



Privacy Statement – Health data

Your personal data are processed in accordance with Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

Identity of the Controller

The Head of Human Resources and Planning Department is the data controller for the processing of health data at FRA. It should be stressed that the Head of Human Resources and Planning Department has no access to medical data as such.

Purpose of the processing operation

The purpose of this processing operation is to ensure that the data subject is physically fit to perform his/her duties. Disabilities or other medical conditions should not act as a bar to candidates, as long as they are able to perform their duties when reasonable accommodation is made - Article 1d of the Staff Regulations (ban on discrimination).

Categories of data

Specific data undergoing processing are the Medical service form and Medical report with the results of the medical examinations (at pre-recruitment) and the annual medical examination form.

Legal basis of the processing operation

The legal basis of the processing operation relating to the pre-employment medical check ups are the Staff Regulations and in particular Articles 28 (e) and 33, and the Conditions of Employment of Other Servants (CEOS) Articles 12.2(d), 13 and 83. The replies to the questions are obligatory since all the documents requested are necessary to facilitate the recruitment process.

The legal basis for the medical annual visits is Article 59(6) of the Staff Regulations and Articles 16 and 91 of the CEOS.

The legal basis for the registration of sickness is Article 59(1) of the Staff Regulations and Articles 16 and 91 of the CEOS and the MB decision 2007/05 FRA.

The legal basis for the risk of occupational disease and of accidents is Article 73 of the Staff Regulations and Articles 28 and 95 of the CEOS.

Recipients of the data

For the pre-employment medical check ups and the annual visits, the recipient of your data is the Medical Advisor of the FRA. The Medical Advisor processes the medical details, which can be transmitted to you directly. Under no circumstances is your medical data forwarded to the Human Resources staff. The Human Resources only collects aptitude certificate providing whether you are fit to work.

For the registration of sick leave, you are required to submit your medical certificate directly to the Medical Advisor. The Medical Advisor informs in writing the responsible persons in the Human Resources on your absence who introduce the dates of your sick leave, into TiMA (an electronic

database). The Medical Advisor verifies the validity of the medical certificate as provided in the MB Decision 2007/05 FRA.

Conservation of data

Aptitude certificates of both pre-recruitment examinations and annual check-ups are part of your personal file kept by the Human Resources. The personal files are kept for a maximum period of twenty years after the end of the period during which a staff member is in active employment or the last pension payment.

Medical files are created by the FRA's Medical Advisor and are kept in the secured premises of the FRA Medical Advisor's office. They are retained for a maximum period of thirty years after the last medical document inserted in the file in the light of Article 4(1)(e) of the Regulation.

The data retention period related to sick leave data - both on paper and electronic format - is kept for two years. Only if a dispute or an appeal is under way the data will be kept longer.

For non-recruited persons, the results from their pre-recruitment checks are kept for two years, a period during which it is possible to challenge the data or the negative decision taken on the basis of that data.

Right of access and rectification

You have the right to access your personal data and the right to correct any inaccurate or incomplete personal data should this be based on solid/undisputed medical grounds.

If you have any queries concerning the processing of your personal data, you may address them to the head of the Human Resources and Planning, the data controller, at his office e-mail address i.e. Paul.Cozzi@fra.europa.eu.

You have also the right to have recourse at any time to the European Data Protection Supervisor: <http://www.edps.europa.eu>.