

## Privacy Statement on protection of personal data in relation to the application of the Return to Work Protocol (RSC 2011 D/751)<sup>1</sup>

### Organizational parts entrusted with the task of ensuring compliance

- Director;
- Heads of Units (Head of Resource and Service Centre, Head of Prevention and Research Unit, Head of Communication).

### Purpose of processing

- To provide the affected employee with the necessary support measures to facilitate his/her return to work after prolonged sick leave;
- To encourage his/her mental and physical recovery.

### Type of data processed

- Information about data subjects' health conditions, including planned treatment;
- Contact information allowing the data subjects to be reached, i.e., telephone number, relatives' contacts etc.;
- Recommendations of work adaptations provided by the data subjects' medical doctor for the purpose of putting in place adequate follow up measures (ergonomic equipment, working hours, redeployment etc).

### Legal basis

- Council Regulation (EC) No 2062/34 of 18/07/1994 establishing the European Agency for Safety and Health at Work;
- Staff Regulations of Officials (SR), in particular Articles 1d.4, 1e.2 and 59.1.

### Recipients

#### Information about data subjects' health conditions and planned treatment:

- Data subjects' medical doctor;
- External medical service of the Agency (medical adviser).

#### Contact information:

- Director and Heads of Unit in their function as direct superiors of the employee concerned if the employee chooses to be contacted by his/her Head of Unit as foreseen in 2.) "Contact with employee" of the policy;
- Human Resources Section.

#### Recommendations of work adaptations provided by the data subjects' medical doctor (information necessary to implement the adequate follow up measures):

- External medical service of the Agency (medical adviser);
- Director, Head of Resource and Service Centre, Head of Prevention and Research Unit, Head of Communication as applicable;
- Human Resources Section, General Service Section and Health & Safety Committee.

### Lawfulness of processing

The lawfulness of the processing is based on Article 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.

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<sup>1</sup> Information provided on the basis of Articles 11 – 12 of Regulation (EC) 45/2001 of the European Parliament and Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies on the free movement of such data.

### **The data subject's rights**

- Data subjects are free to provide their consent to the application of the "Return to Work" protocol by filling and undersigning the consent form.
- Confirmation of the consent will be requested at initial contact. Withdrawal of the consent will be possible anytime, preferably in writing, by contacting the Human Resources Section.
- Failure to provide data, information and consent (and withdrawal) in the context of the protocol will not result into any negative consequence. The only consequence will be the non-application of the protocol.
- Data subjects have the right to access, rectify, block, erase their identification data and to object about their processing at any time during the application of the protocol. They can exercise their right by submitting a request by email to the Human Resources Section.

### **Information on the conservation period of personal data**

- Information likely to be stored by the medical adviser (data subjects' health conditions and planned treatment):  
The retention period is 4 years. The retention period may be extended if a dispute or an appeal is underway.
- Information likely to be kept in the personal file (consent form and withdrawal, list of tasks in case of redeployment etc.):  
As regard the information kept in the personnel file, the retention policy aligns to the current policy as it is foreseen in EU-OSHA Document Management Policy (8 years after the extinction of all rights).
- Recommendations of work adaptations provided by the data subjects' medical doctor:  
The retention policy aligns to the current policy for sick leave foreseen in EU-OSHA Document Management Policy (4 years). The retention period may be extended if a dispute or an appeal is underway.

### **Request for information**

For any further information regarding the handling of their personal data, staff members can address their request to EU-OSHA Data Protection Officer at: [dpo@osha.europa.eu](mailto:dpo@osha.europa.eu).

### **Appeals**

Staff members are entitled to lodge an appeal at any time with the European Data Protection Supervisor: <http://www.edps.europa.eu>.

### **Date when processing starts**

Date of application of the protocol.