

DECISION OF THE EUROPEAN CENTRAL BANK
of 3 July 2007
amending the European Central Bank Staff Rules and Rules for Short-term Employment
(ECB/2007/NP6)

THE EXECUTIVE BOARD OF THE EUROPEAN CENTRAL BANK,

Having regard to the Rules of Procedure of the European Central Bank, and in particular Article 21.1 and 21.3 thereof,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of 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 data¹,

Having regard to the opinions of the European Data Protection Supervisor, and in particular Cases 2004-277, 2006-240/241,

Having regard to the opinion of the Staff Committee,

Whereas:

- (1) Data relating to health, including medical certificates, are particularly sensitive.
- (2) The processing of such data by the ECB for the purposes of personnel administration can be further improved by taking into account the opinions of the European Data Protection Supervisor.
- (3) Continuity in staffing requires pregnancies to be reported with sufficient notice to ensure appropriate maternity leave cover,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1.3 of the Staff Rules is replaced by the following:

‘There shall be only one personal file for each member of staff. Medical certificates and related documents required for the application of the Conditions of Employment shall be an integral part of a

¹ OJ L 8, 21.1.2001, p. 1.

member of staff's personal file but shall be separately stored in the Directorate General Human Resources Budget and Organisation.

The medical file, which shall not form part of the personal file, shall be retained by the ECB's Medical Adviser, who shall be solely responsible for it.'

Article 2

Article 1.3.1 of the Rules for Short-term Employment is replaced by the following:

'There shall be only one personal file for each short-term contract employee. Medical certificates and related documents required for the application of the Conditions of Employment shall be an integral part of the personal file of the member of staff but shall be separately stored in the Directorate General Human Resources Budget and Organisation.

The medical file, which shall not form part of the personal file, shall be retained by the ECB's Medical Adviser, who shall be solely responsible for it.'

Article 3

The following provision is inserted as new Article 1.3.5 of the Staff Rules and the Rules for Short-term Employment:

'Provided that there are no pending claims, the personal file shall be retained for a maximum of 10 years. The retention period for the personal file shall commence either when the staff member's employment with the ECB ceases or following the last ECB pension payment to either the pensioner or their entitled dependants. Medical certificates and relating documents required for the application of the Conditions of Employment shall be retained for a maximum of five years commencing on the date of their submission.'

Article 4

The fourth paragraph of Article 5.13.2 of the Staff Rules and the fourth paragraph of Article 5.10.2 of the Rules for Short-term Employment are replaced by the following:

'The medical certificate shall be sent to the Directorate General Human Resources, Budget and Organisation as soon as possible. If the absence is likely to be longer than one week, the medical certificate shall be posted.'

Article 5

Article 5.9.1 of the Staff Rules and Article 5.8.1 of the Rules for Short-term Employment are replaced by the following:

'A medical certificate indicating the expected date of confinement shall be sent, at least three months before the expected date of confinement, directly to the Directorate General Human Resources, Budget and Organisation, which shall then confirm the leave entitlement.'

Article 6

This Decision shall enter into force on the first day of the month following its communication to staff.

Done at Frankfurt am Main, 3 July 2007.

[signed]

The President of the ECB

Jean-Claude TRICHET