

PROTECTION OF PERSONAL DATA IN RELATION TO THE PRE-EMPLOYMENT MEDICAL CHECK-UP

Identity of controller:

The Head of Unit Human Resources

Purpose of processing:

To perform pre-employment medical check-ups on the persons selected for employment with EMSA

Data concerned:

Health data

Legal basis:

Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Communities (CEOS), laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 last amended by Council Regulation (EC, EURATOM) No 31/2005 of 20 December 2004, and in particular Art. 28-33 (SR) and Arts. 12, 13 and 83 (CEOS).

Recipients of the data processed:

Human Resources Sector only receives the information if the data subject is physically apt or not apt to take up duties;

The medical clinic indicated by EMSA for the purpose of the examination receives all data resulting from the examination: the medical file is kept there and the Data Subject receives the results in a closed envelope marked confidential sent to the work place or another indicated address;

Lawfulness of processing:

Processing is necessary for the performance by staff members of tasks carried out in the public interest on the basis of the Treaties establishing the European Communities and in particular Regulation (CE) n° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency (as amended), as well as art. 5(a) and (d) of the Regulation (EC) N° 45/2001 of the European Parliament and the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.

The data subject's rights:

Data subjects have a right to access their data and to request justified corrections (they can ask for rectification of administrative errors but they can also supplement the file by adding second opinions of other doctors).

Non-recruited data subjects have the right of access to their data related to their health status when they request so.

In case the data processed are of psychological or psychiatric nature, the data subjects have an indirect access and the necessity of such access for the protection of data subject is assessed by case to case basis in accordance with art. 20.1(c) of the Regulation no 45/2001 and in light of the Conclusions 221/04 of 19 February 2004 of the College of the Heads of Administration.

The data subjects are entitled to have recourse at any time to the European Data Protection Supervisor: <http://www.edps.europa.eu>

Date when processing starts:

Date of medical examination.

How long the data is kept:

The medical clinic keeps the data for 30 years. If the person is employed, the information "apt to work" is stored in the personal files in EMSA and is kept as long as the file is kept.

Personal files are kept for 10 years from the date of the end of contract of the staff member. This retention, however, does not apply to the administrative data stored in the "pension" part of the personal file, which is kept for an additional period of 10 years after the date of retirement of the (former) staff member.

Contact information:

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