

INFORMATION FOR CITIZENS WHOSE COUNTRY OF AFFILIATION IS SPAIN

This document provides citizens with information about how their personal health data is processed when they seek health care in another Member State of the European Union.

The following information is provided in order to comply with the requirements, laid down in the European Union's General Data Protection Regulation (GDPR), to inform citizens about the processing of their personal data.

What is eHealth Digital Service Infrastructure?

eHealth Digital Service Infrastructure (eHDSI) is part of the MyHealth@EU service, which offers European citizens a simple and secure way of transmitting their personal health data electronically to other Member States when they need health care while abroad. The data is provided to health professionals in other European Union (EU) countries where the citizen receives health care. Personal data is processed in accordance with the laws of the country where health care is sought.

Category of data we process

The European Patient Summary (EUPS) contains basic medical information about you which is communicated across country borders when you receive health care in another country. It includes personal data used to identify you and personal medical information such as allergies, current medication, illnesses and previous surgery, which are important and necessary in order to allow health care professionals to provide you with appropriate patient care when you are abroad. That information is available in your Patient Summary (EUPS), via the National Health System's Electronic Medical Record (HCDSNS), in so far as your personal data has previously been recorded and provided in electronic form by your Autonomous Community health service.

Therefore, the European Patient Summary generated by your Autonomous Community health service will be available to you in other countries through HCDSNS and the European Interoperability Network communication portal.

For what purposes do we process your data?

We process your Patient Summary so that the health professionals who provide you with care in another country of the European Union have the medical information they need. Your Patient Summary may be stored in the information systems of the health care services of the country where you receive treatment. In the course of providing your care, health professionals in that country may request additional information from you about your health. That data may also be stored in their information systems. In any case, your data will be processed for the purpose of allowing health professionals to provide you with the necessary health care that you request.

Please note that, in other countries, your personal data may be processed for other purposes related to the performance of a task in the public interest or in order to comply with a legal obligation. For example, your personal data may be processed for reasons related to an ongoing investigation into an offence, public health, epidemiology, statistics, etc., aimed at improving the quality of care.

In Spain, your Patient Summary will be processed in the same way as your personal health data are processed by HCDSNS and the Autonomous Community health services.

Who will be able to access your data?

Your Patient Summary and any other personal health data you provide to health professionals in other EU Member States will be processed by professionals who have a duty of professional confidentiality or an equivalent duty of confidentiality. The Member States have undertaken to provide professionals with appropriate information and training and to ensure that they are able to access your data only for the purpose of providing you with care and complying with the legal obligations which derive from doing so or which are otherwise laid down in law.

Information from your Patient Summary will be transferred via a secure gateway provided by the National Contact Point for eHealth designated by each country. In the case of Spain, the information will be sent to other countries via the technical portal operated by the Ministry of Health, which obtains the information from the various health services of each Autonomous Community health service. The Ministry of Health and the Autonomous Communities have signed the necessary agreements to comply with data protection requirements. Those requirements must also be complied with at European level, as all the EU Member States that provide such cross-border services to citizens have signed an agreement to that effect.

The Ministry of Health is not responsible for the personal health data processed by the health services in the various regions.

Legal basis for processing your personal data

The legal basis for processing your Patient Summary is Directive 2011/24/EU on cross-border healthcare. Thus, your data will be processed in compliance with the obligations laid down in that Directive and in the Spanish legislation transposing it: Royal Decree 81/2014 of 7 February 2014 in fulfilment of the legal obligation of the Spanish State to make provision for cross-border health care and the cross-border continuity of health care for European citizens.

The personal health data that you provide in Spain will be processed in line with the obligation on health professionals to process personal health data in order to provide health care. Your data may also be processed for reasons of public interest in the field of public health or when necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes. The technical and security measures provided for in the National Security Framework (Royal Decree 3/2010 of 8 January 2010 governing the National Security Framework in the field of electronic government) will be applied at all times.

Your data will always be processed in accordance with the following provisions: Articles 6(1)(c), (d) and (e) and 9(2)(h), (i) and (j) of the GDPR and Supplementary Provision 17 of Organic Law 3/2018 of 5 December 2018 on data protection and digital rights guarantees.

When your Patient Summary is communicated to another EU country, your data will be processed in accordance with the rules of the country where you seek health care. Please note that some EU countries may ask for your consent to process your data.

Where and for how long is your data stored?

Your personal health data is stored at your Autonomous Community health service and in the country where you seek health care. In Spain, it is stored for the period set by Article 17 of Law 41/2002 of 14 November 2002 setting out basic rules on patient autonomy and on rights and obligations regarding medical information and documentation and by implementing legislation of the Autonomous Communities, under which it must be stored for at least five years from the date on which you are discharged from each course of medical care.

Longer storage periods may be applied for archiving purposes in the public interest, scientific research purposes or statistical purposes, in which cases appropriate measures to safeguard privacy, such as anonymisation of personal data, will apply.

In other EU countries, your personal health data will be stored for as long as strictly necessary for the purposes for which it is processed.

However, the period for which your data will be stored may vary from country to country. Therefore, it is important that you consult the patient information notice for the country where you are treated.

Your rights

You may exercise your rights of access, rectification, erasure, objection and restriction of processing, where applicable, before the controller in your Autonomous Community and/or health service or autonomous city of Ceuta or Melilla (INGESA), or before the controller in the country where you have received health care. In order to do so, you should send a letter in the form indicated to you by the controller or using the form available on the website in the case of Spain. Contact details of the national and Autonomous Community controllers are provided below.

You have the right to:

- a) access your data at any time by submitting a request to the controller,
- b) rectify any inaccurate data in your Patient Summary,
- c) restrict or object to the processing of your Patient Summary data on grounds relating to your particular situation, in accordance with Article 21 of the GDPR,
- d) lodge complaints or requests with the Spanish supervisory authority (the [Agencia Española de Protección de Datos](#) [Spanish Data Protection Agency]) when your attempts to exercise your rights have been unsuccessful,
- e) seek an effective judicial remedy against a controller or processor,
- f) seek compensation and establish liability in accordance with Article 82 of the GDPR.

Further information on any aspect of cross-border health care can be obtained from the Spanish National Contact Point via the following link: <https://www.sanidad.gob.es/pnc/ciudadanoEsp/home.htm>

Information on complaints can be found at this link:

<https://www.sanidad.gob.es/pnc/ciudadanoEsp/infReparRecl.htm>

Contact details of the controller

At regional level

You should contact the Health Service of your Autonomous Community or INGESA

<https://www.sanidad.gob.es/organizacion/ccaa/directorio/home.htm>

At national level

Ministry of Health, Subdirectorato-General for Health Information,
Paseo del Prado 18-20, 28014 Madrid.

E-mail: delegadoprotecciondatos@sanidad.gob.es

Web form for the exercise of rights:

https://www.sanidad.gob.es/servCiudadanos/proteccionDatos/docs/Formulario_DPD_MSCBS.pdf

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