



Specific privacy notice on Invalidity Procedure

Fusion for Energy ("F4E") processes the personal data in accordance with the *Regulation (EC) 45/2001 of the European Parliament and of the Council of 18th December 2000 concerning 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 "**Regulation (EC) No 45/2001**"). Processing of personal data for the purposes of medical control examination is partly realised by means of an external service provider – F4E Medical Controller (Tebex S.A.), who processes data on behalf of F4E, in line with the applicable Spanish legislation on data protection (Organic Law 15/1999 implementing the *directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*). F4E provides the data subjects concerned with the possibility to exercise all the rights set out below, in accordance with the Regulation (EC) No 45/2001.

As laid down in Articles 11 and 12 of the Regulation (EC) No 45/2001, F4E provides data subjects with the following information on data processing in the medical control examinations:

Identity of the Data Controller:

Head of Administration Department.

Purposes of the processing operation:

Data used for establishing invalidity of Fusion for Energy staff members, determining causes of such invalidity and determining the need for and frequency of follow-up medical examinations.

Legal basis:

Council Decision of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it - 2007/198/Euratom

The Statutes annexed to the Council Decision of 27 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it -2007/198/Euratom

Articles 59 (4) and 78 of the Staff Regulations
Articles 7, 8 and 9 of Annex II to the Staff Regulations



Articles 13, 14 and 15 of Annex VIII to the Staff Regulations
 Articles 16, 32, 33, 91, 100, 101 and 102 of the Conditions of Employment of Other Servants

Framework contract with Gabinete SME, for the provision of Medical Services for Fusion for Energy, Lot 2: Medical Advice, ref: F4E-AFC-0613.02

Lawfulness of the processing:

Processing operation is necessary for the performance of F4E tasks on the basis of the F4E founding instrument or other legal instrument¹ adopted on the basis thereof or in the legitimate exercise of official authority vested in F4E or in a third party to whom the data are disclosed

Data subject concerned

Fusion for Energy staff members

Categories of data processed:

Administrative Data:

Name and surname, personnel number, date of birth, position and function group.

Health-Related Data:

Record of sick leave absences, information if data subject suffers from permanent invalidity, information if the invalidity arises from an accident in the course of the performance of the staff member's duties or public-spirited act or data subject risking his/her life to save another human being, information if the invalidity arises from an occupational disease.

Medical Data:

Results of the medical examination of data subject (diagnosis), medical data contained in the data subject's medical documents file kept by F4E Medical Control Officer (including medical data in the certificates), medical data in reports and certificates provided by the data subject himself/herself, results of consultation of the Invalidity Committee with outside medical experts.

¹ Council decision 2007/198/ Euratom of 30 March 2007 establishing the European Joint Undertaking for ITER and the Development of Fusion Energy (F4E) and conferring advantages upon it (OJ L 90, 30.3.2007, p. 58)



1. Recipients of the data processed:

Administrative and Health-Related Data:

- Medical Advisor - (Gabinete SME) - external service provider - member of the Invalidity Committee
- Nurse belonging to F4E medical service and providing support to the Medical Advisor
- Doctor appointed by the data subject - member of the Invalidity Committee
- Expert Doctor appointed by common agreement between Medical Advisor and doctor appointed by the data subject - member of the Invalidity Committee
- Outside experts who are not members of the Invalidity Committee – if a need for a consultation with such an expert arises

Only Administrative Data

- Leave Manager(s) and their alternates (Human Resources officers)
- Data subject's immediate superior
- Human Resources Head of Unit
- Head of Administration Department
- Secretary to the Head of Administration Department
- Heads of Departments (in case of unjustified absence)
- Secretaries to Heads of Departments
- Appointing Authority
- Director
- Assistant to the Director
- Fusion for Energy Legal Advisor: in case of a dispute
- Internal auditor and Court of Auditors: for auditing purposes only
- European Ombudsman: upon justified request
- Court of Justice of the European Union: upon justified request
- OLAF: upon justified request

Medical Data:

- Medical Advisor - (Gabinete SME) - external service provider – member of the Invalidity Committee
- Nurse belonging to F4E medical service and providing support to the Medical Advisor
- Doctor appointed by the data subject - member of the Invalidity Committee
- Expert Doctor appointed by common agreement between Medical Control Officer and doctor appointed by the data subject - member of the Invalidity Committee
- Outside experts who are not members of the Invalidity Committee – if a need for a consultation with such an expert arises

Date when processing starts:



Date of reception of the request by the staff member or date of the decision to initiate the procedure by Fusion for Energy

Time limits for storage:

Health related data:

In case a data subject is recognized by the Invalidation Committee as being invalid, the file, containing health related data, will be kept up to maximum 30 years after the last medical document is inserted in the file in the light of Article 4(1)(e) of the Regulation (EC) No 45/2001.

In case the Invalidation Committee issues a negative opinion concerning an invalidity dossier, the data, including health related data, will be kept as long as possible appeal procedures can be launched against such a decision. After the expiration of these dates the file will be destroyed.

Administrative data:

The opinion of the Invalidation Committee, not containing any health related data, will be kept in the personal file of the data subject up to five years after termination of employment (or the last pension payment).

Right of access and rectification:

Medical Data is kept by the F4E Medical Controller (F4E external service provider), in the F4E Medical Controller's office.

Data subjects have the right of access to their personal data (administrative, health-related and medical data) being processed. For this purpose, they can contact the F4E Data Controller or the Medical Controller.

Data subjects have the right to rectify any of their data (except for medical data) that is inaccurate or incomplete. Data subjects have also the right to obtain from Data Controller blocking or erasure of their data.

Access to doctors' personal notes may be refused in cases where, following examination on a case-by-case basis, it is considered necessary to safeguard the protection of the individual concerned or the rights and freedoms of others. In addition in case this restriction is applied, data subjects will be informed of the reasons of this restriction. Data subjects will have the right to recourse to the EDPS under Article 20(3) of the Regulation (EC) No 45/2001.

When data subject contests the accuracy of his/her data (except for medical data, which may be questioned in a separate procedure, by referring the matter to an independent doctor), the



relevant data are immediately blocked for a period necessary for verifying the accuracy and completeness of the data, not exceeding 10 working days. When data subject requires data be blocked because s/he considers the processing unlawful or when s/he considers that data are no longer needed by F4E for the accomplishment of its tasks but have to be blocked for purpose of proof, F4E blocks the data as soon as possible and in any case not later than within 10 working days from the day the data subject's request reached F4E.

If a data subject requests data to be erased for s/he considers their processing unlawful, F4E erases the relevant data as soon as possible and in any case not later than within 10 working days from the day the data subject's request for erasure reached F4E.

In case data subject contests the accuracy of medical data and does not agree with the conclusions of the medical control examination by F4E Medical Service, s/he or a doctor acting on his/her behalf may within two days submit to F4E a request that the matter be referred to an independent doctor for an opinion.

Should the data subject have any queries, s/he shall address them in writing to the Data Controller at the following address: Resources-Controller@f4e.europa.eu or to the Data Protection Officer at the e-mail address: DataProtectionOfficer@f4e.europa.eu or to the Medical Controller email address at Medical-Absences@f4e.europa.eu

All data subjects shall have a right to recourse at any time to the European Data Protection Supervisor: edps@edps.europa.eu