

INFORMATION FOR CITIZENS VISITING SPAIN

This document provides citizens with information about how their personal health data is processed when they seek health care in Spain.

The following information is provided in order to comply with the requirements, laid down in the European Union's General Data Protection Regulation, 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 if they need health care while abroad. The data is provided to health professionals in European Union (EU) countries where the citizen is treated. Personal data is processed in accordance with the laws of the country where health care is sought, in this case Spain.

Category of data we process

The European Patient Summary (EUPS) contains basic medical information about you which is communicated across country borders so that you can 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 for health professionals to provide you with appropriate patient care when you are abroad. The information which is available from your Patient Summary is the personal data previously recorded and provided in electronic form by your own country. See your own country's Patient Information Notice for details of the information contained in your Patient Summary.

For what purposes do we process your data?

We process your Patient Summary so that the health professionals who provide you with care in Spain have the medical information they need. Our health professionals will not store your Patient Summary on our systems. However, they may request additional information from you about your health in the course of providing your care. This information may be stored in our information systems in order to comply with the legal requirements that apply to our health professionals and for reasons of public interest. In such cases, your data will be stored for at least five years from the date on which you are discharged from each course of medical care.

In exceptional circumstances, where there is a legal basis for doing so (e.g. an ongoing investigation into an offence, public health, epidemiology, statistics, etc., aimed at improving the quality of care), we will keep your data for as long as necessary.

Who will be able to access your data?

Your Patient Summary and any other personal health data you provide to us will be processed by our health professionals, who have a duty of professional confidentiality, or by other professionals subject to an equivalent duty of confidentiality. Our professionals are properly informed, trained and authorised, and will be 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 technical portal via which we receive your data is operated by the Ministry of Health, which will, in turn, transmit the information to the various health services in each region of Spain. Both the Ministry and the regions have signed the necessary agreements to comply with data protection requirements.

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. Your data is processed in order to meet 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 continuity of health care for European citizens.

The personal health data you provide to our professionals will be processed in Spain in order to comply with the obligation on health professionals to process personal health data in order to provide health care. It 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 General Data Protection Regulation and Supplementary Provision 17 of Organic Law 3/2018 of 5 December 2018 on data protection and digital rights guarantees.

Where and for how long is your data stored?

Personal health data is stored by the health services of the regions. 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 in the regions, 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.

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 for 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 General Data Protection Regulation,
- 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, or with the following [national data protection authorities](#),
- e) seek an effective judicial remedy against a controller or processor,
- f) seek compensation and liability in accordance with Article 82 of the General Data Protection Regulation.

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/en/pnc/ciudadanoEsp/home.htm>

Information on complaints can be found at this link: <https://www.sanidad.gob.es/en/pnc/ciudadanoEsp/infReparRecl.htm>

Contact details for the controller

At regional level

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

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

At national level

Ministry of Health, Subdirectorato-General for Health Information,

Paseo del Prado 18-20, 28014 Madrid.

Email: 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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