



EUROPEAN MEDICINES AGENCY
SCIENCE MEDICINES HEALTH

30 November 2023
EMA/519196/2023

Records of data processing activity relating to the management and processing of documents related to absences due to illness or accident and consultations with the occupational health physicians

1.	Last update of this record, version number:	30 November 2023, version 1
2.	Reference number:	A62
3.	Name and contact details of controller:	European Medicines Agency Internally: Head of Administration and Corporate Management Division datacontroller.administration@ema.europa.eu
4.	Name and contact details of DPO:	dataprotection@ema.europa.eu
5.	Name and contact details of joint controller (where applicable)	Not applicable
6.	Name and contact details of processor (where applicable)	Laboritas B.V. Europalaan 16 2408 BG Alphen aan den Rijn The Netherlands Email: ema@laboritas.nl https://laboritas.nl
7.	Purpose of the processing	The purpose of this data processing activity is the management and processing of documents related to absences due to illness or accident and consultation with the occupational health physician, following Articles 53, 59, 60 and 78 of the Staff Regulations of Officials (SR) ¹ as well as Articles 16 and 91 of the Conditions of Employment of Other Servants of the

¹ Regulation No 31 (EEC), 11 (EAEC), laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community. Available here: [https://eur-lex.europa.eu/eli/reg/1962/31\(1\)/oj/eng](https://eur-lex.europa.eu/eli/reg/1962/31(1)/oj/eng)

Official address Domenico Scarlattilaan 6 • 1083 HS Amsterdam • The Netherlands

Address for visits and deliveries Refer to www.ema.europa.eu/how-to-find-us

Send us a question Go to www.ema.europa.eu/contact **Telephone** +31 (0)88 781 6000

An agency of the European Union



		European Union (CEOS) an official (i.e. EMA staff member) who provides evidence of being unable to carry out his duties because of illness or accident shall be entitled to sick leave. Such evidence includes, for example, a medical certificate to be provided if a staff member is absent for more than three days and subsequent consultation with the occupational health physician or the occupational health physician's assistant to determine the duration of the sickness absence and any relevant workplace adjustment following a long-term sickness absence. Accordingly, the purpose of this processing activity is to enable the medical service provider to receive documents/information from EMA staff members related to absences due to illness or accident. In addition, the medical service provider may request a follow-up telephone call with the occupational health physician's assistant or an appointment with the occupational health physician for the following purposes: • discuss and verify the sickness absence duration exceeding three days, • ensure the wellbeing of the staff member, discuss treatment plan and any particular needs of the staff member, • ensure that the staff member is seeking an appropriate treatment, • medical examination according to Article 59 SR; e.g. medical examination arranged by the EMA following a long term sick leave absence to determine potential workplace adjustments, or to assess in which way the work of a staff member has affected his/her health and what action should be taken both to support the individual and to prevent recurrence, or to advise on temporary or permanent changes to the duties or to the workplace to enable someone with a physical or mental health condition or disability to work effectively and safely; • occupational health review by the occupational health physician, e.g. an appointment can be requested with the occupational health physician by the staff member to discuss and seek an advice on work related health issues; • assessment of the therapeutic advantage for the staff member of spending the sick leave abroad; • assessment of the serious or very serious illness certificate of staff's family (e.g. child, spouse) to justify special leave (Article 6, Annex V of the SR);
--	--	---

		processing of documents related to absences due to illness or accident. The medical service provider evaluates the documents/information provided taking into account any medical information/diagnosis these may contain in order to record and validate the reported sick leave duration in accordance with the above referred provisions, as well as the applicable implementing rules regarding absences on grounds of health or accident in force at the Agency, e.g. the Commission Decision N° 92-2004 of 06.07.2004 introducing implementing provisions on absences as a result of sickness or accident².
8.	Description of categories of persons whose data EMA processes and list of data categories	- Personnel number; - Surname; - First name; - Initials; - Gender; - Date of birth; - Maiden name (where applicable); - Home address (Street name, Post Code, City); - Private telephone number and/or private mobile number (if available); - Work email address; - Private email address (if available); - Job title (e.g. Assistant, Administrator, Head of ...) - Organisational entity denominator (e.g. A-ST-SMS) - Contract start, end date and type of contract; - Working pattern and number of hours worked; - Job role and description; In addition, the Data Processor will process the following data collected from you: - Address while on sick leave (in case of sick leave abroad or during annual leave); - Name and contact details of general practitioner or treating specialist; - Results of your diagnostic examinations (laboratory results, images such as X-rays, CT scans, Ultrasound and MRI images);

² Doc. ref. C(2004)1597.

		• Medical reports and other medical documentation containing personal health related information for the purpose of determining for example: sickness absence duration, reasonable workplace adjustments due to illness, invalidity and disability assessment in the occupational health context. • Medical documentation related to the illness of family member e.g. child, spouse for the purpose of determining special leave. Lastly, in the context of this processing operation and in addition to the data above being processed by the data processor, the Agency may process the following: • medical opinion for validating your sick leave; • medical opinion for phased-in return to work (number of weekly working hours and for how long); • medical opinion for reasonable workplace adjustments; • medical opinion on therapeutic advantage to spend sick leave abroad; • medical opinion relating to the serious illness of a family member; • referral to internal or external counselling; • any other medical opinion that may be relevant in the context of your occupational health.
9.	Time limit for keeping the data	The appointed medical service provider does not store data for longer than necessary to comply with legal requirements (such as the 7-year period set by the tax authorities for the administration of a company, keeping and sharing medical records in the Netherlands). In accordance with its legal obligations, EMA shall keep your name and / or personnel number on supporting financial documentation related documentation linked to the sickness absence management and occupational health services such as external counselling, payment for second and third doctor carrying out invalidity assessment. The supporting financial documentation is retained for 5 years from the date of budget discharge (which is the date of the European Parliament's final approval of the budget implementation for the concerned year). Accordingly, EMA will delete your name and/ or personnel number kept in the financial documentation no later than within 8 years.
10.	Recipients of the data	The data provided to or collected by the sickness absence and occupational health service provider will be processed only by the service provider and not shared with EMA. The medical

		service provider will only share with EMA opinion of the medical service such as: • medical opinion for validating your sick leave; • medical opinion for phased-in return to work (number of weekly working hours and for how long); • medical opinion for reasonable workplace adjustments; • medical opinion on therapeutic advantage to spend sick leave abroad; • medical opinion relating to the serious illness of a family member; • referral to internal or external counselling; • any other medical opinion that may be relevant in the context of your occupational health. EMA processes internally the data as explained above by nominated and restricted staff within the EMA Administration and Corporate Management Division responsible for Medical Services and Occupational Health area in the Staff Matters Service (A-ST-SMS) and Rules, Partnerships and Procedures (A-ST-RPP) and will be dealt with ensuring utmost confidentiality.
11.	Are there any transfers of personal data to third countries or international organisations? If so, to which ones and with which safeguards?	Not applicable
12.	General description of security measures, where possible.	The sickness absence and occupational health service provider will process data and apply restrictions and safeguards that fully consider the nature of the data and the risks involved. The software available is a ISO27001 certified software solely specialised in software sickness absence management. The portal is designed to protect the stored information from malicious attacks. The physical infrastructure is protected by an external professional data centre (KPN/XS4ALL in Amsterdam). Access to the portal is protected by 2-factor authentication which changes at random every 30 seconds (Google Authenticator), access to files is protected by predefined roles and by association. This means that only medical professionals may have access to medical files, but that does not necessarily mean that one medical doctor has access to the medical files of the other medical doctor. Every professional has only access to the files of the employee he or she is associated with. If desired, more than one professional can be associated with one file. The authorization level of the designated role determines which types of files are accessible. So for example the psychologist does not have access to the medical files of the OHP, and vice versa. The external counsellor will not have access to any of the files. As a certified occupational health and safety service (Arbodienst) Laboritas is obliged to comply with all laws and

		regulations regarding information security and privacy, which are stated in our Dutch Algemene Verordening Gegevensbescherming (AVG) which is derived from the European GDPR. Laboritas and all its subsidiaries are audited annually according to the regulations of the government agency SBCA. The Agency has appropriate technical and organisational measures in place, including organisational policies, to safeguard the security of personal data and ensure the confidentiality, integrity and availability of the relevant systems, services and the personal data processed within them. In particular, • Paper copies are not being produced. • Electronic copies can be accessed only through EMA internal authentication process and passwords.
13.	For more information, including how to exercise your rights to access, rectification, object and data portability (where applicable), see the privacy statement:	Details concerning processing your personal data are available on the Agency's intranet, where you may find the specific data protection notice.