

## Record of processing activity

Invalidity procedure

### 1. General Information

Name of the data processing:	Invalidity procedure
Reference number:	E045
Last update:	11/11/2020
Controller:	European Economic and Social Committee
Directorate:	Directorate E
Unit:	E3 STA
Contact details:	<p>Directorate for Human Resources and Finance Unit E3 "Working conditions, rights and obligations, pensions" (STA) – the Time Management team is responsible for administrative data. The Medical Service – and specifically the Medical Officer – is responsible for all medical data</p>
Joint controller (where applicable):	N/A
Joint controllership agreement (where applicable):	N/A
DPO - contact details	<a href="#">EESC Data Protection</a>
Processor(s) (where applicable):	N/A
Data Processing Agreement	N/A

### 2. Purpose and description of the personal data processing

Purpose(s) of the personal data processing	<ul style="list-style-type: none"> <li>• To establish whether or not the person concerned is fit for work</li> <li>• To identify any reasons for which the person concerned might be unfit for work</li> <li>• To indicate whether and how often subsequent medical checks are required</li> </ul> <p>The Invalidity Committee is composed of three</p>
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doctors:

- one appointed by the institution (either the medical officer of the institution or doctor chosen from outside);
- one appointed by the person concerned (the name of this doctor is requested in the registered letter announcing the decision to refer to an Invalidity Committee. If this information is not provided within 15 working days of the date of receipt of the letter, a reminder letter is sent. If there is no response to the reminder, a doctor will be automatically appointed by the President of the Court of Justice of the European Union;
- one appointed by agreement between the first two doctors (in the event of failure to agree on the appointment of a third doctor within two months of the appointment of the second doctor, the third is appointed by the President of the Court of Justice of the European Union).

The proceedings of the Invalidity Committee are confidential and subject to medical secrecy.

The Invalidity Commission may conclude from its deliberations:

- that you meet the conditions for "invalidity" as defined in the Staff Regulations, in which case:
  - the Medical Service will forward a copy of the Invalidity Committee's conclusions to the TIM team within the E3 STA unit. This document will give your surname, first name, staff number and date of birth in the subject line;
  - the TIM team will send you the invalidity decision, signed by the Appointing Authority, by registered post with acknowledgement of receipt to your official address (which you communicated to the Personal Files service).
- or that you do not meet the conditions for "invalidity" as defined in the Staff Regulations, in which case:
  - the head of the E3 STA unit, by agreement with the doctor representing the institution, will fix the date on which you are to resume your duties, and any relevant terms;
  - the decision that you are to resume your duties and any relevant terms, signed by the Appointing Authority, will be sent to you by registered post with acknowledgement of receipt to your official

address.

A member of the Invalidity Committee may not, by refraining from or refusing to sign, obstruct the adoption of a conclusion by the Invalidity Committee. In case of disagreement, the conclusion representing the opinion of the majority is valid within the meaning of the Staff Regulations and with full legal force.

The medical factors on which the conclusions of the Invalidity Committee were based are set out in a medical report which is added to your medical file, but not forwarded to the administration.

Regular medical check-up – resumption of duties

The possibility cannot be excluded that the health of the person declared unfit for work will improve. In such cases, the Staff Regulations give the official the right to resume their duties when they no longer meet the conditions to qualify for an invalidity allowance. For this reason, the medical officer of the institution carries out medical check-ups. The institution may also require the person concerned to undergo periodical medical check-ups without a request from the Invalidity Committee.

The Invalidity Committee is asked to indicate whether it considers such medical check-ups to be necessary, and if so, how often they should be carried out. The check-ups are performed by the medical officer of the institution, who may also, if appropriate, accept a report from a doctor in the place of residence of the person concerned.

The person who is to have a medical check-up receives a letter in which they are asked to attend for a check-up with the medical officer of the institution.

On the basis of this medical examination, the medical officer may decide to extend the invalidity leave, in which case he or she indicates if and when another check-up will be carried out.

If the medical officer considers that the person concerned is fit to resume their duties, the administration is informed and a letter is sent to the person in order to set a date for their return to work.

Categories of persons whose personal data are processed	Officials, temporary staff, and contract staff with a contract for an indefinite period.
Categories of personal data processed	<p>Data on sick leave (without diagnostic details)</p> <p>The decision to open an invalidity procedure is taken by the Appointing Authority based on information forwarded by the Time Management team (TIM) of Unit E3 "Working conditions, rights and obligations, pensions" (STA) within the Directorate for Human Resources and Finance. The decision to refer to an Invalidity Committee is made after examination of the report drawn up via Sysper, which indicates the number of days of sick leave accumulated over a period of three years, and after consulting the medical officer of the EESC. If 365 days or more of sick leave are taken over a period of three years, an invalidity procedure may be initiated.</p> <p>The following information is forwarded to the Appointing Authority:</p> <p>Sysper print-out showing name, grade, unit, number of days' sick leave per year and total sick leave days over the previous three years as at the verification date.</p> <p>The medical reasons are never passed on; all medical information is subject to medical secrecy, which means that only the doctors concerned have access to this information.</p>
Recipients of the personal data	Appointing Authority, Medical Service, Time Management sector, doctor appointed by the person concerned and the third doctor.
Transfers of personal data to a third country or an international organization	No
Retention period of the personal data	The file is kept until the person retires.
General description of security measures, where possible	N/A
Data protection notice:	Data Protection Notice available internally