



EUROPEAN COMMISSION

Innovation and Networks Executive Agency

## RECORD OF PERSONAL DATA PROCESSING ACTIVITY

*In accordance with Article 31 of the [Data Protection Regulation for EUIs](#)<sup>1</sup> (hereinafter referred to as the Regulation), individuals whose personal data are processed by the Innovation and Networks Executive Agency (hereinafter referred to as INEA or Agency) in any context whatsoever are to be protected with regard to the processing of personal data and the Agency has to keep records of their processing activities.*

Record No: 2020-17/R4-HR-14

Created on (date): 04/05/20

Last update (date): 16/10/2023

### NAME OF THE PROCESSING ACTIVITY

Processing of health-related personal data.

### GROUND FOR THE RECORD:

- Regularisation of a data processing activity already carried out  
*This record replaces notification n° HR-22 issued under the previous Data Protection Regulation*
- Record of a new data processing activity prior to its implementation
- Change of a data processing activity (e.g.: update of a record).

<sup>1</sup> Regulation (EU) 2018/1725 of 23 October 2018

## 1. MANDATORY RECORD UNDER ARTICLE 31 OF THE REGULATION

### 1.1. Name and contact details of controller (s)

- a. CINEA  
Chaussée de Wavre 910  
W910, 03/004  
BE – 1049 Brussels
- b. Head of Unit A.4. (CINEA.A.4. – Human Resources, IT and Logistics)
- c. Email: [CINEA-HR-STAFF-ADMINISTRATION@ec.europa.eu](mailto:CINEA-HR-STAFF-ADMINISTRATION@ec.europa.eu) or for leave related matters [CINEA-HR-GECO@ec.europa.eu](mailto:CINEA-HR-GECO@ec.europa.eu)

and PMO acting as a separate controller under the Service Level Agreement signed on 26/09/2023 (Ref. Ares (2023 6519088); [PMO-DATA-PROTECTION@ec.europa.eu](mailto:PMO-DATA-PROTECTION@ec.europa.eu)).

### 1.2. Name and contact details of the Data Protection Officer (DPO)

CINEA DPO - [CINEA-DPO@ec.europa.eu](mailto:CINEA-DPO@ec.europa.eu)

### 1.3. Name and contact details of processor (where applicable)

Commission's Medical Service in accordance with the Service Level Agreement with signed on 21/12/2017;

### 1.4. Purpose of the processing

The purpose of this processing operation is to ensure that the data subject is physically fit to perform his/her duties and that working conditions comply with appropriate health and safety standards as provided for by the Staff Regulations.

Information related to staff is processed by CINEA in the following areas:

#### a) Staff recruitment

- to attest that staff is physically fit to perform his duties prior to recruitment (Articles 28 (e) and 33 of the Staff Regulations and Article 12 (2.d), 13, 82 (3.d) 83, of the CEOS).

#### b) Management of absences, special leaves, parental and family leave and medical part-time

- to monitor sick leaves, special leaves related to sickness of staff and family members, and medical part-time (Article 42, 55a, 58, 59 of the Staff Regulations and Articles 16 and 91 of the CEOS).

#### c) Allocation of double child allowance

- to grant double child allowance when duly justified (Article 67.3 of the Staff Regulations and Articles 33 and 101 of the CEOS).

#### d) Promotion of health and safety at work

- to guarantee good conditions at work (Article 1e(2) of the Staff Regulations and Articles 10 and 80 of the CEOS).
- monitor the correctness of the invoices to be paid by CINEA to the medical service, notably the medical annual visits (Article 59(6) of the Staff Regulations and article 16 and 91 of the CEOS), but also occupational medicine consultations, payment of glasses for working on computer.

e) Manage requests and declarations of invalidity

To attest the invalidity of a staff member (article 78 of the Staff Regulations and related Articles 32, 33, 100 and 101 of the CEOS).

### **1.5. Legal basis for the processing**

Lawfulness: Article 5.1 (a) & (b) of the Regulation:

-processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body;

-processing is necessary for compliance with a legal obligation to which the controller is subject;

Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes;

Commission Decision 2013/801/EU of 23 December 2013 establishing the Innovation and Networks Executive Agency and repealing Decision 2007/60/EC as amended by Decision 2008/593/EC;

Commission Decision C(2013)9235 of 23 December 2013 delegating powers to INEA with a view to the performance of tasks linked to implementation of the Union programmes in the field of transport, energy, telecommunications infrastructure and in the field of transport and energy research and innovation, comprising in particular implementation of appropriations entered in the general budget of the Union;

Staff Regulations in particular 1e.2, 28e, 33, 42, 55, 58, 59, 67.3 & 78 of the Staff Regulations and Articles 10, 12 (2.d), 13, 19, 19, 32, 33, 80, 82 (3.d), 83, 91, 100, 101 of the Conditions of Employment of Other Servants of the European Communities;

Decision of the INEA Steering Committee SC(2017) 015 of 21/12/2017 on the adoption by analogy of Commission Decision C(2017)6760 of 16/10/2017 on the general provisions for implementing Article 79(2) of the Conditions of Employment of Other Servants of the European Union, governing the conditions of employment of contract staff employed by the Commission under the terms of Articles 3a and 3b thereof;

Decision of the INEA Steering Committee SC(2015)004 of 20/03/2015 laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS as regards executive agencies;

Decision of the INEA Steering Committee SC(2016) 010 of 25/02/2016 on the adoption by analogy of Commission Decision on general implementing provisions concerning persons to be treated as dependent children (Article 2(4) of Annex VII to the Staff Regulations) (C(2004) 1364 of 15.04.2004);

Decision of the INEA Steering Committee SC(2016) 010 of 25/02/2016 on the adoption by analogy of Commission Decision on general implementing provisions for the reimbursement of medical expenses (C(2007)3195 of 02.07.07);

Decision of the INEA Steering Committee SC(2016) 010 of 25/02/2016 on the adoption by analogy of Commission Decision introducing implementing provisions on absences as a result of sickness or accident (C(2004) 1597 of 28.04.2004);

Decision of the INEA Steering Committee SC(2016) 010 of 25/02/2016 on the adoption by analogy of Commission Decision on Article 42b of the Staff Regulations concerning family leave (C(2010) 7494 of 05.11.2010);

Decision of the INEA Steering Committee SC(2016) 010 of 25/02/2016 on the adoption by analogy of Commission Decision on leave (C(2013)905 of 16th December 2013);

Decision of the INEA Steering Committee SC(2016) 010 of 25/02/2016 on the adoption by analogy of Commission Decision on maternity leave and maternity pay for women whose maternity leave begins before the end of their contract (Articles 17 And 91 Of CEOS) (C(2013)9020 of 16th December 2013);

Decision of the INEA Steering Committee SC(2016) 010 of 25/02/2016 on the adoption by analogy of Commission Decision on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work C(2015)9720 of 8th January 2016.

## **1.6. Categories of data subjects**

All statutory staff members (temporary agents and contract agents) and spouses or dependent children who may be entitled to via the relevant staff member for any rights and entitlements. For bluebook trainees, this only concerns absences due to illness<sup>2</sup>. CINEA does not manage any medical related information concerning interim staff or consultants.

## **1.7. Categories of personal data**

- Identity related data: name, surname, personal number, office number & phone number, etc
- For staff recruitment: certificate from the medical officer attesting that the person is physically fit for the duties, containing identification information and medical assessment;
- For management of absences due to sick leave: summary table received from the medical service with the list of names and dates of absence: the data received from the medical service contains the following information: number of the certificate, name of the staff member concerned, number of days of absence due to medical reasons, start and end date of the sick leave, date upon which it was encoded by the medical service and whether the sick leave is accepted or not;
- For special leaves related to medical conditions of relatives, a medical declaration with the name of staff and concerned relatives. The medical declarations should only contain statement dates and the names dates of the person(s) concerned and should not contain any information about the medical condition;
- For medical part-time: certificate from the medical officer of the Medical Service aimed at introducing the request with the name of the agent and dates;
- For Allocation of double child allowance: certificate from the medical officer of the Medical Service aimed at introducing the request with name of the concerned dependent child. The request is introduced and managed by the medical service;
- For Promotion of health and safety at work: name and date of the agent attending the annual medical visit. The information is requested to staff with the purpose of checking the correctness of the invoices to be paid by CINEA to the medical service, notably the medical annual visits, but also occupational medicine consultations, payment of glasses for working on computer. The names of the colleagues using other medical services subject to payments

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<sup>2</sup> Management of all medical absences and expenses are managed by DG EAC.

under the SLA, such as vaccination against flu, dispensary or psychological and social services are not transmitted to CINEA;

- For management of requests and declarations of invalidity: report from the Committee on invalidity certifying the results of their assessment in view of an AIPN decision concerning the invalidity of a staff member containing the name and identification details. The detailed invalidity procedure, actors involved and documents produced are described in the procedural handbook for Invalidity committees, see:  
[https://myintracomm.ec.europa.eu/hr\\_admin/StaffRegulation/EN/TITLE%20I-GENERAL%20PROVISIONS/Invalidity\\_Handbook\\_EN.pdf](https://myintracomm.ec.europa.eu/hr_admin/StaffRegulation/EN/TITLE%20I-GENERAL%20PROVISIONS/Invalidity_Handbook_EN.pdf)

### **1.8. Retention time (time limit for keeping the personal data)**

CINEA applies the principles and retention periods indicated in Common Retention List of the Commission<sup>3</sup> by analogy and PMO specific retention list<sup>4</sup>.

#### **[a) Retention period:**

Any document important for a staff member career (notably medical certificate upon recruitment) must be placed in the relevant personal file. This will be kept until 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;

Files on special leave for family reasons (illness of children, ascendants, parents-in-law) the files are kept for 7 years;

Files related to financial social assistance are conserved up to and for a maximum of 3 years after the death of the person concerned (person eligible to receive financial aid);

Day-to-day HR management files concerning leaves are kept for 4 years

Files related to payments are kept for a period of 10 years.

All other files will be deleted when no longer needed for the purpose of the processing

#### **b) Storage period:**

CINEA applies the principles and retention periods indicated in Common Retention List of the Commission<sup>5</sup> by analogy. The storage periods are the same as indicated for the retention period in point 1.9 a).

c) Is any further processing for historical, statistical or scientific purposes envisaged, which would go beyond the normal retention period ? *No*

### **1.9. Recipients of the data**

Within the Agency only the HR staff members dealing with recruitment, staff leave, health related issues/wellbeing or invalidity proceedings have access to the information issued by the medical service for the purposes of the processing or to the data provided directly by the staff members as needed for the processing. The AIPN have access to the data necessary to allow decision making for individual files as appropriate and in line with the Staff Regulations.

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<sup>3</sup> SEC(2022)(400) - Ares(2022)8801492 - 19/12/2022

<sup>4</sup> ARES(2016)6048949 - 21/10/2016

<sup>5</sup> SEC (2019) 900/2 - ARES(2019)4374520 – 09/07/2019

In line with the Service Level Agreements in place only the necessary information is transferred to services of the Medical Service or the PMO.

For management of requests and declarations of invalidity, personal data is processed by the Committee on invalidity. The Invalidity Committee consists of three doctors: the first appointed by the institution/body, the second appointed by the official/other servant concerned and the third appointed by common agreement between the first two doctors.

In case of audits or proceedings, CINEA's Internal Controller, Legal Team, DPO, Staff Committee, etc.

In addition, data may be disclosed to public authorities, which are not regarded as recipient in accordance with Union and Member State law. The processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purpose of the processing:

- The European Court of Justice or a national judge as well as the lawyers and the agents of the parties in case of a legal procedure;
- The competent Appointing Authority in case of a request or a complaint lodged under Articles 90 of the Staff Regulations;
- OLAF in case of an investigation conducted in application of Regulation (EC) No 1073/1999;
- The Internal Audit Service of the Commission within the scope of the tasks entrusted by article 118 of the Financial Regulation and by article 49 of the Regulation (EC) No 1653/2004;
- IDOC in line with Commission Decision of 12 June 2019 laying down general implementing provisions on the conduct of administrative inquiries and disciplinary proceedings C(2019)4231 and Commission Decision (EU) 2019/165 of 1 February 2019 Internal rules concerning the provision of information to data subjects and the restriction of certain of their data protections rights in the context of administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings;
- The Court of Auditors within the tasks entrusted to it by Article 287 of the Treaty on the Functioning of the European Union of the EC Treaty and Article 20, paragraph 5 of Regulation (EC) No 58/2003;
- The European Ombudsman within the scope of the tasks entrusted to it by Article 228 of the Treaty on the Functioning of the European Union;
- The European Data Protection supervisor in accordance with Article 58 of the Regulation (EC) 2018/1725.

#### **1.10. Transfers of personal data to third countries or international organisations**

Not applicable

#### **1.11. Description of security measures**

CINEA does not keep a medical file with detailed data on health situation (specifics of the disease, medical exams, medication/treatment used, etc.) for its staff members. In line with the SLA in place with DG HR: it is the responsibility of the Medical Service of the Commission to ensure the filing and protection of medical information of staff members.

Data kept by the Agency relates to general information (medical aptitude to work, sick leave dates, maternity leave dates, invalidity report, etc.) and do not contain information on medical details or specific conditions on staff members. The data is stored electronically and in paper and accessible only by the authorized HR staff members & AIPN for the purposes of the processing on a need-to-know basis.

All staff members dealing with data related to health or having access to such data in relation to their duties are reminded of their obligation to treat such data in accordance with provisions of professional secrecy imposed on health professionals and to use the data strictly for the purpose for which it has been transmitted.

The paper files are archived in secured and locked cupboards. Access is granted only if there is a clearly specified administrative purpose, and only to those whose role in line with their respective job description and level of responsibility require them to have access.

The requests from staff concerning this topic processed via the HR ticketing system are subject to security measures that limit the access to information to the HR staff member(s) in charge and to the Head of Sector and her/his backup. The protection and confidentiality granted to personal data submitted in the ticketing system is the same level of protection and confidentiality granted to secured HR folders. The ticketing system has an additional level of encryption of files attached to tickets that adds up to the file system access control rights. The text of a ticket is contained in a database which has an additional level of authentication that adds up to the file system authentication.

In case of transfers of health-related data between the Agency and DG HR or the PMO, under the SLAs in place for the purposes of the processing, it is ensured that only authorized persons have access to the data, who are subject to professional secrecy. Recipients, including HR staff of the Agency are reminded that data related to health may only be used for the purpose for which it has been transmitted.

The datasets are safeguarded in the Data Center of the Commission, and therefore covered by the numerous defensive measures implemented by DG DIGIT to protect the integrity and confidentiality of the electronic assets of the Institution.

The access to the personal data is protected by the management of the access rights, which are strictly limited to specific user groups. The entitlement is distributed according to the principle of 'the need to know' taking into consideration the function, the job and responsibilities of the applicant for an access right. Consequently, the access rights are continuously updated in accordance with the changes in the assignments of the jobholders.

The login and the passwords are managed by the common certification service of the European Commission. (ECAS-authentication system).

CINEA is also bound by Commission Decision 2017/46 of 10/1/17 on the security of communications & information systems in the EC.

A limited use of paper files (e.g. original documents, etc.) is done as necessary for the binder containing the personal file: those files are stored in locked cupboard with restricted access.

#### **1.12. Data Protection Notice**

A Data Protection Notice (DPN) relevant to this data processing activity is available on the CINEA Intranet and CINEA website: [https://cinea.ec.europa.eu/index\\_fr](https://cinea.ec.europa.eu/index_fr).