

## PRIVACY NOTICE

### *Processing of health data at the European Union Agency for Fundamental Rights (FRA)*

The European Union Agency for Fundamental Rights (FRA) processes the personal data of a natural person in compliance with Regulation 2018/1725 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.

This privacy notice explains FRA's policies and practices regarding its collection and use of your personal data, and sets forth your privacy rights. We recognise that information privacy is an ongoing responsibility, and we will update this notice where necessary.

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## 1. Why do we collect personal data?

The Agency collects personal data in order to determine whether or not a person is physically fit to perform his/her duties or needs certain accommodation at the workplace, to grant sick leave based on a medical certificate, for reimbursement of the annual medical exams and to grant invalidity allowance (just in some cases).

Only relevant data for the purpose of justification of a medical absence or initiation of a control of an absence is requested in such a medical certificate. The FRA keeps only the medical "fit/not fit/ fit with reserve to work" certificate which is filled in the personal file of the staff member.

## 2. What kind of personal data does the Agency collect?

The Agency collects data from the applicants regarding their:

- identification (name, surname, date of birth);
- banking details (financial identification form, bank account information);

The pre-recruitment medical exams determine whether a person is physically fit to perform his/her duties, needs certain accommodations at the workplace, or to assess whether a limitation on benefits is necessary. Only relevant data for the purpose of justification of a medical absence or initiation of a control of an absence is requested in such a medical certificate.

Reimbursement of annual medical expenses covered by FRA. A practitioner of the staff member's choice performs them. The staff member receives the list of the exams to be carried out from HR and go for the tests and the visit. The staff member submits his/her claim for reimbursement together with the prescription of the doctor (if applicable), invoice indicating the services provided, receipt or proof of payment (see Annex 2).

## 3. How do we collect your personal data?

We collect only the personal data you provide us during registration for the procurement procedures

## 4. Who is responsible for the processing your personal data?

The Agency is the legal entity responsible for the processing of your personal data and determines the objective of this processing activity. The Head of Corporate Services is responsible for this processing operation.

## 5. Which is the legal basis for this processing operation?

- Pre-recruitment medical examination: Articles 12(d), 13(2) and 83 of the Conditions of Employment of Other Servants (CEOS) and Articles 28 and 33 of the Staff Regulations.
- Annual medical examination: Articles 16(1), 59 and 91 of the CEOS and Articles 59 (6) of the Staff Regulations.
- Medical certificate to verify absence because of sickness/accident: Article 59 (1) of the Staff Regulations and Article 16 of the CEOS.
- Claims for reimbursement of medical expenses: Articles 72 and 73 of Staff Regulations.
- Invalidity allowance: Article 78 of the Staff Regulations.

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Visitors/Trainees/Others: processing is lawful under Article 5 (d) and if the person were not able to give his/her consent the processing would be lawful under Article 5(e).

In addition, the processing of the personal data is also in accordance with Article 5 (a),(d), (e) of Regulation (EU) No 2018/1725.

### **6. Who can see your data?**

A restricted number of staff members can access your personal data. These include the Human Resources within the Corporate Services Unit and the Director of the Agency. Moreover, a transfer of health data might take place among EU Institutions and Agencies at the moment of the recruitment.

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. The person responsible from HR will introduce the dates of your sick leave, into the Agency's leave management system. The Medical Advisor verifies the validity of the medical certificate as provided in the MB Decision 2007/05 FRA.

### **7. Do we share your data with other organisations?**

Personal data is processed by the Agency only. In case that we need to share your data with third parties, you will be notified to whom your personal data has been shared with.

### **8. Do we intend to transfer your personal data to Third Countries/International Organizations?**

No.

### **9. When will we start the processing operation?**

We will start the processing operation when you will: undergo the medical examination pre-recruitment, undergo the annual medical examination, send a medical certificate in case of sickness/accident, and claim for reimbursement of medical expenses or ask for invalidity allowances.

### **10. How long do we keep your data?**

1. Documents related to recruited candidates for Temporary Agents, Contract Agents, Seconded National Experts, Trainees: for a maximum period of 10 years as of the termination of employment or as of the last pension payment.
2. Documents related to non-recruited candidates for Temporary Agents, Contract Agents and Seconded National Experts: the medical data of not recruited persons is kept only for 2 years, period during which it is possible to challenge the data or the negative decision taken based on the data.
3. Documents related to sick leave are kept for 2 years.

4. Documents related to invalidity allowance: for a maximum period of 10 years as of the termination of employment or as of the last pension payment.

## 11. How can you control your data?

You can access, modify or delete your personal data by sending an email request to [recruitment@fra.europa.eu](mailto:recruitment@fra.europa.eu), in cases of recruitment purposes or to [Presence@fra.europa.eu](mailto:Presence@fra.europa.eu) for staff members and Trainees. More details are provided below.

### 11.1. How valuable is your consent for us?

Since health data is sensitive, the processing is lawful only if "the data subject has unambiguously given his or her consent". Therefore, you have the right to withdraw your consent at any time, and we will delete your data or restrict its processing.

### 11.2. Your data protection rights

Under data protection law, you have rights we need to make you aware of these rights. The rights available to you depend on our reason for processing your information. You are not required to pay any charges for exercising your rights.

#### a. Can you access your data?

You have the right to access your data at any time and free of charge, by sending an email request to [recruitment@fra.europa.eu](mailto:recruitment@fra.europa.eu), in cases of recruitment purposes or to [Presence@fra.europa.eu](mailto:Presence@fra.europa.eu) for staff members and Trainees.

#### b. Can you modify your data?

You have the right to modify your data without delay of inaccurate or incomplete personal data at any time by sending an email request to [recruitment@fra.europa.eu](mailto:recruitment@fra.europa.eu), in cases of recruitment purposes or to [Presence@fra.europa.eu](mailto:Presence@fra.europa.eu) for staff members and Trainees. You have the right to update or correct at any time your identification/administrative data. Moreover, you can request that information such as counter opinions by another doctor to be added your medical file; in cases of processing data about psychological or psychiatric nature, you might access your data not directly but indirectly, if it is assessed on a case by case basis that direct access presents risks for you);

#### c. Can you restrict us from processing your data?

You have the right to block the processing of your personal data at any time by sending an email request to [recruitment@fra.europa.eu](mailto:recruitment@fra.europa.eu), in cases of recruitment purposes or to [Presence@fra.europa.eu](mailto:Presence@fra.europa.eu) for staff members and Trainees, when you contest the accuracy of your personal data or when the Agency no longer needs the data for completing its tasks. You can also block the processing activity when the operation is unlawful, and you oppose to the erasure of the data.

#### d. Can you delete your data?

You have the right to ask us to delete your data at any time by sending an email request to [recruitment@fra.europa.eu](mailto:recruitment@fra.europa.eu), in cases of recruitment purposes or to [Presence@fra.europa.eu](mailto:Presence@fra.europa.eu) for staff members and Trainees, when the processing activity is unlawful.

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### e. Can you request the transfer of your data to a third party?

This only applies to information you have given us. You have the right to ask that we transfer the information you gave us from one organization to another, or give it to you. The right only applies if we are processing information based on your consent or under, or in talks about entering into a contract and the processing is automated.

### f. Do you have the right to object?

Yes, you have the right to object at any time by sending an email request to [recruitment@fra.europa.eu](mailto:recruitment@fra.europa.eu), in cases of recruitment purposes or to [Presence@fra.europa.eu](mailto:Presence@fra.europa.eu) for staff members and Trainees, when you have legitimate reasons relating to your particular situation. Moreover, you will be informed before your information is disclosed for the first time to third parties, or before it is used on their behalf, for direct marketing purposes. The Agency will address your requests within 15 working days from the receipt of the request.

### g. Do we do automated decision making, including profiling?

No.

## 12. What security measures are taken to safeguard your personal data?

The Agency has several security controls in place to protect your personal data from unauthorised access, use or disclosure. We keep your data stored on computer systems with limited access to a specified audience only.

## 13. What can you do in the event of a problem?

a) The first step is to notify the Agency by sending an email to [recruitment@fra.europa.eu](mailto:recruitment@fra.europa.eu), in cases of recruitment purposes or to [Presence@fra.europa.eu](mailto:Presence@fra.europa.eu) for staff members and Trainees, and ask us to take action.

b) The second step, if you obtain no reply from us or if you are not satisfied with it, contact our Data Protection Officer (DPO) at [dpo@fra.europa.eu](mailto:dpo@fra.europa.eu).

c) At any time you can lodge a complaint with the EDPS at <http://www.edps.europa.eu>, who will examine your request and adopt the necessary measures.

## 14. How do we update our privacy notice?

We keep our privacy notice under regular review to make sure it is up to date and accurate.

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