European Union
EXTERNAL ACTION

EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF PROCESSING PERSONAL DATA RELATED TO

LA-MEDICAL – AFFILIATION,
INCAPACITY FOR WORK BEYOND 30 DAYS,
PRIOR AUTHORISATION REQUEST (PAR),
REIMBURSEMENT REQUEST FOR MEDICAL EXPENSES FOR LOCAL AGENTS
OF THE EEAS IN UNION 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?

Purpose

The aim is to gather the data required to operate the LA-Medical scheme. This entails the following elements:

- Affiliate the local agents and their beneficiaries to the LA-Medical Section II insurance;
- LA-Medical Section I insurance to cover the loss of earning of local agents due to a medical incapacity to work over 30 days;
- LA-Medical Section II insurance
    - Issue a prior authorisation (medical care that cannot be undertaken before the authorisation) or an individual authorisation (medical care that can be undertaken before the authorisation) from HQ;
    - Issue a reimbursement for medical costs incurred by the local agents and their beneficiaries;
- Processing appeals from affiliated members for both sections.

Description

1. Affiliation of local agents and their beneficiaries

Affiliation of the local agents to Section I starts on the contract start date and is automatic for all local agents who in Delegations not excluded from affiliation. Affiliation is suspended during periods of unpaid leave, and it ends when the contract ends.

Affiliation of the local agents to Section II (medical costs) starts on the contract start date and is automatic for all local agents in Delegations not excluded from affiliation. Affiliation is suspended when the local agent is not receiving a salary or benefits from Section I during medical incapacity. Affiliation to Section II ends when the contract ends, except when an extension is authorised. Affiliation is suspended during periods of unpaid leave, unless the member chooses to remain covered at their own expense. Local agents affiliated to Section II are insured against the medical costs incurred by themselves or their dependants. The eligibility of dependants is determined by the administrative manager based on documentary evidence.

The member wishing to extend coverage makes a request by the form attaching the necessary documents related to their eligible dependents (e.g., annual declaration of income, certificate of school attendance, etc.).

After contributions are paid, the Delegation encodes the extension in the staff management module of HR-HUB, and HQ review and validate it.

For extension of coverage after the end of the contract, the member confirms the extension for consecutive periods of six months by submitting a new form. The member may terminate the affiliation at any time after the first three months of each six-month period by submitting a written request.

Section II – Affiliation of dependents

The local agent submits a request for affiliation of a dependent through the staff management module of HR-HUB, or via the Administration Section of the Delegation who encodes the request and supporting documents in HR-HUB. Local agents must produce all required supporting documents showing that each beneficiary under Section II Insurance is entitled to be considered a dependant.

Documents to be submitted by the local agent for a dependent partner:

- Marriage certificate or certificate of registered partnership;
- Annual statement (form provided by the Administration) that the partner does not have or pursue any gainful professional activity or that the partner's annual income is not higher than a pre-determined ceiling;
- On the basis of local law or practice, any document providing evidence of the unemployment status of the spouse or of their annual income.

Documents to be submitted by the local agent for dependent children up to and including the age of 17:

- Birth certificate; mentioning the names of the parents, to establish the maternity and paternity;
- in the case of the spouse's children: marriage certificate or certificate of registered partnership;

- in the case of adopted children: legal adoption papers.

Documents to be submitted by the local agent for dependent children aged 18 to 25:

- Birth certificate and other legal documents required (see above);
- Certificate of school or university attendance;
- Annual statement (form provided by the Administration) that the dependant does not have or pursue any gainful professional activity or that the dependant's annual income is not higher than a pre-determined ceiling.

Documents to be submitted by the local agent for dependent children prevented by chronic invalidity from earning a livelihood:

- In addition to the birth certificate and other legal documents (see above), a medical report confirming the chronic invalidity and the incapacity to work of the child.

HQ reviews the request and supporting documents and validates or denies the affiliation in HR-HUB.

2. Medical incapacity to work over 30 days

When the Delegation's Administration Section becomes aware that a member will be absent for more than 30 days, they notify HQ via the prescribed form. No later than on the 31st day of absence, the member submits a medical report, including diagnosis, description of the symptoms, cause and estimated duration of incapacity to work. For reasons of confidentiality, the member may send this medical report directly to HQ via secure email or diplomatic pouch.

HQ confirm to the Head of Administration the period(s) for which the member is entitled to compensation. HQ may require the member to undergo additional medical examinations for a second opinion.

The Delegation's Administration Section checks that all steps to obtain benefits available under local social security or private insurance have been taken.

The Administration Section calculates the amount due and the compensation is paid net.

The cover is extinguished on the 180th day of incapacity to work. Affiliated local agents may be eligible to a subsistence allowance until the 270th day of absence. The member may submit a reasoned request accompanied by supporting documents under the same procedure as explained above. HQ, after consultation of an inter-institutional joint committee, confirms to the Head of Administration whether and for which period(s) the member is entitled to a subsistence allowance and the amount.

The Administration Section notifies HQ of the return to work of the local agent via the prescribed form.

3. Prior Authorisation Request (PAR) / Individual Request

The local agent introduces the request via LA-Medical. Prior to the submission the Head of Administration verifies completeness. For reasons of confidentiality, the affiliated local agent can send medical reports directly to LA-Medical at HQ via email or diplomatic pouch, informing the Delegation's Administration Section.

If the local agent cannot access LA-Medical, the PAR can be sent via secure e-mail or diplomatic pouch in a sealed envelope.

The PAR is reviewed by the BHR.5 case handler. If complete, it is sent to the medical or dental adviser via LA-Medical. For PAR sent by email or diplomatic pouch, the case handler sends the documents to the medical adviser by secure email.

The LA-Medical adviser reviews the PAR and encodes the opinion and the AACC finalises the decision in LA-Medical, automatically registered in Ares and communicated to the local agent.

If the PAR was submitted by email or diplomatic pouch, the PAR and the medical opinion are sent by secure email to the Desk Officer in HQ who in turn will prepare the PAR Decision to be signed by the AACC outside of LA-Medical. The decision is manually registered in Ares and sent to the local agent.

4. Reimbursement of medical costs

The local agent submits a claim, including supporting documents, through LA-Medical. If it is impossible to introduce a claim in due time using the application, the claim may be introduced using the reimbursement claim form provided by the Administration. The claim must be accompanied by supporting documents including

- the reference number of the authorisation, when required;
- the medical prescription, if required;
- an itemised proof of payment;
- the statement of reimbursement from the primary or other insurance;
- information of any related reimbursement under LA-Medical.

The Delegation's Administration section processes the claims and may consult HQ if in doubt about the legitimacy or appropriate treatment of a specific claim. In such case, HQ may consult the LA-Medical medical or dental advisers. The expenses are approved by the Head of Delegation.

5. Appeals

Any person affiliated to LA-Medical may introduce an appeal against a final individual decision within three months of the date of the notification.

The member uses the standard form for the appeal, including any supporting documents. The appeal is addressed to the Secretariat of the Joint Management Committee on Social Security for Local Staff ('Joint Committee') by secure email or diplomatic pouch.

A copy of the appeal without supporting documents is transmitted by the member to the Administration Section of the Delegation or to the Support to Delegations Division (EEAS.RM.BHR.6), as appropriate.

Max. 14 days before the next meeting of the Joint Committee, the Secretariat transmits anonymised copies of all the appeals received in due time to the members of the Committee. Appeals are discussed at the next meeting, which issues its opinion on each appeal to the administrative manager at HQ.

The administrative manager notifies its final decision to the member within 10 working days. The Joint Committee's members are also notified of the final decision by anonymised copy.

3. DATA PROCESSED: What data do we process?

The data, including personal data, which may be processed for that purpose are the following:

I. Personal data processed from local agents:

- Name and forename
- Per-ID
- 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
- Information about insurance coverage
- Medical prescriptions and other medical reports
- Medical invoices or other cost breakdown
- Data about incapacity to work

II. Personal data processed from dependents of the local agents:

- Name and forename
- Relationship with the local agent (Child / Spouse)
- Birth Date
- Age
- Gender
- Information about insurance coverage (including information and documents evidencing eligibility)
- Medical prescriptions and other medical reports
- Medical invoices or other cost breakdown

III. Personal data processed from actors in the procedure:

- Name and forename
- Contact details
- Roles (including position and organisational affiliation)
- Authentication
- Activities performed in the system
- Medical titles / profession, if applicable

IV. Personal data processed from medical practitioners:

- Name and forename
- Contact details
- Medical titles / profession

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 Division / EU Delegation entrusted with managing the personal data processing under the supervision of the Head of Division / Head of Delegation 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 include:

In EU Delegations:

- Head of Delegation
- Deputy Head of Delegation
- Head of Administration
- EU Delegation staff members involved in the management of the LA-Medical files (reduced to the minimum possible extent)

In HQ:

- Staff of relevant EEAS services dealing with the management of files of LA-Medical

- Authority Authorised for Concluding Contracts of Employment
- LA-Medical advisers (medical or dental advisers)
- Other authorised EEAS staff such as legal officers or advisors
- OLAF
- Members of the Joint Management Committee on Social Security for Local Staff (for appeal processing only)

Outside the EEAS:

- External medical advisors

For the legal obligation and the interest of the data subjects, i.e. important reasons for public interest: good cooperation with the host country (obligations under the Vienna Convention) and to ensure that local agents receive the social security coverage ensured by the host country and the host country is informed about their tax obligations.
Occasionally for a contract to the benefit of the local agents – to provide medical care or other important services to them using local providers.

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 the personal data is also necessary for compliance with the obligation to enable an appeal against administrative decision [Article 5(1)(b) of Regulation (EU) 2018/1725]
- The processing of the personal data is furthermore necessary to take steps on request of the data subject during or after the performance of the contract (the Employment Contract between the EU delegation and the Data Subject) [Article 5(1)(c) of Regulation (EU) 2018/1725]

Legal references:

- 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 August 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) 32 of the Head of Division for Local Agents of 29/05/2020 on Pharmaceutical Products, Therapies and Medical Equipment Reimbursable under LA-Medical
- 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

- The data of staff members, as well as those of their dependent family members, will be kept for 10 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 measures:

- Affiliation requests are transmitted through the HR-HUB application, which access is strictly limited to relevant actors.
- PAR and reimbursement claims are transmitted through the LA-Medical application, which access is strictly limited to relevant actors, by secured email, or via diplomatic pouch in a sealed envelope.
- All correspondence and decisions are stored in ARES with a marking: "SENSITIVE – Medical Secret".
- 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.