



Data protection – Information

STI's legal obligations

The personal data collected by the *Service de Santé au Travail de l'Industrie ASBL* (the Service for Occupational Health in Industry non-profit organisation, hereafter STI) shall be handled in accordance with the legal obligations applicable to health services (under Art. 45 of Regulation (EU) 2016/679).

The STI's tasks are set out in the Labour Code, Part 3 – Worker Protection, Security and Health, Chapter 2 – Occupational healthcare services.

Reasons for data collection and processing (Art. 9-2h of Regulation (EU) 2016/679)

The personal data collected by the STI will be used for the following purposes:

- To evaluate the employee's current and future working capacity
- To set out appropriate procedures for assessing working capacity
- To advise workers regarding their healthcare or social support needs
- To advise the employer on the conditions which must be respected in order for workers to complete their tasks

Duration of data storage

Given the unique nature of the processed data (e.g. regarding occupational illnesses which become apparent at a later stage), this data will be stored for at least 20 years after the employee's last appointment with the STI. For employees who have been exposed to carcinogens or mutagens, the data will be stored for 40 years from the date of exposure.¹

Access to data

As a patient, you may access any personal data which has been collected by the healthcare authorities (Ethics code – Chapter II – Art. 19 and Art. 28 of the law modified on 2nd August 2002 on personal data protection). Access is available to all objective elements of your data. Access rights may be exercised by you or a doctor acting as an intermediary appointed by you.

The right to data removal

Considering the STI's aforementioned reasons for collecting your health data, the right to have your data erased does not apply in this case.

¹ Luxembourg regulation of 14th November 2016 on protecting workers from the risks linked to exposure to carcinogens or mutagens at work

Data processing and portability

As an employee who is legally obliged to undergo medical supervision, you are authorising the occupational doctor to process any relevant data as part of their mandate, as described in the Labour Code, Part III – Worker Protection, Security and Health, Chapter II – Occupational healthcare services.

You also authorise the other occupational doctors at the STI to handle your data in the case that they should stand in for your usual occupational doctor and gain access to your file.

Once your prior agreement has been given, your data may be conveyed to another occupational doctor (after a change of health service) or competent doctor from an organisation or institution which has a justifiable need for handling your personal data (e.g. Ministry of Health- Occupational Health Department, the national health insurance authority, accident insurance providers, national pension insurance authority, Joint Committee at the service for workers with reduced mobility, services for handicapped workers etc.)

Data Protection Delegate (DPD) contact details

For questions pertaining to the handling of your data, please contact the Data Protection Delegate at the following postal address (attach a copy of your identity card):

Service de santé au travail de l'industrie ASBL

DPO

6, rue Antoine de Saint Exupéry

L-1432 Luxembourg

Data protection supervisory authority: National Commission for Data Protection (CNPDP)

Complaints about the handling of your data may be submitted online to the CNPDP via the following link: <https://cnpdp.public.lu/en/particuliers/faire-valoir/formulaire-plainte.html>

Data relayed to your employer or other organisations

The types of personal data which may be conveyed to your employer or other organisations with a justifiable need for handling such personal data are set out in the following chapters of the Labour Code, Part III - Worker Protection, Security and Health:

- Chapter II – Occupational healthcare services.
- Chapter III – Employment of pregnant or breastfeeding women and new mothers
- Chapter V - Employment of workers no longer able to fulfil their previous role
- Chapter VI - Employment of handicapped workers

Data which may be conveyed to your employer (medical examination report)

- Identification data: surname, first name, date of birth
- The conclusions of your working capacity assessment: capacity, incapacity, any comments on the conditions required in order for you to be able to carry out your work
- Duration of capacity
- Conclusions on the suitability of the role for pregnant or breastfeeding women and new mothers, if applicable
- The date(s) of any upcoming vaccination(s) required in order to eliminate the risks linked to exposure to biological agents
- The date(s) of any upcoming training sessions deemed necessary to build on previous initial training (e.g. first aid)

Data which may be conveyed to relevant representatives of other institutions

- Identification data for you and your employer, where relevant:
 - surname, first name and national employee number
 - surname, national company number and company address
- Expected due date, name of the doctor treating a pregnant worker/new mother/breastfeeding mother, recommendations by the occupational doctor regarding the suitability of the role for such employees
- Occupational doctor's report on your residual working capacity in the context of the law on professional reskilling, recommendations on conditions for continuing in employment, duration of validity of these recommendations, need for reassessment

STI's commitments

The *Service de Santé au Travail de l'Industrie ASBL* commits:

- Never to sell your personal data
- To only use your personal data as part of the procedures set out in the Labour Code
- To inform you in due time of any data leaks involving your personal data which could be detrimental to your interests