

RECORD
of processing activity¹
according to Article 31 Regulation 2018/1725²

NAME of data processing³:

Processing of personal data in the management of staff vulnerable to COVID-19 (Group C)

Last update: March 2021

1) Controller(s)⁴ of data processing operation (Article 31.1(a))
<ul style="list-style-type: none"> • Controller: Organisational entity of Fusion for Energy (F4E) <ul style="list-style-type: none"> ○ Unit / Department responsible⁵ for the processing activity: Administration Department ○ Contact: h&sdataprotection@f4e.europa.eu • Data Protection Officer (DPO): DataProtectionOfficer@f4e.europa.eu
2) Who is actually conducting the processing? (Article 31.1(a))⁶
The data is processed by F4E (responsible unit) itself <input checked="" type="checkbox"/>
The data is processed by a third party (e.g. contractor) (Art. 29 – Processor) : <input checked="" type="checkbox"/> Contact point at external third party (e.g. Privacy/Data Protection Officer): Gabinete SME: dpo@gsmep.com

¹ Please consult the relevant **EDPS guideline** in your sector, if it exists: https://edps.europa.eu/data-protection/our-work/our-work-by-type/guidelines_en

² Regulation 2018/1725 of 23 October 2018 “on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data”. O.J 21.11.2018, L295/39.

³ **Personal data** is any information relating to an identified or identifiable natural person, i.e. someone 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. This information may, for example, be the name, date of birth, a telephone number, biometric data, medical data, a picture, professional details, etc.

Processing means any operation or set of operations which is performed on 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.

⁴ In case of more than one controller, see Article 28.

⁵ This is the unit that decides that the processing takes place and why.

⁶ Is F4E itself conducting the processing? Or has a provider been contracted?

3) Purpose and Description of the processing (Article 31.1(b))

Why is the personal data being processed? Specify the underlying reason for the processing and what you intend to achieve. Describe, summarise the substance of the processing.

When you (later on) intend to further process the data for another purpose, please inform the Data Subject in advance.

The objective of the processing of personal data is to identify those staff members who are vulnerable to COVID-19 and provide them with improved working conditions by reinforcing H&S measures.

Staff members with one of the conditions defined in the guidelines for Group C staff members (F4E_D_2KYLD5) are requested to communicate with the F4E Medical Advisor for their inclusion in the Group C. The Medical Advisor will then provide the concerned staff members with a series of H&S recommendations and rules that high-risk staff must follow.

The list of Group C staff members and their conditions is only accessible by the F4E Medical Advisor. However, staff members in Group C are requested to inform their line manager of their inclusion in such group without disclosing any medical data. The line manager will take into account the vulnerability of the concerned staff member when establishing working arrangements within their units / teams.

Staff members in Group C will need a medical assessment with the F4E Medical Advisor before working on-site or going on mission. In the event the Medical Advisor advises against working on-site but the concerned staff member still wishes to access the premises or go on mission, the F4E Medical Advisor will inform of such situation to the line manager, the H&S Coordinator and the Head of Site, who will liaise to provide the concerned staff member with reinforced H&S measures and working arrangements.

The general principles of necessity and proportionality still apply when F4E exercises its duty of care for staff. F4E is accountable for necessity and proportionality and limits its processing to what is necessary.

4) Lawfulness of the processing (Article 5(a)–(d)):

Mention the legal bases which justifies the processing

Processing necessary for:

- (a) performance of tasks in the public interest attributed by EU legislation (including management and functioning of F4E)
- Council Decision of 27 March 2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it” - 2007/198/Euratom, as last amended by Council Decision of 10 February 2015 (2015/224 Euratom), O.J. L 37, 13.2.2015, p.8, in particular Article 6 thereof;
 - Statutes annexed to the Council Decision (Euratom) No 198/2007 “establishing the European Joint Undertaking for ITER and the Development of Fusion Energy and conferring advantages upon it”, as last amended on 10 February 2015, in particular Article 10 thereof;
 - Group C Staff Members guidelines (F4E_D_2KYLD5)

- (b) compliance with a *specific* legal obligation for F4E to process personal data⁷.....
- (c) necessary for the performance of a contract with the data subject or to prepare such a contract (*state which is the contract as basis for the necessary processing*)
- (d) Data subject has given consent (ex ante, freely given, specific, informed and unambiguous consent)

Describe how consent will be collected and where the relevant proof of consent will be stored

Consent should be considered as the exception, applicable in the absence of another legal basis. In those cases, e.g. in the case of photos or subscription to newsletters, ensure that the request for consent is presented in an intelligible (clear and plain language) and easily accessible form, and complies with the requirements of Art. 7.

5) Description of the data subjects (Article 31.1(c))

Whose personal data is being processed?

Staff members with one of the conditions defined in the guidelines for Group C staff members (F4E_D_2KYLD5).

6) Categories of personal data processed (Article 31.1(c))

Please give details in relation to (a) and (b). In case data categories differ between different categories of data subjects, please explain as well.

(a) General personal data:

Name of the staff member, age, unit / team, place of employment, inclusion to Group C.

(b) Sensitive personal data (Article 10)

Health condition or pathology of the staff member in Group C.

7) Recipient(s) of the data (Article 31.1 (d)) – Who has access to the personal data?

Recipients are all people to whom the personal data is disclosed (“need to know principle”). Not necessary to mention entities that may have access in the course of a particular investigation (e.g. OLAF, Court, EDPS).

The following recipients have access to the personal data processed:

⁷ The distinction between points (a) and (b) is that in point (a) F4E is given a task which requires the processing of personal data to fulfil it (e.g. staff appraisal), while in point (b), the legal basis directly requires F4E to process the personal data, without margin of implementation.

Medical data:

- F4E Medical Advisor (Gabinete SME)
- F4E Nurse (Gabinete SME), who belongs to F4E's medical service and provides support to the Medical Advisor

Administrative data:

- F4E Medical Advisor,
- F4E Nurse
- H&S Coordinator,
- Line Manager of the staff member in Group C,
- Head of Site, in the event of a staff member in Group C willing to work on-site against the medical advice,
- IDM Manager, if necessary for support,
- ICT Officer responsible, if necessary for technical support.

Also, only if appropriate and necessary for monitoring or inspection tasks, access may be given to: F4E Director, Head of Admin., Head of the Legal Service Unit and/or responsible Legal Officer, F4E Data Protection Officer and Anti-Fraud & Ethics Officer, IAC / IDOC.

8) Transfers to third countries or International Organizations (Article 31.1 (e))

If the personal data is transferred outside the EU, this needs to be specifically mentioned, since it increases the risks of the processing operation (Article 47 ff.).

Data is transferred to third countries or International Organizations recipients:

Yes

No

If yes, specify to which country/IO:

If yes, specify under which safeguards and add reference :

- Adequacy Decision (from the Commission)
- Memorandum of Understanding between public authorities/bodies.....
- Standard Data Protection Clauses (from the EDPS/Commission).....
- Corporate Rules
- Others, e.g. contractual/agreements (subject to authorisation by the EDPS).....

Reference:

9) Technical and organisational security measures (Articles 31.1(g) and 33)

Please specify where the data is stored (paperwise and/or electronically) during and after the processing. Specify how it is protected ensuring “confidentiality, integrity and availability”. State in particular the “level of security ensured, appropriate to the risk”.

Security measures are implemented to ensure integrity, confidentiality and availability of information. The default provisions include backups, centralized logging, software updates and continuous vulnerability assessment and follow-up. Specific provisions resulting from the characteristics of the information system may lead into the implementation of encryption, two factor authentication among others found relevant following a risk analysis.

10) Retention time (Article 4(e))

How long is it necessary to retain the data and what is the justification for this retention period? If appropriate, differentiate between the categories of personal data. If the retention period is unknown, please indicate the criteria for determining it.

F4E will keep the personal data processed for no longer than for what the purposes described in section 3 require. F4E will delete the data once no longer necessary and when the situation of the COVID-19 pandemic allows so, unless it is required to keep the data further for reasons of public health protection.

11) Information/Transparency (Article 14-15)

Information will be given in a concise, transparent and easily accessible form, using clear and plain language.

A Privacy Notice will be published in F4E intranet and F4E external website.

The Medical Advisor will also send F4E Privacy Notice and the Privacy Notice of Gabinete SME to the staff members entering Group C.