



EUROPEAN INNOVATION COUNCIL AND SMES  
EXECUTIVE AGENCY (EISMEA)

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY

Based on Article 31 of the Regulation (EU) 2018/1725<sup>1</sup> on the protection of natural persons with regards to the processing of personal data by the Union Institutions, bodies, offices and agencies and on the free movement of such data, each responsible EISMEA data controller has to maintain a record of the processing activities under his/her responsibility.

**Record No: R-2020-03-2**

**Initial approval by Data Controller:** *see date of Ares signature*

**Previous Notification (if applicable): DPO-2010 -01** **Update (s) (if applicable): June 2021**

### NAME OF THE PROCESSING ACTIVITY

Medical services

### IDENTIFICATION OF THE DATA CONTROLLER

European Innovation Council and SMEs Agency (EISMEA), Head of Unit C.02 People, Workplace and Operational Coordination Support - HR sector C.02.1.

### GROUND FOR THIS RECORD (*select relevant ground*)

- Record of a new type of processing activity of personal data (before its implementation)
- Record of a processing activity of personal data that is already in place (ex-post)
- Change/Amendment/ Update of an already existing previous record (or previous notification to DPO)

### DESCRIPTION OF THE PROCESSING ACTIVITY

This processing is related to:

- \* Pre-employment medical visit: the purpose of the processing operation is to determine whether the candidate is or not fit for service.
- \* Annual medical visits/health screening programme: the purpose is to determine that the person is in good health.
- \* Registration of sickness: the purpose is to justify an absence in reason of an illness.
- \* Seasonal influenza vaccination.
- \* Other health related processing i.e. COVID-19 pandemic, including for holders of Belgian Special ID cards to obtain the 'digital key' from competent Belgian authorities to obtain COVID-19 related certificates.

<sup>1</sup> 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 L 295/39 of 21.11.2018).

# 1. INFORMATION ON THE PROCESSING ACTIVITY of Medical services

This processing activity is performed in accordance with **Regulation (EU) No 2018/1725**<sup>2</sup> 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.

## 1.1. The Data Controller is:

Head of Unit C.02 People, Workplace and Operational Coordination Support at the European Innovation Council and SMEs Executive Agency (EISMEA), Place Charles Rogier 16, B-1049 Brussels and can be contacted at: [eismea-hr-administration@ec.europa.eu](mailto:eismea-hr-administration@ec.europa.eu).

## 1.2. The following entity(ies) is/are acting as Processor(s):

The Head of Unit of the Medical Service of DG HR for assessing the medical files ([HR-BXL-RENDEZ-VOUS-SERVICE-MEDICAL@ec.europa.eu](mailto:HR-BXL-RENDEZ-VOUS-SERVICE-MEDICAL@ec.europa.eu), [HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu](mailto:HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu)) and the Head of DG HR Unit A.3 Processes, Data & Information Systems to allow obtaining the 'digital key' from competent Belgian authorities or other competent DG HR services.

## 1.3. The legal basis for the processing based on Article 5(1) of Regulation (EU) 2018/1725:

- (a) the 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<sup>3</sup>;
- (a2) the processing is necessary for the **management and functioning** of the Union Institutions or bodies (Recital (22) of Regulation (EU) 2018/1725) ;
- (b) the processing is necessary for **compliance with a legal obligation** to which the controller is subject, which are Articles 33 and 59(6) of the CEOS<sup>4</sup>; in addition to
  - Pre-employment medical visit: Articles 28 and 33 of the Staff Regulations and Articles 12(d), 13(2) and Article 83(2) of the Conditions of Employment of Other Servants (CEOS).
  - Annual medical visits/Health screening programme/Vaccination: Article 59(6) of the Staff Regulations, Articles 16(1), 59 and 91 of the CEOS.
  - Registration of sickness: Staff Regulations, Title IV, Article 59 (1)
  - For health data related to pandemic: Art 10(2)(i) of Regulation (EU) 2018/1725
- (c) the processing is necessary for the **performance of a contract** to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- (d) the data subject has given **consent** to the processing of his or her personal data for one or more specific purposes as detailed below;
- (e) the processing is necessary in order to protect the **vital interests** of the data subject, its family members or of other natural persons;

and if applicable **Article 10(2)(i)** of Regulation (EU) 2018/1725 because 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 and of medicinal products or medical devices, on the basis of Union or Member State law which provides for suitable and specific measures to safeguard the rights and freedoms of the data subject, in particular professional secrecy.

<sup>2</sup> 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 L 295/39 of 21.11.2018).

<sup>3</sup> EISMEA Establishment Act: Commission Implementing Decision (EU) 2021/173 of 12 February 2021 establishing the European Climate, Infrastructure and Environment Executive Agency, the European Health and Digital Executive Agency, the European Research Executive Agency, the European Innovation Council and SMEs Executive Agency, the European Research Council Executive Agency, and the European Education and Culture Executive Agency and repealing Implementing Decisions 2013/801/EU, 2013/771/EU, 2013/778/EU, 2013/779/EU, 2013/776/EU and 2013/770/EU (OJ L 50/9 of 15.2.2021)

<sup>4</sup> 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 2018/C 451/07 (OJ 45/1385 of 14.6.1962).

**1.4. The purpose** of the processing of medical data is to survey and to promote health of staff and of their family members, if applicable. This includes information for pre-employment medical visits, vaccination, annual medical visits, health screening programme, and registration of sickness including related to pandemics or similar events i.e. linked to COVID-19 pandemic, which may include for holders of Belgian Special Identity Card based on their consent transmission of some personal data to obtain the ‘digital key’ (a user name and password), from competent national authorities to access federal or local public web sites<sup>5</sup> to obtain the COVID-19 certificates (i.e. COVID-19 vaccination certificate, EU digital COVID-19 certificate and/or COVID-19 test results). The Belgian authorities collect and may further process personal data pursuant to the GDPR and their applicable data protection notice<sup>6</sup>.

**1.5. The categories of data subjects** concerned by this processing are: Statutory EISMEA Staff (CA, TA, Seconded officials, SNE if any) and their family members, if applicable.

**1.6. The following personal data** are collected:

- Pre-employment medical visit: Name, date of birth, date of the medical examination, grade, certificate concerning whether the data subject has or has not the necessary physical aptitude required to fulfil her/his duties. This medical certificate, which is only an administrative document, does not contain information about the medical record of the data subject; it only provides that the person has the necessary physical aptitude required to fulfil his duties. The medical details of the data subject are only communicated directly to the concerned person by the doctor/medical service of the Commission.
- Medical annual visit: EISMEA only has access to the administrative data, this is the date of the appointment with the medical service. EISMEA does not access any medical information.
- Vaccination: EISMEA does not access any medical information.
- Registration of sickness: Name and first name staff member, name doctor, information on whether the staff member is unfit to work, generic reason of absence (whether this is illness, accident, extension), whether the staff member can/cannot leave the house. The cause of the illness or the exact illness is not communicated. More generally, no medical data in the strict sense is sent to EISMEA. An administrative document does not contain information about the medical record of the data subject; it only provides that the person has the necessary physical aptitude required to fulfil his duties. The medical details of the data subject are only communicated directly to the concerned person by the doctor/medical service of the Commission.
- Other health related processing related to pandemic or similar i.e. COVID-19 pandemic: the name of the concerned member of staff, the time of infection, the identification of the illness, if needed; for holders of Belgian Special Identity Card based on their consent to obtain the ‘digital key’ from competent national authorities: first name, last name, language, national registration number (NISS/BIS), email address, relation with the staff member if applicable. The above mentioned personal data are **mandatory** for the purpose(s) outline above.

**1.7. The recipients** to whom of the personal data will or might be disclosed are: authorised EISMEA HR staff, Finance Unit, Head of Department C, Head of Unit C.02, Head of Sector C.02.1, authorized staff of DG HR Medical Services or other competent DG HR services and PMO, EISMEA Legal Team and DPO, EISMEA Director as Appointing Authority, if applicable competent national authorities including public health authorities and bodies charged with monitoring or inspection tasks in application of EU law (e.g. internal audits, Court of Auditors, European Anti-fraud Office – OLAF).

**1.8. Personal data will not be transferred to third countries or international organisations.**

For holders of Belgian Special Identity Card, based on their consent, some personal data (full name, date of birth, national registration number (NISS/BIS), language, email address and for family member: relation with the staff member) may be transmitted to competent national authorities, including public health authorities to obtain the ‘digital key’ for data subjects to obtain their COVID certificates.

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<sup>5</sup> For Ma Santé.be portal see information on data protection applicable to this portal: [Health.belgium.be/DPN](https://health.belgium.be/DPN).

<sup>6</sup> [General Data Protection Regulation \(EU\) 2016/679](#) of the European Parliament and the Council of 27 April 2016.

**1.9.** The processing of this personal data will **not include automated decision-making** (such as profiling).

**1.10.** **The following technical and organisational security measures** are in place to safeguard the processing of this personal data: all exchange of information between the staff member and the services involved in the procedure has to use encrypted e-mails. The personal data are stored on a dedicated server folder with contingency measures based on “need to know” criteria and restricted access rights. The ARES file will also be restricted with handling restrictions stamp.

**1.11.** The personal data concerned **will be kept for a maximum period** of 30 years.

The pre-employment medical aptitude certificate will be kept throughout the employment of the data subject at EISMEA. The data will be retained for a period of maximum 30 (thirty) years as of the termination of the employment.

The data related to sick leave are kept for a period of 5 (five) years.

The data of non-recruited persons will be retained only during the period of time during which it is possible to challenge the data (if this is a negative decision taken on the basis of the data), this is 2 (two) years.

Data will be deleted at the end of this period.

For holders of Belgian Special Identity Card if some personal data is transferred to competent national authorities i.e. to obtain the ‘digital key’, please check the applied retention period in the relevant data protection notice/privacy statement.

**1.12. Data Subjects are informed on the processing of their personal data via a data protection notice on their rights :**

- to access their personal data held by a controller;
- to request their personal data held by a controller to be corrected;
- to obtain in some situations erasure of their personal data held by a controller, e.g. when data are held unlawfully (right to be forgotten);
- to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
- of **recourse** at any time to **EISMEA Data Protection Officer** at [EISMEA-DPO@ec.europa.eu](mailto:EISMEA-DPO@ec.europa.eu) and to the **European Data Protection Supervisor** at <https://edps.europa.eu>.

Request from a data subject to exercise a right will be dealt with without undue delay and within **one month**.

Your right to information, access, rectification, erasure, restriction or objection to processing, communication of a personal data breach or confidentiality of electronic communications may be restricted only under certain specific conditions as set out in the applicable Restriction Decision in accordance with Article 25 of Regulation (EU) 2018/1725.

Any queries concerning the processing of personal data, have to be addressed to the Data Controller indicated above in 1.1. at [eismea-hr-administration@ec.europa.eu](mailto:eismea-hr-administration@ec.europa.eu).

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