

EEAS PRIVACY STATEMENT - DATA PROTECTION NOTICE

FOR THE PURPOSE OF PROCESSING PERSONAL DATA RELATED TO THE ACTIVITY OF THE EEAS MEDICAL SERVICE

BY MEANS OF KITRY EHS, A RECOGNISED OCCUPATIONAL HEALTH AND SAFETY SOFTWARE SOLUTION

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 mission and objective of the Medical Service of the EEAS is to provide medical and psychological support, including treatment and advice, to EEAS staff members in Headquarters and in EU Delegations and Commission staff posted in EU Delegations as well as to handle the repatriation of EU expatriate staff on medical grounds (recorded separately).

Description

I. Individual requests

The Medical Service provides health related advice and support by phone, by mail or in person (consultation). This includes individual medical and psychological advice/support, health advice related to reintegration after sickness leave, annual screening and fitness to work evaluation, pre-posting medical advice and training. The Medical Service also handles the evacuation requests from EU Delegations including payments for reimbursement of costs.

II. Administrative requests

Advice is provided to the administration related to fitness to work, invalidities, reasonable accommodation for persons with disabilities early rotation for medical reasons and other assessment on health conditions, including the likelihood of detecting burn-out symptoms as well as related to the evaluation of the Living Conditions Allowances (advice regarding the Health Parameter).

III. Missions abroad

The Medical Service could also provide an on-the-spot support and medical help in case of crises or to visit hospitals abroad to assess the quality of medical care.

The Medical Service may seek or keep in contact with other healthcare professionals, physicians.

The EEAS Medical Service has taken over the responsibility of medical evacuations from the EC since 2017. The medical data for the evacuated patients need to be stored in a medical file/database.

IV. Processing of data by the KITRY system, a recognised occupational health and safety software solution

IV.1 Processing of EEAS staff member data in Headquarters, EU Delegations and Commission staff posted in EU Delegations

The KITRY standard Medical Module allows to register health data and to plan consultations. The Questionnaire Module of KITRY allows the Medical Service to send questionnaires to be completed by concerned individuals. In the context of Covid-19, a specific survey is generated to process data in order to support the EEAS Medical Service in the preparation for vaccination.

KITRY also enables automatic generation of email messages and invitations to concerned individuals for medical control.

KITRY has an additional module for automatic generation of:

1. A note for the attention of individuals for authorisation of medical repatriation
2. A note for for the attention of EEAS BA HR2 for the aptitude letter of concerned individuals to be sent to EU Delegations

Introducing data into the system

The data are encoded manually by the EEAS Medical service with the exception of the administrative data which is automatically extracted from EASRefN via the EASRefN/SERMED interface.

IV.2 Processing of data for EEAS Medical service staff

Data of users of the KITRY system are processed by the application for access control and for registering the input of their contributions to the medical files, including observations and opinions.

Personal notes of doctors are kept on paper and not entered into the KITRY system.

V. Processing of data by SERMED

Please see DPR-EC-01837.1, record of the European Commission (EC) <https://ec.europa.eu/dpo-register/detail/DPR-EC-01837>.

The Medical Service of the EEAS acts in cooperation with the EC Medical Service in the framework of the Service Level Agreement for the purpose of assessing medical cases. The EC provides service for EEAS Headquarters staff.

3. DATA PROCESSED: What data do we process?

I. Your data as patients of the medical service, including personal data, processed, may include the following:

- Surname, first name
- Staff number
- Address
- Family composition
- Family allowances
- Description of the request
- Individual medical files (including medical anamnesis and clinical examination, lab and other complementary examinations, invalidity data, medical conditions)
- Medical opinions (reports from General Practitioner, fitness to work statements, needs for special assistance or reasonable accommodation for persons with disabilities, mental health/risk of burn out data, specific medical reports of Medical Specialists, Medical expertise, Hospitalisation reports, Medical Advisor, Psychologist,)
- Sick leave certificates
- Personal data from reporting on sick leave

II. Vaccination campaign related data

- Fact of being infected or having tested positive with COVID-19
- Vulnerability factors determining priority of COVID-19 vaccination
- Contra-indication/pre-cautions related to COVID-19 vaccination, including current or planned pregnancy
- Location data

Special categories of data pursuant to Art. 10. of Reg. (EU) 2018/1725, in particular health data, are processed.

III. Your data as KITRY user, including personal data processed, may include the following:

- Identification data (first name, last name)
- Login
- Password
- Contact data
- Data entered into the system (opinions and observations)

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 entrusted with managing the personal data processing under the supervision of the Head of Division:

BA.HR.3 Medical Service

Functional mailbox: "EEAS MEDICAL SERVICE": MEDICAL-SERVICE@eeas.europa.eu
"EEAS RIGHTS AND OBLIGATIONS": RIGHTS-AND-OBLIGATIONS@eeas.europa.eu

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

I. PERSONNEL MEDICAL DATA

Medical files/records are stored in secured archives accessible ONLY to authorised persons:

1. Only EEAS medical doctors have access to data on the KITRY platform (Electronic medical filing system hosted by CEGEDIM)
2. Access to case files and medical data stored in the EEAS Medical Service (in paper, electronically on KITRY EHS platform) is granted only to assigned staff members of the EEAS Medical Service in Division "Rights, Obligations and Medical Cell" (BA.HR.3)
3. Medical files/data are only shared with the European Commission Medical Service and doctors in charge of the patient (including medical practitioners and psychologists in host countries of the EU Delegations) for agreed joined handling of a case directly or by means of the SERMED system hosted by DG DIGIT (DPR-EC-01837).
4. Only after request/agreement of the staff member, medical data will be shared with other services (Mediation service, JSIS Medical Service, European Commission Control Medical Service, regional Security Officer / Head of Administration / Head of Delegation (RSO/HOA/HOD) involved in the case handling, the Appointing Authority (AIPN)

Related to an appeal procedure certain administrative details of the case may be disclosed on a temporary basis to:

- a) the Unit of "Appeals" of the European Commission to prepare a response to a complaint, an appeal and/or Article 24 lodged by an individual against the Administration
- b) the Legal Affairs of the EEAS or the Legal Service of the EC

In these cases the service only communicates those details strictly necessary for the management of the case and always in compliance with the relevant current legislation and established case law.

5. In the context of the COVID-19 survey related to vaccination, technical staff under the obligation of confidentiality and on instructions only, in accordance with data protection rules, may process results of the questionnaire to support the Medical Service.

II. PERSONNEL ADMINISTRATIVE DATA

Exclusively administrative data will be exchanged with other (non-medical / administrative) services:

1. Advice is given to Human Resources and Logistics services as well as AIPN related to fitness to work, reasonable accommodation for persons with disabilities, early rotation, sickness leave, etc.
2. On a case by case basis the Legal Advisor can be consulted.

Authorisations for medical evacuation are addressed to HoA, HOD, JSIS and EC control medical service and are handled as a separate data processing, recorded in a distinct data protection notification.

When required access to personal data will also be provided to the European Court of Auditors, Internal and External Auditors, the European Ombudsman, the European Anti-Fraud Office and the European Data Protection Supervisor.

The information in question will not be communicated to third parties, except where necessary for the purposes outlined above. No personal data will be transmitted to parties, which are outside the recipients mentioned in this privacy statement and the legal framework, without the prior consent of the data subjects.

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 via the functional mailbox:

MEDICAL-SERVICE@eeas.europa.eu

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

Lawfulness of the processing:

Personal data processing is necessary and lawful for the execution of a task carried out in the public interest, for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employees, for reasons of public interest in the area of public health (Art. 5.1 (a)), for obligations in the field of employment (staff management) (Art. 5.1 (b)) as well as, in certain cases, to protect the vital interests of data subjects (Art. 5.1 (e))

Further legal reference:

- Staff Regulations for Officials of the European Communities - Articles 1 sexies, 76 and 76bis.
- Conditions of Employment of other Servants of the European Union: Articles 30 and 98.
- Financial Regulations (Council Regulation (CE, EURATOM) n° 1605/2002 of 25/06/2002 concerning the financial regulations applicable to the general budget of the European Communities)
- Financial aid regulations: "Supplementary Aid for the Disabled" and "Assistance with home care or care for a sick child"
- Rules and regulations are available on-line on the intranet page:
http://myintracomm.ec.testa.eu/hr_admin/en/social_bxl/pensioners/Pages/funds.aspx
- Service Level Agreements between EEAS and EC HR (Ref. Ares(2013)859035 - 25/04/2013: SERVICE-LEVEL AGREEMENT concerning the collaboration between the European External Action Service (EEAS) and the Directorate-General for Human Resources and Security of the European Commission (DG HR))
- Good administrative practices in the framework of the Treaty of Lisbon
- Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU) available on http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

The reasons under Article Art. 10.2 (b), (c), (h) (i) and (j) allowing the processing of the special categories of data

- Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security
- Processing is necessary to protect the vital interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent
- Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union law or pursuant to contract with a health professional
- 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
- Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes

8. TIME LIMIT FOR DATA STORED & SECURITY MEASURES: For what period and how we process your data?

Data will be retained as follows:

- Medical files are kept for 30 years, after the termination of duties of the person concerned and in any case, at least until the person concerned reaches the age of 75 (Common Retention List reference 12.3.10)
- The Administrative note for medical evacuations is retained for 10 years – confirmed by DMO services.
- Data related to the COVID-19 vaccination survey outside of the medical files will be erased after the right of claims related to the vaccination campaign expire.

It is also taken into consideration that the EEAS Medical Service works in close cooperation with the EC Medical Service, the retention periods need to be aligned. Retention periods necessary for specific medical documents can be considered by data sets and on a case by case basis. The retention periods could be determined in relation to the nature of the respective document and the necessity to keep the particular data.

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. The server is fully protected with end-to-end encryption that ensures that all data in transit is protected and encrypted with HTTPS protocol, preventing access to data during transfer from one system to another. General access to personal data is only possible to recipients using an industry standard Two-Factor Authentication. Physical copies of personal data are stored in a properly secured manner.

Specific security measures: Subcontractor CEGEDIM is a certified health data hoster. Encryption and two-factor authentication, physical and digital protection of information in the system is ensured. Data of the COVID-19 vaccination survey, information is only kept on password-protected local workstations in password-protected files and only transferred through secured means.

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.