



Secretary General

**European Ombudsman**

**Public record of processing activity:**

**Invalidity procedure management of the EO staff members**

**1. Last update of this record:** 15.03.21

**2. Reference number:** 9/2021

**3. Name and contact details of the controller:** European Ombudsman, 1 avenue du Président Robert Schuman, CS 30403, F-67001 Strasbourg Cedex- Contact: Directorate for Administration- HR team-e-mail: [EOabsence@ombudsman.europa.eu](mailto:EOabsence@ombudsman.europa.eu)

**4. Name and contact details of the Data Protection Officer:** Ms Francesca Pavese - Deputy DPO: Mr Nicholas Hernanz. Contact: [Dpo-Euro-Ombudsman@ombudsman.europa.eu](mailto:Dpo-Euro-Ombudsman@ombudsman.europa.eu)

**5. Name and contact details of the processor:** N/A

**6. Name and contact details of the joint controller(s):**

- Medical Service of the European Parliament (EP) which manages the medical files of the EO staff members and organises the meetings of the invalidity committee. See the [EO Decision on internal rules on the procedure for convening the invalidity committee](#) of 02.12.2015. Email: [bmedical@ep.europa.eu](mailto:bmedical@ep.europa.eu)
- European Commission - PMO Services, which calculates the amount of the invalidity allowance of the staff member concerned<sup>1</sup>.

**7. Purpose(s) of the processing:** To manage the invalidity procedure for EO staff members in accordance with Article 59(4)<sup>2</sup> and 78 of the Staff Regulations<sup>3</sup>, Annexes II (Section 3, Articles 7, 8 and 9) and VIII (Chapter 3, Articles 13, 14 and 15)

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<sup>1</sup> According to the [Service Level Agreement of 21 May 2014 between the EO and the European Commission- PMO services](#), the EO delegated the calculation of the amount of the Invalidity allowance to PMO.

<sup>2</sup> Article 59.4 SR: "The Appointing Authority may refer to the Invalidity Committee the case of any official whose sick leave totals more than 12 months in any period of three years."

<sup>3</sup> Article 78 SR: "An official shall be entitled, in the manner provided for in Articles 13 to 16 of Annex VIII, to an invalidity allowance in the case of total permanent invalidity preventing him from performing the duties corresponding to a post in his function group. (...)"



thereto, the Conditions of Employment of Other Servants of the European Union (CEOS)<sup>4</sup> and the [EO Decision on internal rules on the procedure for convening the invalidity committee](#) of 02.12.2015.

Short description of the processing: (for details, see the Decision on internal rules on the procedure for convening the invalidity committee mentioned above)

The staff member in charge of the leaves management in the HR team checks and records the number of days of absence. He/she communicates to the Appointing Authority (AA) the name of any staff member whose total period of absence on duly substantiated medical grounds exceeds that provided for in Article 59(4) of the Staff Regulations<sup>5</sup>. Where an employee has been absent for medical reasons for more than 12 months (365 working days) during the three previous years, the AA may decide to initiate the invalidity procedure.

If the AA decides to initiate the procedure, it asks the EP Medical Service to suggest a doctor who could represent the EO in the procedure. The AA then asks the staff member concerned to choose a doctor to represent him or her during the procedure. A third doctor is appointed by agreement between the two doctors representing respectively the EO and the staff member concerned. In case of disagreement on the appointment of the third doctor, the President of the Court of Justice designates the third doctor. The invalidity committee is convened. It carries out its work in the EP Medical Service at the place where the staff member is employed. The staff member may submit to the invalidity committee any reports or certificates from his / her usual doctor or any other doctors whom he / she has chosen to consult. On completion of its deliberations, the invalidity committee issues a medical opinion on whether the person is fit or unfit to work. The opinion is communicated to the AA. The latter takes its decision based on the conclusions of the invalidity committee. The relevant staff member in the HR team draws up the AA's draft decision and a note for the official concerned.

If it is recognised that the staff member suffers from invalidity, the AA establishes in its decision that he or she is permanently incapacitated for the performance of his or her duties and automatically retires him or her on the last day of the month in which the decision is taken. If the staff member is not recognised as fulfilling the conditions under Article 78 of the Staff Regulations,<sup>6</sup> the AA establishes this in its decision and informs the staff member that he or she is required to continue performing his or her duties. The AA forwards its decision and the invalidity committee's conclusions to the staff member concerned. A copy of the decision is sent to the Head of Unit where the staff member is employed.

## **8. Description of the categories of data subjects and of the categories of personal data:**

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<sup>4</sup> See and in particular Articles 16, 31, 32, 33, 39, 99, 100, 101, 102 and 136 of the CEOS.

<sup>5</sup> Article 59(4)SR: "The Appointing Authority may refer to the Invalidity Committee the case of any official whose sick leave totals more than 12 months in any period of three years."

<sup>6</sup> Article 78 SR: "An official shall be entitled, in the manner provided for in Articles 13 to 16 of Annex VIII, to an invalidity allowance in the case of total permanent invalidity preventing him from performing the duties corresponding to a post in his function group".



- Categories of data subjects: officials, temporary and contract agents of the EO Office

- Categories of personal data on the staff member concerned by the invalidity procedure:

- identification data: forename, surname, personal number, grade, date of birth, gender;
- data concerning the administrative status: unit, place of employment, number of days of sick leave, dates of entering the service in the UE/EO;
- Health data concerning the staff member: the medical opinion of the invalidity committee on whether the person is fit or unfit to work.
- the decision of the Appointing Authority to retire or not the staff member concerned on grounds of invalidity.

Any other data such as the medical certificates, the medical files and the relevant reports are exclusively managed and archived in the medical file of the relevant staff member by the EP Medical Service.

#### **9. Time limit for keeping the data and, where possible, for erasure:**

- The EP Medical Service exclusively manages the medical files of the EO staff members.
- The health-related data are kept in the staff's member medical file in accordance with the retention period applicable to these files set out by the EP.
- The administrative files of the EO are kept until the AA's decision to retire is taken. They are deleted afterwards.
- The negative decisions of the invalidity committee (not to conclude that the staff member is unfit for work) are kept for 2 years.
- The decision of the AA to retire or not the staff member concerned on grounds of invalidity are kept in his/her personal file 10 years after the termination of employment or the last pension payment. After this period, it is destroyed.

#### **10. Recipients of the data:**

- For data concerning the decision to convene the invalidity committee: the EO, the Secretary General (SG), the Director for Administration and the Head of HR team.
- The Court of Justice of the EU, in case of disagreement in the appointment of a third doctor. Only administrative data is transferred, no medical data.
- For health data covered by the medical secret: the EP Medical service, the medical officers of the invalidity committee, the medical expert (if applicable);
- For the decision of the AA to retire the staff member on invalidity grounds: the SG, the Director for Administration and the Head of HR team., the line manager of the staff member concerned, the EC- PMO Services, which



calculates the amount of the invalidity, allowance of the staff member concerned<sup>7</sup>.

**11. Are there any transfers of personal data to third countries and/or to International Organisations?: N/A**

**12. General description of security measures:**

The EP Medical Service exclusively manages the medical files of the EO staff members.

The electronic files concerning the invalidity procedure which circulated internally within the EO Office (ex: decision on the opening of the invalidity committee, conclusions of the invalidity committee, draft decision to retire or not the staff member on invalidity grounds) are stored in an electronic folder, under a secure server. Numerous security measures are set up by the Information, Communication and Technology (ICT) staff to protect the integrity and confidentiality of the Institution's electronic property. The electronic files are only accessible to the Director for Administration and the Head of HR team. Paper files are stored in a safe locked with code to which only a restricted number of HR staff members have access on a need-to-know basis.

**13. Information on how data subjects can exercise their rights of access and rectification, and where applicable, of erasure, restriction and data portability:**

Data subjects have the right of access to their own personal data and to relevant information concerning how the EO uses it. They can also ask to the Director for Administration to have access to the information that led to the opening of the invalidity procedure and to the conclusions of the invalidity committee. They have also a right to request from the EO rectification of any incomplete or inaccurate data concerning them in their medical file. The staff member concerned can also ask to have access to his/her medical file to the EP Medical Service. They can also request to add a second medical opinion to their medical file to ensure its completeness and accuracy.

They have a right to object to the use of their data by the EO on grounds relating to their particular situation, at any time. Under certain conditions, they have the right to ask that the EO deletes their personal data or restricts its use. The EO will reply to their requests as soon as possible and within one month at the latest.

Data subjects may ask the EO information concerning the processing of their personal data by e-mail by contacting the HR team relevant staff member to the following mail: [EOabsence@ombudsman.europa.eu](mailto:EOabsence@ombudsman.europa.eu).

Data subject may also contact the EO Data Protection Officer at any time: [dpo-eo-ombudsman@ombudsman.europa.eu](mailto:dpo-eo-ombudsman@ombudsman.europa.eu).

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<sup>7</sup> According to the [Service Level Agreement of 21 May 2014 between the EO and the European Commission- PMO services](#), the EO delegated the calculation of the amount of the Invalidity allowance to PMO.



If data subjects wish to complain about the Ombudsman's handling of their personal data, they may contact the European Data Protection Supervisor: [www.edps.europa.eu](http://www.edps.europa.eu)

A specific privacy statement is available (in attachment to the record).



# Privacy Statement

## relating to the Invalidity procedure management within the European Ombudsman's Office

This privacy statement explains the reason for the processing, the way the European Ombudsman (EO) collects, handles and ensures protection of all personal data provided, how that information is used and what rights the data subjects may exercise in relation to their data.

The controller is the EO. The joint controller are (i) the Medical service of the European Parliament which manages the medical files of the EO staff members and (ii) the European Commission- PMO Services, which calculates the amount of the invalidity allowance of the staff member concerned<sup>8</sup>.

### 1. What personal data will the European Ombudsman process?

We process the following personal data on the staff member concerned by the invalidity procedure:

- identification data: forename, surname, personal number, grade, date of birth, gender;
- data concerning his/her administrative status: unit, place of employment, number of days of sick leave, dates of the administrative decisions such as the day of entering the service in the UE/EO Office;
- health data concerning the staff member: conclusions of the invalidity committee on whether he/she is fit or unfit for work;
- the decision of the Appointing Authority (AA) to retire or not the staff member concerned on grounds of invalidity.

Any other data such as medical certificates, medical files and reports are exclusively managed and archived in the medical file of the relevant staff member by the EP medical service.

### 2. Why does the European Ombudsman process these personal data?

The purpose of the processing is to manage the invalidity procedure (opening and follow-up) for the staff members of the EO Office.

### 3. What are the legal bases and necessity for processing this data?

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<sup>8</sup> According to the [Service Level Agreement of 21 May 2014 between the EO and the European Commission- PMO services](#), the EO delegated the calculation of the amount of the invalidity allowance to PMO.



Processing is necessary for the performance of a task carried out in the public interest and in order to protect the vital interests of the data subject or another natural person (Article 5(1)(a) and e) of Regulation 2018/1725).

The legal basis are the [EO Decision on internal rules on the procedure for convening the invalidity committee](#) and Article 59(4)<sup>9</sup> and 78 of the Staff Regulations<sup>10</sup>, Annexes II (Section 3, Articles 7, 8 and 9) and VIII (Chapter 3, Articles 13, 14 and 15) thereto, the Conditions of Employment of Other Servants of the European Union (CEOS)<sup>11</sup>.

## 4. Who is responsible for processing the data?

Data is processed by the Directorate for Administration- Human Resources (HR) team- of the European Ombudsman.

## 5. Who will be the recipients of the data?

- For data concerning the decision to convene the invalidity committee: the EO, the Secretary General (SG), the Director for Administration and the Head of HR team. In addition, the Court of Justice of the EU may receive administrative data in case of disagreement concerning the appointment of the third doctor.
- For health data covered by the medical secret: the EP Medical service, the medical officers of the invalidity committee, the medical expert (if applicable);
- For the decision of the AA to retire the staff member on invalidity grounds: the SG, the Director for Administration and the Head of HR team, the Head of unit of the person concerned, the EC- PMO Services.

## 6. How long will the data be kept?

Health-related data are kept in the staff's member medical file in accordance with the retention period applicable to these files set out by the EP.

The administrative files of the EO are kept until the Appointing Authority's decision to retire is taken. They are deleted afterwards.

The negative decisions of the invalidity committee (not to conclude that the staff member is unfit for work) are kept for 2 years.

The decision of the Appointing Authority to retire or not the staff member concerned on grounds of invalidity are kept in his/her personal file 10 years after the termination of employment or the last pension payment. After this period, it is destroyed.

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<sup>9</sup> Article 59.4 SR: "*The Appointing Authority may refer to the Invalidity Committee the case of any official whose sick leave totals more than 12 months in any period of three years.*"

<sup>10</sup> Article 78 SR: "*An official shall be entitled, in the manner provided for in Articles 13 to 16 of Annex VIII, to an invalidity allowance in the case of total permanent invalidity preventing him from performing the duties corresponding to a post in his function group. (...)*"

<sup>11</sup> See and in particular Articles 16, 31, 32, 33, 39, 99, 100, 101, 102 and 136 of the CEOS.



## 7. How do we protect the data subject's data?

The EP Medical Service exclusively manages the medical files of the EO staff members.

The electronic files concerning the invalidity procedure which circulated internally within the EO Office (ex: decision on the opening of the invalidity committee) are stored in an electronic folder, under a secure server. Numerous security measures are set up by the Information, Communication and Technology (ICT) staff to protect the integrity and confidentiality of the Institution's electronic property. The electronic files are only accessible to the Director for Administration and the Head of HR team. Paper files are stored in a safe locked with code to which only a restricted number of HR staff members have access on a need-to-know basis.

## 8. What are your rights and how can you exercise them?

You have the right of access to your own personal data and to relevant information concerning how the EO uses it. You can also ask the Director for Administration ([EOabsence@ombudsman.europa.eu](mailto:EOabsence@ombudsman.europa.eu)) to have access to the information that led to the opening of the invalidity procedure and to the conclusions of the invalidity committee.

You can also ask the EP Medical Service ([bmedical@ep.europa.eu](mailto:bmedical@ep.europa.eu)) to have access to your medical file. You can also ask to complete your medical file by adding a second medical opinion.

You have also a right to request from the EO rectification of any incomplete or inaccurate data concerning you in your medical file. You have a right to object to the use of your data by the EO on grounds relating to your particular situation, at any time. Under certain conditions, you have the right to ask that the EO deletes your personal data or restricts its use.

The EO will reply to your request as soon as possible and within one month at the latest.

## 9. Who to contact in case of queries or complaints concerning data protection issues?

At any time, you may send data protection related questions concerning the management of the invalidity procedure to the EO, at the following address:

European Ombudsman  
1 avenue du Président Robert Schuman  
CS 30403  
F-67001 Strasbourg Cedex  
Email: [EOabsence@ombudsman.europa.eu](mailto:EOabsence@ombudsman.europa.eu)



You also may contact the Data Protection Officer of the European Ombudsman at the following address: [DPO-Euro-Ombudsman@ombudsman.europa.eu](mailto:DPO-Euro-Ombudsman@ombudsman.europa.eu)

You may lodge a complaint with the European Data Protection Supervisor at any time at the following address: [EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)