EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF

PROCESSING PERSONAL DATA RELATED TO DECLARATION OF AN ACCIDENT AT WORK OR AN OCCUPATIONAL DISEASE BY LOCAL AGENTS IN EU DELEGATIONS

1. INTRODUCTION

The protection of your personal data and privacy is of great importance to the European External Action Service (EEAS), including the Delegations of the European Union. You have the right under EU law to be informed when your personal data is processed [e.g. collected, used, stored] as well as about the purpose and details of that processing.

When handling personal data, we respect the principles of the Charter of Fundamental Rights of the European Union, and in particular Article 8 on data protection. Your personal data are processed in accordance with Regulation (EU) 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, aligned with Regulation (EU) 2016/679, the General Data Protection Regulation. In this privacy statement you find information about how the EEAS and EU Delegations process your personal data and what rights you have as a data subject.

2. PURPOSE OF DATA PROCESSING: Why do we process your data?

The purpose of the present processing activity is to to gather reports of potential accidents at work or statement concerning potential occupational disease concerning local agents, in order to assess whether these would be recognised as accidents at work or occupational diseases.

Description

A local agent who sustains an accident at work immediately notifies the Delegation's Administration Section by appropriate means. If it is impossible for the local agent to notify the Delegation, a member of their family or any other person with knowledge of the facts may notify the accident to the Delegation, no later than 3 working days from the date of the accident.

In addition, the local agent reports the exact circumstances in which the accident occurred and within 3 working days from the date of the accident, using the accident report form which they submit to the Head of Delegation. The accident report states particulars on the date and time, the causes and the circumstances of the accident and the names of witnesses and of any third party which may be liable. A police report is provided for accidents involving vehicles or criminal acts.

A detailed medical report is annexed to the accident report and submitted no later than 10 working days from the date of the accident, specifying the nature of the injuries and the probable consequences of the accident.

The Delegation may hold an inquiry in order to obtain information necessary to determine the nature of the accident and the circumstances under which it occurred.

The Delegation transmits the accident report with the detailed medical report and any other information relevant to determine the occupational nature of the accident to Headquarters.

In the event of an occupational disease, the local agent submits a statement to the Delegation within a reasonable period from the beginning or diagnosis of the disease. In case of death as a result of an alleged occupational disease, the statement may be submitted by a member of their family or any other person entitled. The statement states the nature of the disease and be accompanied by a detailed medical report or other evidence as necessary. The Delegation may hold an inquiry in order to obtain information necessary to determine the nature of the disease and the circumstances under which it has arisen. The Delegation shall transmit the statement with the detailed medical report and any other information relevant to determine the occupational nature of the disease to HQ.

The relevant Division in Headquarters (RM.BHR.5) transmits all medical reports and information received to a medical expert who issues an opinion to the attention of the EEAS Budget and HR Director. A copy of the opinion is notified to the local agent.

Should a local agent disagree with this medical opinion, they may request, within 20 working days and if they are employed under the LA-CE, to submit their case for the opinion of a medical committee (composed of three medical experts chosen from among medical experts engaged by the institutions). The medical committee considers the opinion of the medical expert and may request further medical tests or consultations. Finally, the medical committee issues an opinion to the EEAS Budget and HR Director on whether any of the available medical evidence may support the occupational nature of a disease or the claim that an accident arose from or in connection with work. The opinion of the medical committee is also notified to the member of local staff.

Based on all relevant information and opinions, the EEAS Budget and HR Director determines whether an accident arises from or in connection with work or the occupational nature of a disease and shall inform the member of local staff.

3. DATA PROCESSED: What data do we process?

I. Personal data processed from local agents:

- Name and forename
- Contact details
- Gender
- Date and place of birth

- Conditions of employment and possible affiliation date to the LA-CE
- Place of employment
- Delegation's Section
- Reference of the post (including personnel number)
- Records of the accident at work or occupational disease, including related documents (e.g., detailed medical reports, witness statements, police reports, etc.)

II. Personal data processed from third parties involved in the accident:
- Name and forename
- Private address
- Contact details (email and/or phone number)
- Name of insurance company (if applicable)
- Number of insurance policy (if applicable)
- Involvement in the accident

III. Personal data processed from family members or other persons entitled:
- Name and forename
- Relationship with the local agent
- Contact details (email and/or phone number)
- Involvement in and consequences of the accident

Special categories of data are processed only to a limited extent according to necessity and provided by the data subject for the purposes of occupational medicine [Article 10 (2) h of Regulation (EU) 2018/1725], of substantial public interest [Article 10 (2) g of Regulation (EU) 2018/1725]: good cooperation with the host country (obligations under the Vienna Convention) including authorities investigating the incident and to ensure that local agents receive the social security coverage ensured by the host country or for the establishment, exercise of defence of legal claims to the reimbursement of damages following the accident [Article 10 (2) f of Regulation (EU) 2018/1725].

4. DATA CONTROLLER: Who is entrusted with processing your data?

The data controller determining the purpose and the means of the processing activity is the European External Action Service (EEAS). The EEAS Directorate / Division / EU Delegation entrusted with managing the personal data processing under the supervision of the Head of Division is the following organisational entity:

EEAS.RM.BHR.5 Local Agents division

5. RECIPIENTS OF THE PERSONAL DATA: Who has access to your data?

The recipients of your data may be
In EU Delegations:
- Head of Delegation
- Deputy Head of Delegation
- Head of Administration
- EU Delegation staff members involved in the management of the files of the local agents concerned.

In HQ:
- Staff of relevant EEAS services dealing with the management of files of the local agents concerned
- Authority Authorised for Concluding Contracts of Employment
- Medical experts and medical committee members appointed by the AACC

For important reasons of public interest [Article 50 (1) d of Regulation (EU) 2018/1725]: good cooperation with the host country (obligations under the Vienna Convention) including authorities investigating the incident and to ensure that local agents receive the social security coverage ensured by the host country. Occasionally for the same purposes to provide medical care or other important services to them using local providers.

If the insurer of a third party involved in the accident or causing the accident is an insurer in a third country, transfer of data is necessary for the establishment, exercise of defence of legal claims to the reimbursement of damages following the accident {Article 50 (1) e of Regulation (EU) 2018/1725].
The given information will not be communicated to third parties, except where necessary for the purposes outlined above.

6. ACCESS, RECTIFICATION AND ERASURE OF DATA: What rights do you have?

You have the right of access to your personal data and the right to correct your inaccurate or incomplete personal data, taking into account the purpose of the processing. The right of rectification can only apply to factual data processed. Under certain conditions, you have the right to ask the deletion of your personal data or restrict their use as well as to object at any time to the processing of your personal data on grounds relating to your particular situation. We will consider your request, take a decision and communicate it to you without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary. For more detailed legal references, you can find information in Articles 14 to 21, 23 and 24 of Regulation (EU) 2018/1725. In specific cases, restrictions under Article 25 of the Regulation may apply. If you wish to exercise your rights or have questions concerning the processing of your personal data, you may address them to the Data Controller:

- through the Service Desk platform: https://helloadmin.eeas.europa.eu/helloadmin
- or via email to the LOCAL-AGENTS@eeas.europa.eu from outside EEAS IT network.

7. LEGAL BASIS: On what grounds do we collect your data?

Lawfulness:

The processing of your personal data is necessary for the performance of a task carried out by the European External Action Service in the public interest, in particular for the management and functioning of the EEAS [Article 5(1)(a) of Regulation (EU) 2018/1725 as referred to in Recital 22 thereof].

The processing of your personal data is also necessary to take steps on your request during or after the performance of the contract (the Employment Contract between the EU delegation and you) [Article 5(1)(c) of Regulation (EU) 2018/1725].

Legal reference:

- Conditions of Employment of Other Servants of the European Union (Title I, V)
- Joint Decision C(2019) 5686 of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 7.8.2019 on the Conditions of Employment of Local Staff of the European Union engaged in places outside the European Union (LA-CE)
- Joint Decision C(2019) 5684 of the Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 7.8.2019 on autonomous or complementary medical cover for Local Staff in Union Delegations in countries where coverage by the local system either does not exist or is insufficient (LA-Medical)
- Decision ADMIN(2020) 23 of the Director-General for Budget and Administration of the European External Action Service of 27/05/2020 on General Rules on the LA-Medical
- Decision ADMIN(2020) 31 of the Head of Division for Local Agents of 29/05/2020 on Eligibility for Full Reimbursement under LA-Medical
- Decision ADMIN(2020) 29 of the Director for Human Resources of the European External Action Service of 28/05/2020 on Determining Accidents at Work and Occupational Disease for Local Staff
- Specific Conditions of Employment (SCE) adopted for individual Delegations

Further legal reference:

Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS (2010/427/EU) – OJ L 201, 3/8/2010, p. 30.

8. TIME LIMIT & DATA SECURITY: for what period and how securely do we process your data?

Storage period

Personal data is kept for the following periods:

- he data of staff members, as well as those of their dependent family members, will be kept for 8 years after the extinction of all rights of the staff member concerned and of any dependants, and for at least 45 years after the recruitment of the staff member.
- In case of incidents, claims, complaints, investigations, audits or legal proceedings, including cases with the Ombudsman or appeals before the General Court and thereafter the Court of Justice and the required follow-up to judgments, the personal data shall be kept until not more than 5 years after the judgment on the pending case is final and until not more than 2 years from the closure of the case in case of a complaint before the EU Ombudsman where no legal proceedings follow the decision.

Security of data

Appropriate organisational and technical measures are ensured according to Article 33 of Reg. (EU) 2018/1725. The collected personal data are stored on servers that abide by pertinent security rules. Data is processed by assigned staff members. Access to specific files requires authorisation. Measures are provided to prevent unauthorised entities from access, alteration, deletion, disclosure of data. General access to personal data is only possible to recipients with a UserID/Password. Physical copies of personal data are stored in a properly secured manner.

Specific security measures:

- Accident reports or occupational disease statements are transmitted by ARES through official note and accompanied by the appropriate relevant documents.
- The medical reports are shared with medical experts and medical committee members using secured emails.
- The reports, statements and decision are stored in ARES with a marking: “SENSITIVE – Staff Matters”.
- Data is kept in the personal file of the local agent and in the administration section of the Delegation – access is limited on a need-to-know basis.

Paper files or printouts, including correspondence, are kept in locked cupboards.

9. EEAS DATA PROTECTION OFFICER: Any questions to the DPO?

If you have enquiries you can also contact the EEAS Data Protection Officer at data-protection@eeas.europa.eu.

10. RECOURSE

You have, at any time, the right to have recourse to the European Data Protection Supervisor at edps@edps.europa.eu.