

## Privacy statement on the management of health data in relation to the COVID-19 pandemic at the European Institute of Innovation and Technology

This privacy statement provides information on the processing of personal data carried out by the European Institute of Innovation and Technology in relation to the COVID-19 pandemic.

The processing of personal data follows the provisions of Regulation (EU) 2018/1725<sup>1</sup> of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (hereinafter: “Regulation”).

### What is personal data and what is a personal data processing operation?

**Personal data** shall mean any information relating to an identified or identifiable natural person (‘data subject’). An identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

**Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automatic means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

### Who are the data subjects?

The following categories of data subjects can be involved in the personal data processing operations:

1. Staff members (exceptionally retired and former staff members), Seconded National Experts (SNEs) and trainees
2. Staff members of contractors who work at the EIT premises (external IT staff, interim agents)
3. Dependents of the staff members and SNEs

### Who is the controller of the data processing?

The data controller is the Head of Services and Finance Unit.

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<sup>1</sup> OJ L 295, 21.11.2018, p. 39–98

## What is the purpose of the personal data processing?

The purpose of processing personal data is to ensure the health of the data subjects during extraordinary circumstances (COVID-19 pandemic). It is an obligation for the EIT to prevent the spread of COVID-19 amongst data subjects and to ensure working conditions complying with appropriate health and safety conditions. For this purpose, additional information, including health related data, need to be collected and retained, in order to allow for the identification of infected individuals, persons suspected to be contaminated and persons at risk. Furthermore, it is important to vaccinate the data subjects.

To this aim, the EIT takes the following measures:

1. **Body temperature check to filter access to the EIT premises:** Not applicable
2. **Contact tracing:** data subjects are requested to report to HR and the line manager if they have tested positive, as well as to report the persons they were in close contact with. This is set as practice, which is followed discreetly (without the disclosure of the details of the data subjects and their medical conditions) as to safeguard those that might have been exposed.
3. **Checking of occupancy rate:** the current instructions to staff<sup>2</sup> allow for voluntary presence with a limit to maximum 50% presence in the office. Staff is distributed in shifts which rotate on a weekly basis, staff that wants to visit office outside of its shift time should require permission from the line manager (Head of Unit) with copy to the office Logistics section (building management). External visitors are limited to the necessary minimum for limited duration (required works on premises, mail delivery etc.).
4. **COVID-19 diagnostic tests:** Upon the occasional request of EIT, its medical service provider ensures the opportunity to have PCR tests available free of charge for the data subjects (including family members).
5. **Ensuring COVID-19 vaccination for the data subjects:** The host state of the EIT, Hungary provides COVID-19 vaccination to the interested data subjects. The EIT ensures the collection of the personal data of the data subjects to support the vaccination campaign managed by the host state authorities.

The data processing operations include the collection, recording, organisation, storage, consultation, use, disclosure by transmission, erasure and destruction of personal data.

## What types of personal data are processed?

The EIT processes a limited amount of personal data. Additionally, the EIT is in a contractual relationship with external service providers (data processors), who also process certain personal data in relation to the pandemic situation.

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<sup>2</sup> In this context staff includes staff members and those who are working for the EIT regardless of the type of employment.

The following types of personal data are or might be processed for the above-mentioned purposes in accordance with the Regulation:

Processing operation	Types of personal data
Body temperature check	NA
Contact tracing	Name, contact details, medical information (e.g. symptoms)
Checking of occupancy rate	Name
Covid-19 diagnostic tests (PCR tests)	Name, contact details
Ensuring COVID-19 vaccination for the data subjects	Name, contact details, identification number (ID and/or passport) or social security number

More personal data might be processed by the medical service providers of the EIT, such as:

- Swiss Medical Services Egészségügyi Szolgáltató Kft.,
- Hungarian Defence Forces Medical Centre (referred to as: “Military Hospital”).

#### **Who has access to the personal data of data subjects and to whom can they be disclosed?**

##### **Within the EIT:**

The personal data of the data subjects is processed by the responsible staff of Services and Finance Unit and the responsible staff of the Directorate. Additionally, access will be given to the Internal Auditor of the EIT by request if necessary, for the performance of the duties of the Internal Auditor.

##### **Within the Commission and other EU institutions/bodies/agencies:**

For audit control or investigation purposes (only if strictly necessary, and if possible in an anonymised way): Court of Auditors, Internal Audit Service of the European Commission, European Anti-Fraud Office (OLAF).

Access to the personal data may be granted also to the European Ombudsman and the European Data Protection Supervisor upon request, the General Court and the European Court of Justice to the extent necessary for handling the review procedure and litigation.

##### **Third parties subject to the GDPR<sup>3</sup> and third parties not subject to the GDPR:**

Since EIT is not able to carry-out all the above-mentioned measures on its own due to its scope of activities, data are processed to its external service providers. These service providers might process more personal data than the EIT does. For more information, please see their privacy statements:

1. Swiss Medical Egészségügyi Szolgáltató Kft.:  
<https://swissclinic.hu/wp-content/uploads/2020/04/Swiss-Alapellatas-adatkezelesi-tajekoztato-gyogykezeles-ENG.pdf>

<sup>3</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation, OJ L 119, 4.5.2016, p. 1–88)

2. Military Hospital:

<https://www.honvedkorhaz.hu/images/media/5fdb3a1baf5f3177618812.pdf>

<https://www.honvedkorhaz.hu/images/media/604b48246d590797869406.pdf>

In certain cases (e.g. contract tracing or COVID-19 vaccination), it is necessary to disclose data to **the host country authorities**; in these cases only limited and necessary personal data will be transmitted to the local health authority.

- Due to the nature of the COVID-19, the EIT cooperates with the Hungarian Ministry of Foreign Affairs during the **vaccination campaign**, therefore personal data are shared with them.
- In the framework of **contact tracing**: should local health authorities request information from the EIT on staff members who tested positive or are suspected of being infected, the EIT could transfer such data only if it complies with the provisions of Article 9 of the Regulation (provided that the local health authority establishes that the request for transmission of personal data falls within its legal duties to implement a contact tracing operation).

### How long do we keep your data?

The EIT only keeps your personal data for the time necessary to fulfil the purpose of collection or further processing, namely for 1 year.

In case of contact tracing the retention period is 14 days.

### What are the rights of the data subject?

In accordance with Articles 15, 17, 18, 19 of the Data Protection Regulation of European Institutions the data subjects have the **right for information**, the **right of access**, the **right of rectification** in case their personal data is not complete or not accurate and the **right to erasure** (“right to be forgotten”).

The data subjects have the right to obtain the **erasure** of their personal data in accordance with Article 19 of the Regulation and in particular in the cases when the personal data are no longer necessary in relation to the purposes for which they were collected, if the data subject withdraws its consent, or in case of unlawful processing.

Data subjects have also the **right to restriction** of processing of personal data in accordance with Article 20 of the Regulation, and the **right to object** on grounds listed in Article 23 of the Regulation.

The rights can be only exercised by sending a request in a written form to the [eithr2@eit.europa.eu](mailto:eithr2@eit.europa.eu). As a general rule, the requests for information, access, rectification, erasure restriction are handled without undue delay and in any event within one month of receipt of the request; this period may be extended by further two months where necessary, taking into account the complexity and number of requests. In case the data subject contests the accuracy of the data, upon request, the data is restricted immediately for the period of verification of the accuracy of the data, not exceeding one month.

Restrictions to the rights of data subjects may be applied by the EIT, in accordance with Article 25 of the Data Protection Regulation of the European institutions and the EIT internal rules on restrictions<sup>4</sup>.

### **Who should be contacted in case of complaints?**

You have the right of recourse at any time to the EIT's Data Protection Officer ([EIT-DPO@eit.europa.eu](mailto:EIT-DPO@eit.europa.eu)) and to the European Data Protection Supervisor ([EDPS@edps.europa.eu](mailto:EDPS@edps.europa.eu)) or contact the site: <http://www.edps.europa.eu/EDPSWEB/>.

### **Legal basis of the processing operation**

#### **General legal basis:**

Regulation (EC) No 294/2008 of the European Parliament and of the Council of 11 March 2008 establishing the European Institute of Innovation and Technology<sup>5</sup>, as amended by Regulation (EU) No 1292/2013 of the European Parliament and of the Council of 11 December 2013<sup>6</sup> ("EIT Regulation").

Article 1e of 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

#### **Specific EIT legal basis:**

The framework contract for medical services concluded by and between the EIT and the Swiss Clinic (09/2018/OP/EITPROC) contains some provisions on data protection.

The agreement for the provision of medical services concluded by and between the EIT and the Hungarian Defence Forces Medical Centre (j10/118-43/2019) contains some provisions on data protection.

### **Grounds for lawfulness**

In line with Article 5(a) of Regulation No (EU) 2018/1725, the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the EIT.

Furthermore, in case of contact tracing the processing is also lawful based on of Article 10(2)(i) of Regulation No (EU) 2018/1725.

Participation in PCR tests and in the COVID-19 vaccination are voluntary, therefore processing is based on Article 10(2a) of Regulation No (EU) 2018/1725.

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<sup>4</sup> Currently under adoption. The final version will be published at the following link: <https://eit.europa.eu/who-we-are/legal-framework/data-protection>

<sup>5</sup> OJ L 97, 9.4.2008, p. 1 12

<sup>6</sup> OJ L 347, 20.12.2013, p. 174 184