



European Research Council
Executive Agency

Established by the European Commission

RECORD OF PERSONAL DATA PROCESSING

Art. 31 of the REGULATION (EU) 2018/1725 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 23 October 2018 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 (henceforth the "Data Protection Regulation")

Record n°

DPO 33-2021

In accordance with Article 31 of the data protection regulation, individuals whose personal data are processed by the Executive Agency in any context whatsoever are to be protected with regard to the processing of personal data and the Executive Agency has to keep records of their processing operations.

This record covers two aspects:

1. Mandatory records under Art 31 of the data protection regulation (recommendation: make the header and part 1 publicly available)
2. Compliance check and risk screening (initial; part 2 is internal only to the Agency, not published)

The ground for the record is (tick the relevant one):

- Regularization of a data processing operation already carried out.
- Record of a new data processing operation prior to its implementation.
- Change of a data processing operation.
- Migration from notification to record.

Processing Health Data and Administrative Information Linked to Health

1	Last update of this record if applicable	Health Data - Breakdown of ERCEA Data Processing Operations and Annexes: DPO 1-2009.
2	Short description of the processing	<p>One of the main tasks of the HR Unit D.2 – “Human Resources” of the European Research Council Executive Agency (ERCEA or Agency) is to manage the implementation of Human Resources policies and procedures in the Agency. These include, among others, the implementation of the Staff Regulations (SR) and Conditions of Employment of Other Servants of the European Union (CEOS) as well as Commission Decisions related to staff health and wellbeing in the work environment.</p> <p>The Medical Service of the European Commission offers a range of services to the ERCEA that are listed in the</p>

	<p>Service Level Agreement between the service of the European Commission and the ERCEA. These services are related to preventive medicine, sick leave, invalidity and occupational disease, among others. For the provision of these services, the processing of personal data related to health is necessary.</p> <p>The Medical Service of the European Commission keeps the medical data of staff members in their medical files while the ERCEA mainly processes administrative and financial information linked to health.</p>
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Part 1 - Article 31 Record

3	Function and contact details of the controller	<p>Head of Human Resources (ERCEA.D.2),</p> <p>ERC-GECO@ec.europa.eu</p>
4	Contact details of the Data Protection Officer (DPO)	ERC-DATA-PROTECTION@ec.europa.eu
5	Name and contact details of joint controller (where applicable)	N/A
6	Name and contact details of processor (where applicable)	<p>European Commission Directorate General Human Resources (DG HR) – Medical Service</p> <p>hr-mail-D3@ec.europa.eu</p> <p>HR-BXL-CERTIFICATS-MEDICAUX@ec.europa.eu</p> <p>HR-BXL-CONGES-SPECIAUX-MED@ec.europa.eu</p> <p>Directorate-General for Informatics (DG DIGIT)</p> <p>DIGIT-SYSPEP2@ec.europa.eu</p> <p>DIGIT-EUSURVEY-SUPPORT@ec.europa.eu</p> <p>European Commission Pay Master Office (PMO)</p> <p>PMO-01-SALARIES@ec.europa.eu</p> <p>External service providers for the deployment of communication services.</p>

7	Purpose of the processing	<p>The ERCEA handles personal data during this processing operation in order to ensure that staff members are physically fit to perform their duties, to monitor the state of health and to establish the individual rights in line with the applicable provisions of the SR and CEOS.</p> <p>The ERCEA processes financial information linked to health to determine the financial entitlements and with the aim of settling the due amount with the Medical Service for the provision of its services.</p> <p>The ERCEA reserves its right to contact the staff member via his/her private phone number and e-mail address when deemed necessary with the sole purpose of ensuring the effective application of the relevant provisions of the SR and the CEOS.</p> <p>The Controller may envisage anonymous statistical analyses with the purpose of improving the quality of the processes and the management of human resources.</p>
8	Description of the categories of data subjects	<p>Whose personal data are being processed?</p> <p><input checked="" type="checkbox"/> EA staff (Contract Agents and Temporary Agents).</p> <p><input type="checkbox"/> Visitors to the EA</p> <p><input type="checkbox"/> Contractors providing goods or services</p> <p><input checked="" type="checkbox"/> Applicants</p> <p><input checked="" type="checkbox"/> Relatives of the data subject</p> <p><input checked="" type="checkbox"/> Complainants, correspondents and enquirers</p> <p><input checked="" type="checkbox"/> Witnesses</p> <p><input type="checkbox"/> Beneficiaries</p> <p><input checked="" type="checkbox"/> External experts (Seconded National Experts)</p> <p><input checked="" type="checkbox"/> Other, please specify _____</p>
9	<p>Description of personal data categories</p> <p>Indicate all the categories of personal data processed and specify which personal data are being processed for each category (between brackets under/next to each category):</p>	<p><i>Categories of personal data:</i></p> <p><input checked="" type="checkbox"/> in the form of personal identification numbers</p> <p>[Personnel number, NUP, ID documentation/passport]</p> <p><input checked="" type="checkbox"/> concerning the physical characteristics of persons as well as the image, voice or fingerprints: During the compulsory medical examination for the recruitment of TAs and CAs, a photograph is provided to the Medical Service of the Commission.</p> <p><input type="checkbox"/> concerning the data subject's private sphere</p> <p><input checked="" type="checkbox"/> concerning pay, allowances and bank accounts</p> <p>[This type of data applies to TAs and CAs only. Data necessary to determine the individual rights and financial entitlements. This includes: information on family income and all other sources of income, allowances and financial aid obtained under the SR, CEOS, national allowances and reimbursements and aid obtained from other sources.</p> <p>Further personal data may be processed in relation to the</p>

invalidity procedure, such as:

- Staff member's individual rights at the end of service (e.g. expatriation/ foreign residence/management allowance),
- Information on pensions: e.g. transfer IN, severance grant.
- Situation before retirement: e.g. last place of employment, place of origin, revision of the place of origin, removal plans.
- Info regarding staff member's intended gainful employment, copy of the most recent salary statement, staff member's payslip of month of invalidity decision.

The HR Unit may request, where necessary, additional financial information to establish the staff member's individual rights and financial entitlements].

concerning the data subject's family and contact person

[First name, surname, private address, private phone number, private e-mail address, nationality, date and place of birth, marital status (including the certificate/decision), professional activity, last annual taxable income, staff/pension number, birth certificates, name of school for children].

[Medical certificates for special leave for reasons concerning family members reveal further personal information depending on the certificate].

[For the application to spend sick leave abroad (Art. 60) and for special leave for a medical consultation or treatment abroad (VME), the ERCEA requests to provide the detailed address or telephone number at the place where the staff member will be staying].

[Further information in order to establish the individual rights and financial entitlements].

concerning the data subject's career, recruitment and contracts

[This type of data applies to TAs and CAs only. E.g. place of work (institution/agency, unit location), administrative status, type and duration of contract, contracts grade/step, probationary period(s), career history].

concerning leave and absences

[E.g. length of absence, date of appointment of the medical consultation/treatment/control, information on the validity and reception of medical certificates, duration of invalidity (invalidity applies to TAs and CAs only), date of decision/launch of the procedure, period(s) of leave on personal grounds/part-time working, application of Article 42, supporting travelling documentation].

concerning missions and journeys

		<input type="checkbox"/> concerning social security and pensions <input checked="" type="checkbox"/> concerning expenses and medical benefits [Costs incurred by the services associated to preventive medicine, psychological and social support, sick leave, special leave, invalidity for TAs and CAs only]. [Non-medical expenses such as costs of residence, costs of education, transport expenses, costs for equipment and other costs]. [Entitlements under sick insurances] <input checked="" type="checkbox"/> concerning telephone numbers and communications [Private and professional phone number]. <input checked="" type="checkbox"/> concerning names and addresses (including email addresses) [First name, surname, administrative address, private e-mail address, private address (permanent or temporary) for TAs and CAs only]. <input checked="" type="checkbox"/> Other: please specify: [Date and place of birth, gender, nationality]. <i>Categories of personal data processing likely to present specific risks:</i> <input type="checkbox"/> data relating to suspected offences, offences, criminal convictions or security measures <input type="checkbox"/> data being used to evaluate personal aspects of the data subject (ability, efficiency, conduct) <i>Categories of personal data whose processing is prohibited, with exceptions (art. 10 new Regulation):</i> <input type="checkbox"/> revealing racial or ethnic origin <input type="checkbox"/> revealing political opinions <input type="checkbox"/> revealing religious or philosophical beliefs <input type="checkbox"/> revealing trade-union membership <input checked="" type="checkbox"/> concerning health A) Preventive medicine: - Pre-recruitment certificate of aptitude sent by the Medical Service to Unit D.2 – “Human Resources” for CAs and TAs. Ergonomic equipment: opinion from the Medical Service specifying the equipment to be provided. B) Sick leave follow-up: - Absences without certificate (as recorded in SYSPER). - List of medical certificates of ERCEA staff members issued by Medical Service on almost daily basis: level
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of incapacity (including medical part-time), type of leave (illness, accident or illness during annual leave or maternity leave), status (approved Y/N), teleworking authorised or not, occasionally, additional comments from the Medical Service.

- Application for authorisation to spend sick leave elsewhere than at the place of employment (according to Article 60 of the Staff Regulations) including the opinion from the Medical Service (i.e. approved Y/N).

C) Medical advice (avis médicaux) issued by the Medical Service on a medical control requested by the medical service or HR Head of Unit: result (able or unable to work). Special leave on medical grounds:

- Special leave for a medical consultation or medical treatment abroad (VME): list of the Medical Service stating medical examination/treatment and its opinion (i.e. approved Y/N).
- Maternity leave: pregnancy and birth certificates.
- Special part-time for breastfeeding: breastfeeding certificate.
- Special leave for reasons concerning family members:
 - o Special leave for illness of relative in the ascending line;
 - o Special leave for serious illness of child;
 - o Special leave for very serious illness of a child (mainly hospitalisation)
 - o Special leave for serious illness of spouse/partner;
 - o Special leave for death of spouse/partner;
 - o Special leave for death of mother during/before maternity leave;
 - o Special leave for death of child;
 - o Special leave for a death of a relative in ascending line;
 - o Special leave for death of brother or sister;
 - o Special leave for adoption of child.
- Family leave: the opinion from the Medical Service (i.e. approved Y/N).

D) Requests for declaration of invalidity:

- Invalidity decision from the Medical Service and the AIPN (grade of incapacity) for TAs and CAs only.

E) Requests for recognition of an occupational disease or of an aggravation of a pre-existing disease:

- Report of the disease, professional circumstances (including, if applicable, information on harassment and/or inappropriate behaviour/ workload).

F) Financial assistance disability, exceptional educational costs and assistance for home care or care for a sick child)

- Applications for financial assistance contain information on e.g. percentage of disability, imperative educational reasons and others, and PMO's opinions.

genetic data, biometric data for the purpose of uniquely identifying a natural person

[Hand-written signatures on supporting documents,

<p>10</p>	<p>Retention time (time limit for keeping the personal data)</p>	<p>request templates and decisions].</p> <p><input type="checkbox"/> concerning sex life or sexual orientation</p> <p><u>Specify any additional data or explanatory information on the data being processed, if any:</u></p> <p>[Pregnancy certificates reveal the estimated due date/delivery, single or multiple pregnancy, anticipated date of birth. Birth certificates disclose the name of the child and parents; gender; date, place, and in some cases the time of birth].</p> <p>[ERCEA staff members may spontaneously disclose further information related to health, which, if it is submitted to the ERCEA electronically or in paper form, is deleted or censored. The ERCEA recommends data subjects to censor any personal data going beyond the necessity to establish the rights. Data subjects should send certificates containing confidential and essential medical data <u>only</u> to the Medical Service or PMO as the case may be. The Medical Service or PMO simply provides the administrative medical opinion to the ERCEA HR Unit, so that the necessary administrative steps can take place].</p> <p>[<u>Note:</u> in case of force majeure situations, the ERCEA may in these exceptional circumstances process additional personal data about health, as may be necessary to ensure the safety and well-being of our staff. Please refer to the DPN on Business Continuity for further information].</p> <p>Currently, the ERCEA applies by analogy the principles and the retention periods indicated in the Common Commission-Level Retention List SEC(2019)900/2 of 19 April 2019 (CRL).</p> <ul style="list-style-type: none"> - Pre-recruitment certificates, breastfeeding, invalidity, occupational disease decisions and decisions on family leave are stored in the personal file. The CRL prescribes a retention period of 8 years after the extinction of all rights of the person concerned and of any dependents, and for at least 100 years after the recruitment of the person concerned. - Ergonomic equipment: the opinion of the Medical Service is only kept until the launch the purchase process has been finalised. - Sick leave: the list of medical certificates of ERCEA staff members issued by the Medical Service, the decision related to Article 60 and the medical advice (“avis médicaux”) are stored for 4 years. - Special leave: supporting documents for special leave for reasons concerning family members, the list of the Medical Service for VME and the pregnancy certificate are stored for 4 years. - In the case of part-time employment, or family leave, supporting documents are also kept for 4 years. - Files on occupational diseases may be reopened at any time. They are therefore kept for up to 30 years after death for occupational diseases. - Invoices sent by the Medical services with the cost incurred by the services provided are kept for at least
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		<p>5 years determined under the Financial Regulations.</p> <p>In those cases where the operations are partly carried out using SYSPER, the retention periods indicated in the SYSPER Data Protection Notice apply.</p> <p>Is any further processing for archiving purposes in the public interest, historical, statistical or scientific purposes envisaged? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no</p> <p>Non-anonymised reports drawn, for instance, from SYSPER are kept for up to 5 years. The ERCEA may also envisage anonymous statistical analyses with the purpose of improving the quality of the processes and the management of human resources.</p>
11	Recipients of the data	<p>The persons with access to your personal data, on a need-to-know basis, are:</p> <ul style="list-style-type: none"> • Members of the ERCEA's GECO team and authorised personnel in the HR Unit and the ERCEA dealing with administrative health-related and financial matters; • The direct superior(s) of ERCEA staff, the Legal Affairs and Internal Control Unit of the ERCEA and the AHCC (Authority Empowered to Conclude Contracts), i.e., the ERCEA's Director; • Authorised staff members in the IT Unit (D.1) and DG DIGIT in charge of developing, hosting and maintaining the IT system; • The advisory committee (in case of occupational disease or the application of financial assistance) and the Invalidity Committee (for invalidity procedures); • Services of the European Commission for the implementation of their tasks: such as the PMO (for calculation/payment of financial/leave rights), the Medical Service (e.g. for special leave requests), OIB (e.g. for the supply of ergonomic equipment). <p>In addition, certain administrative details may be disclosed, in compliance with the relevant current legislation and established case law, and on a temporary basis to legislative or supervisory bodies of the ERCEA, as well as auditing bodies or courts.</p>
12	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	N/A

13	General description of the technical and organisational security measures	<p>The HR Unit is responsible for the management of any documents produced, circulated and/or received, ensuring the appropriate treatment of all documents.</p> <p>E-mails including personal data should be sent via encrypted e-mail (SECEM). Access to information saved on the ERCEA's Shared Drive or the functional mailbox ERC-GECO@ec.europa.eu is limited to authorised personnel. Paper files are stored in locked archives that are accessible to authorised staff members only.</p> <p>The official register of the Agency is ARES/NomCom and all files therein are processed using the restricted marking. SYSPER is the HR Information System of the European Commission; access to personal data is protected by means of the management of the access rights, which are strictly limited to authorised personnel.</p>
14	Information to data subjects/Data Protection Notice (DPN)	<p>A Data Protection Notice is available on the intranet page of the Agency under "HR Privacy": HR Privacy (europa.eu)</p> <p>The privacy statement of SYSPER may be found at:</p> <p>https://myintracomm.ec.europa.eu/staff/EN/technical-assistance/Pages/sysper-privacy-statements.aspx</p> <p>For the privacy statement of the Medical Service, please refer to the following link: https://europa.eu/!bd78nk.</p> <p>For information on the processing of administrative health data concerning interim agents and Blue Book trainees please refer to relevant DPNs available on the ERCEA intranet "HR Privacy": HR Privacy (europa.eu).</p>