.

- Results of pre-recruitment medical check-up and of annual medical check-ups (exclusively processed by the medical service provider; the Agency has not access to this data).

- Any other medical data shared by the data subject on voluntary basis (e.g. by not deleting the respective information from the sick leave certificate).

- Medical certificates confirming absences for sick leave (which do not need to contain any medical data).

- Any kind of medical certificates needed to justify special circumstances within the meaning of point 2) above under purpose.

- Fit for work certificates.

Any medical data such as the diagnosis or medical speciality of the medical doctor issuing the certificate to justify staff members absence for sickness shall be deleted/redacted before its submission to HR.
Lawfulness of processing
The processing is based on Article 5.1 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
HR Section (HR) and external medical service provider.

HR staff at EU-OSHA is bound by the obligation of medical secrecy. Please note that HR staff will only have access to medical data for the purposes mentioned above under 2) or to medical data which is shared by staff voluntarily.

The data subject’s rights
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, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and 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) and 5(1)(b) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller (organisational part of the Agency entrusted with the processing of personal data), or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. The contact information of the Data Protection Officer and the European Data Protection Supervisor is given below.

Information on the conservation period of data
- Medical files include the results of the pre-recruitment visits and of the annual medical check-ups. They are stored by the external medical provider for a maximum of 30 years after the termination of duties of the person concerned.
- Sick leave certificates are stored by HR for a period equal to the retention period applicable to day-to-day HR Management (4 years).
- Fit for work certificates – being included in the personnel files – are stored for a period equal to the retention period applicable to personal files (8 years after the extinction of all rights of the person concerned and for at least 100 years after the recruitment of the person).
- Medical data related to staff members’ relatives is stored by HR and the medical provider (where applicable) for 7 years.
- Medical information related to non-recruited persons is stored for a period equal to the retention period applicable to unsuccessful candidates’ files (2 years).
Security measures

Throughout this procedure only authorised people with specific data protection declaration including medical secrecy are attributed access rights and only on a "need-to-know" basis.

We take appropriate security measures to protect against unauthorized access to or unauthorized alteration, disclosure or destruction of data. These include internal reviews of our data collection, storage and processing practices, appropriate encryption of communication and physical security measures to guard against unauthorized access to systems where we store personal data.

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.

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

When data is provided to the medical service provider or to HR.

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