

PRIVACY STATEMENT

regarding the processing of personal data related to health and medical data of ECHA staff

ECHA's Medical Advisor maintains a medical file for staff members containing only health-related data which is gathered during the pre-recruitment and annual medical check-ups. An annual Influenza vaccination campaign is also organised.

What is the purpose of the collection of personal data?

The personal data shall be processed by ECHA for the purpose of monitoring the state of health of staff working at ECHA in line with the applicable provisions of the Staff Regulations.

What is the legal basis for processing your personal data?

The legal basis for the processing can be found in Articles 28(e), 33, 59(1) of the EU Staff Regulations, Articles 12(d), 13(2) and 83(2) of the EU Conditions of Employment of Other Servants (CEOS).

What personal data is collected?

The medical file contains the following staff member data:

- Identification data (name, personnel number, social security number, date and place of birth, sex, nationality, language, civil status, children, family history, postal address, e-mail address, telephone number, name of family doctor, education, post and type of contract at ECHA); and
- Medical data (medical history, objective examination, results of laboratory tests, x-rays, ECGs, results of other medical examinations necessary for a particular individual, medical expenses, medical certificates, periods of absence and other medical records).

Who has access to your personal data and to whom is it disclosed?

The pre-recruitment medical examination can be performed either in Brussels by the Commission's Medical Service or in Helsinki by an external medical service provider contracted by ECHA. Based on the test results, the ECHA Medical Advisor (from the same medical service provider) will make a judgement as to whether a candidate is fit for the post for which they have applied. The HR Unit only receives the statements "apt/inapt or apt with clause", but no further medical data is communicated. Once the candidate enters into service, this statement is stored in the staff member's personal file (managed by the HR Unit), while the test results are stored in the medical file (managed by the Medical Advisor).

For the mandatory annual medical examinations, the same local medical service provider carries out the laboratory and other tests, as well as a clinical examination by an occupational health doctor. The results are communicated to ECHA's Medical Advisor who is responsible for monitoring the health of staff members.

The annual Influenza vaccination campaign is carried out by the same local medical service provider. The HR Unit only collects the names and birthdates of the ECHA staff and family members that wish to participate in the campaign, that are then passed on to the contractor.

Only the Medical Advisor and the medical secretary have access to the medical files at ECHA. As a doctor, the Medical Advisor is bound by strict medical secrecy, and can, therefore, not discuss the employee's medical data with the hierarchy, the staff of the HR Unit, the management or any other third party without the employee's consent. The employee may also authorise the Medical Advisor to disclose the medical information to a doctor/medical centre of their choice.

ECHA has retained the services of a medical secretary to assist the Medical Advisor in carrying out tasks. The medical secretary is equally bound by professional secrecy.

Certain other staff members of the HR Unit and the Finance Unit are involved in processing invoices related to medical expenses. However, these invoices do not contain medical data that could be traced back to an individual staff member.

If the employee requests to be recognised as suffering from an occupational disease, their medical data will need to be sent to the Accidents and Occupational Diseases Department of the Joint Sickness Insurance Scheme (JSIS).

In compliance with the relevant current legislation and established case law, certain administrative details may be disclosed on a temporary basis to:

- the Legal Affairs Unit, for them to prepare the defence in the event of an action before the Civil Service Tribunal, or
- the Civil Service Tribunal at its request, or
- the European Ombudsman at his request, or
- the European Data Protection Supervisor at his request.

Who is the data controller?

The Head of Unit Human Resources shall exercise the tasks of the data controller for the purpose of this processing operation. In this process, ECHA is assisted by an external medical service provider contracted by ECHA (processor).

How long are your personal data kept and how are they protected?

The medical data is kept by the Medical Advisor for a maximum period of 30 years after the last medical document was inserted in the file, or, in case the employment at ECHA has ceased, for a maximum of 10 years after the end of employment.

In case the employee resigns from ECHA to take up employment with the European Commission or with another European institution/Agency, the ECHA Medical Advisor can transfer the medical file to the Medical Service/Medical Advisor of the future institution/Agency upon their request. The employee's consent will also be sought in this case.

ECHA's medical data is stored in locked cupboards in the locked office of the Medical Advisor on ECHA premises.

What are your rights?

As a general principle the employees are the owners of their personal medical data. As a consequence they have the right to receive access to their full medical file or to receive a copy of it at any time (see also Article 26a Staff Regulations).

To exercise this right they can contact the Medical Advisor directly via the functional mailbox: medicaladvisor@echa.europa.eu. If an employee wants to modify, correct or delete personal data contained in their medical file, they can apply the same procedure. The results of medical examinations and diagnosis cannot be altered, but an employee may add their own comments or supplement a file with the second opinions of other doctors.

When experiencing difficulties in exercising these rights, you can contact ECHA's Data Protection Officer (data-protection-officer@echa.europa.eu) or have recourse to the European Data Protection Supervisor