

# Record of processing activity

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## Medical Services

Record of EBA activities processing personal data, based on Article 31 of Regulation (EU) 2018/1725 (EUDPR)

Part 1 - Article 31 Record (publicly available)	
1	<b>Last update of this record</b> 23/08/2024
2	<b>Date of next review</b> 23/08/2026
3	<b>Reference number</b> EBA/DPR/ 2022/09
4	<b>Name and contact details of controller</b> Controller: European Banking Authority, Tour Europlaza, 20 avenue André Prothin, CS 30154, 92927 Paris La Défense CEDEX, France  Responsible Department: Operations  Contact: <a href="mailto:eba-dpc-hr@eba.europa.eu">eba-dpc-hr@eba.europa.eu</a>
5	<b>Contact details of DPO</b> <a href="mailto:dpo@eba.europa.eu">dpo@eba.europa.eu</a> , or alternatively send a letter to the postal address of the EBA (address above) marked for the attention of the DPO of the EBA.
6	<b>Name and contact details of joint controller (where applicable)</b> <i>Not applicable</i>
7	<b>Name and contact details of processor (where applicable)</b> The data processors are providing medical services: <ol style="list-style-type: none"> <li> <b>European Commission Medical Services</b>            Brussels, Belgium (DG HR, Unit D3)            Luxembourg, Luxembourg (DG HR, Unit D4)            Ispra, Italy (DG HR, Unit D5)             The Data Protection Officer (DPO) of the Commission: <a href="mailto:DATA-PROTECTION-OFFICER@ec.europa.eu">DATA-PROTECTION-OFFICER@ec.europa.eu</a> </li> <li> <b>IPC ÉTOILE Association</b>            Address: 6 rue La Pérouse – 75116 Paris, France            IPC Étoile Data Protection Officer: <a href="mailto:dpo@ipc.asso.fr">dpo@ipc.asso.fr</a> </li> </ol>

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8	<b>Short description and purpose of the processing activity</b>	<p>The purpose of processing of personal data of data subjects (Temporary Agents (TA), Contract Agents (CA), Seconded National Experts (SNE), trainees and candidates) is to ensure the EBA's compliance with obligations related to the provision of the following medical services:</p> <ol style="list-style-type: none"> <li>1. Pre-employment medical tests: the pre-employment medical tests are mandatory examinations for candidates (future staff of the EBA) and comply with one of the eligibility requirements for the employment of staff ("physically fit to perform duties") determined by Article 28(e) and 33 of the Staff Regulations and Articles 12(2)(d), 13, 82(3)(d) and 83 of the Conditions of Employment of Other Servants of the European Union (CEOS). The European Commission Medical Services or IPC Etoile are requested to perform these general tests and examinations (list of examinations are sent to the candidates in the email invitation to the pre-employment medical visits). The results of these tests shall be requested by the candidates.</li> <li>2. Assessment of the results following the pre-employment medical tests for candidates: after the pre-employment medical examination the European Commission Medical Services or IPC Etoile informs the responsible EBA-HR staff members working in this area if the candidates are physically fit to perform their duties (in a form of pre-employment medical certificate).</li> <li>3. Annual medical tests: the annual medical examination is a yearly health screening for the staff members (TAs and CAs) of the EBA and is determined by Article 59(6) of the Staff Regulations. The European Commission Medical Services or IPC Étoile will be requested to perform these general tests and examinations (list of examinations are sent by the medical service providers to the staff members directly) and communicate the results to the staff members.</li> <li>4. Preventive care, health and wellbeing campaigns: in order to promote the health of the staff of the EBA (TAs, CAs, SNEs and trainees), the EBA may ask the medical service providers to organise annual campaigns for seasonal influenza or similar vaccinations (in case of a pandemic or any other need of mass immunization campaigns). The medical service providers may be asked to organise campaigns, give presentations and general recommendations on work-related, health style and well-being issues (e.g. nutrition, cardiovascular care, stopping smoking, melanoma prevention, seasonal affective disorder (SAD), etc.).</li> <li>5. Sick leave certificate validation: staff (TAs, CAs, SNEs, and trainees) shall send sick leave certificates, requests for special leave due to sickness or other sick-leave related matters directly to the European Commission Medical Services in line with Articles 59 and 60 of the Staff Regulations and Articles 16 and 91 of the CEOS. The processing of personal data is done in order to justify sickness-related absences of staff members.</li> </ol>
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6. Management of the invalidity procedure: the European Commission Medical Services are fully responsible for the organisation of the work of the Invalidation Committee and represent the EBA for invalidity cases in the Invalidation Committee in line with Section 3 of Annex 2 of the Staff Regulations. The Invalidation Committee's role is to assess whether the staff member (TA or CA) is fit to perform their duties or if the staff member satisfies the invalidity conditions stated in the Staff Regulations and the CEOS.

The personal data is also processed in order to pay the costs of the medical services, performed at the European Commission Medical Services, and at IPC Étoile.

9 **Description of categories of persons whose data the EBA processes and list of data categories**

Data subjects are Temporary Agents (TA), Contract Agents (CA), Seconded National Experts (SNE), trainees and candidates to selection procedures.

1. EBA-HR provides the following data to the European Commission Medical Services for the services of:

*Pre-employment medical visit (data subjects: candidates):*

Surname, forename, personnel number, date and place of birth, nationality, gender, e-mail address, post for which the candidate applied, type of contract.

*Annual medical visit (data subjects: TAs and CAs):*

Surname, forename, personnel number, date of birth, nationality, , gender, e-mail address, type of contract.

*Invalidity procedure (data subjects: TAs and CAs):*

Surname, forename, personnel number, date and place of birth, nationality, gender, e-mail address, telephone numbers, name of family doctor, postal address.

*Sick leave certificate (data subjects: TAs, CAs, SNEs, trainees):*

Data subjects directly contact the European Commission Medical Services.

*Preventive care, health and wellbeing campaigns (data subjects: TAs, CAs, SNEs, trainees)*

Surname, forename, email address, date of birth, gender, personnel number.

2. EBA-HR provides data to IPC Étoile under the framework contract EBA/2021/17/HRU/SER/CPN, LOT 1:

*Annual medical visits (data subjects: TAs and CAs):*

Surname, forename, address, email address, date of birth, gender, personnel number.

*Pre-employment medical visit (data subjects: candidates):*

Surname, forename, date of birth, nationality, gender.

*Preventive care, health and wellbeing campaigns (data subjects: TAs, CAs, SNEs, trainees)*

Surname, forename, email address, date of birth, gender, personnel number.

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10	<b>Special categories of personal data processed (as defined in Article 10 EUDPR)</b>	Personal data related to the health of the data subject can be processed as part of this processing activity. The EBA does not such data. This is processed by the processors that are qualified medical services providers.
11	<b>Time limit for keeping the data</b>	<p><u>EBA</u></p> <p>Certificate and emails exchange with the staff members demonstrating proof of attendance at medical appointments; confirmation of pregnancy; certificates confirming attendance of a sick relative are kept for 2 years.</p> <p>Email exchanges between candidates and EBA-HR as regarding pre-employment medical visit and information received from the European Commission Medical Services: pre-employment medical certificate, validation confirming sick leave, medical control, invalidity is kept by the EBA for 30 years after the staff member ceases work at the EBA, in line with the European Commission's retention policy.</p> <p><u>European Commission</u></p> <p>Medical files are kept for 30 years after the staff member ceases work at the EBA. In the case of persons exposed to carcinogens or mutagens, files are kept for 40 years after the last exposure incident or, in any event, until the staff member reaches the age of 75. (General Regulation for the protection of workers, Belgium, Article 16, occupational medical services).</p> <p>Pre-recruitment medical examination files for applicants who are not recruited will be destroyed after one year. In the event of a negative medical opinion, the file will be destroyed after 5 years if no complaint has been lodged.</p> <p><u>IPC Étoile</u></p> <p>Under the framework contract EBA/2021/17/HRU/SER/CPN, LOT 1 The data are kept for the duration of the FWC (4 years) and within thirty (30) days starting on the expiry date of the framework contract or the last specific contract/order form (if the latter survives the framework contract), the contractors (IPC Étoile) will hand over the medical files of the staff and candidates to the succeeding contractor as instructed by the Contracting Authority (staff members may deny permission of their data to be handed over to the successor). They cannot keep any documents (which contain medical or administrative information) relating to the provision of any services, with the exception of those which are required under the applicable national law (e.g. for medical supervisory reasons, for tax purposes).</p>
12	<b>Recipients of the data</b>	<p><u>EBA</u></p> <p>HR Unit: Only the responsible HR staff members working in this area have access to the following data: pre-employment medical</p>

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certificate; proof of attendance at medical appointments; validation confirming sick leave, medical control, invalidity from the European Commission Medical Services; confirmation of pregnancy; certificates confirming attendance of a sick relative.

Managers: Managers will only receive information (not containing medical information) regarding the period(s) a staff member is on sick leave in order to redistribute tasks.

IT Unit: Also, if appropriate, specialised members of the IT Unit involved in the management of the Human Resources processes may access the HR electronic folders where the above-mentioned documents are stored; no access will be given to the certificates/documents themselves.

Legal and Compliance Unit: On a need-to-know basis, members of the Legal and Compliance Unit may have access to the pre-employment medical certificate in the case of complaints pursuant to Article 90 of the Staff Regulations.

### European Commission Medical Services

Staff members have access to their medical file according to the rules defined in Conclusion 221/04 of the Heads of Administration; the document is available on request.

Restrictions may be applied in accordance with the Commission Decision (EU) 2019/154 of 30 January 2019 laying down internal rules concerning the restriction of the right of access of data subjects to their medical files (Decision (EU) 2019/154).

The medical file can be transferred to another European Institution or body, with the staff members' prior agreement, when they move from an Institution/body to another.

Access to the electronic medical file is only granted to Medical Services staff according to specific access rights described in a matrix available on request.

### IPC Étoile

The recipients of the data are the members of the medical and paramedical teams, the laboratory teams when carrying out the prescribed biological analyses, the agents of the administrative services responsible for managing the medical file and the agents of the IT department in the limit of their respective attributions and authorizations.

Only health professionals from the medical and paramedical teams involved in the care can access medical data. In order to guarantee coordination, continuity of care, medico-social or social follow-up of the patient, certain information may be shared or exchanged with the attending physician and the professionals providing care, at the request or with the consent of the staff member.

Some anonymized (non-identifying) data is transmitted to the Scientific Department of IPC Étoile or to partner research organizations in the context of statistical or epidemiological studies.

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		The police authorities, judicial or administrative authorities may be recipients when there is legal obligation to do so or in order to guarantee the rights, property and safety of IPC Étoile.
13	<b>Are there any transfers of personal data to third countries or international organisations?</b>	The EBA processed the personal data with the EU/EEA.
14	<b>General description of security measures, where possible</b>	<p><u>EBA</u></p> <p>Documents, such as pre-employment medical certificate; proof of attendance at medical appointments; validation confirming sick leave, medical control, invalidity from the European Commission Medical Services; confirmation of pregnancy; certificates confirming attendance of a sick relative, and emails exchange with the staff members are stored in a separate outlook folder and drive, and accessible only to authorised persons.</p> <p>Fit for employment certificates are kept in the staff member's personal files that are in locked cabinets in an access control office.</p> <p><u>European Commission</u></p> <p>Medical records are kept in an individual file and are stored in secure archives accessible only to authorised persons.</p> <p>Electronic medical records are stored in a secure environment and accessible only to authorised persons.</p> <p>The protection measures of medical records are described in a document called "protection et archivage des données à caractère personnel", available on request.</p> <p><u>IPC Étoile</u></p> <p>The Security Insurance Plan (PAS) of the Caisse Nationale d'Assurance Maladie sets the IT security requirements for Health Examination Centres. On the basis of this repository, IPC Étoile implements appropriate physical, logical and organizational security measures to guarantee the confidentiality of data, and in particular to avoid any unauthorized access. Systems ensure that subcontractors provide appropriate guarantees to ensure the security and confidentiality of personal data.</p> <p>The hosting and processing of personal data is done within the establishment of IPC Étoile in Paris. Only the data of the dematerialized questionnaires are kept for a period of 3 months on an approved Hosting of Health Data (HDS) located in France.</p>
15	<b>For more information, including how to exercise</b>	Privacy Notice – Medical services – for candidates in selection procedures is provided directly to the selected candidate undergoing the pre-employment medical visit.

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**your rights to access, rectification, object and data portability (where applicable), see the data protection notice:** Privacy Notice – Medical services – for staff is available on the intranet.

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