

Patient Information Notice about the Electronic Cross-border Prescription Services for patients travelling to Poland

This document describes which of your personal data will be processed and activities related to their processing, when you want to have a medicine prescribed in your country (on an electronic prescription) to be dispensed by a Polish pharmacy.

1. What is MyHealth@EU?

MyHealth@EU enables safe and easy access to medical data for health care professionals involved in provision of medicines. The infrastructure provides the health care professionals (involved in provision of medicines) access to medical data (cross-border e-prescription) for the residents of the EU, by electronic means – anytime and anywhere within the EU. This is done through a secure gateway provided by a National Contact Point for eHealth (NCPeH) designated by each country.

Polish NCPeH is e-Health Centre (Centrum e-Zdrowia, Dubois 5A Street, 00-189 Warsaw, Poland). In the Polish legal status, the Data Controller is the Minister of Health. The e-Health Centre, pursuant to an agreement concluded with the Minister of Health, is a data processor (contact data below). The e-Health Centre (Polish NCPeH) assumes the responsibility as a data processor for collection, storage, transfer and other processing activities of the data.

This also means that your personal data is recorded, transferred and stored on accordance with Polish law and EU law.

2. What are the categories of your personal health data concerned?

Electronic prescription and dispensation - you can get an electronic prescription from a healthcare provider in your country of affiliation and receive a medicine through a pharmacy in Poland.

The electronic prescription contains essentially the same information as a regular paper prescription, i.e. identification of the doctor, the patient and the medicine prescribed.

The electronic dispensation includes the medicine dispensed.

The information is available if your personal data is already recorded in electronic form in your country of affiliation.

Information contained in the electronic prescription:

- prescription identifier,
- prescription date,
- patient's given name and surname,
- patient's identification number,
- patient's date of birth,
- patient's gender,
- patient's country of insurance,
- prescriber's name and surname,
- prescriber's identification number,
- address of the health institution prescribing the medicine,
- information about prescribed medicine:
 - medicinal product code,
 - active ingredient(s),
 - strength,
 - size of the package (quantity),
 - type of the package, if available,
 - pharmaceutical dose form,
 - brand name, if available,
 - route of administration, if available,
 - number of packages,
 - Marketing Authorization Holder, if available
- information whether substitution is allowed, if applicable,
- information about posology,
- instructions to the patient, if applicable,
- advise to the dispenser, if applicable,
- legal entity responsible for the electronic prescription data,

Information contained in the electronic dispensation:

- dispensation identifier,
- dispensation date,
- identifier of dispensed prescription,
- patient's given name and surname,
- patient's identification number,
- dispenser's given name and surname,
- dispenser's identification number,
- pharmacy identification number,
- pharmacy name, if available,
- pharmacy address,
- information about dispensed medicine:
 - medicinal product code,
 - active ingredient(s),
 - strength,

- size of the package (quantity),
- type of the package, if available,
- pharmaceutical dose form,
- brand name,
- route of administration, if available,
- number of packages,
- Marketing Authorization Holder, if available,
- information whether substitution occurred, if applicable,
- legal entity responsible for the electronic dispensation data.

The data transferred from the national infrastructure of the country of affiliation, via the National Contact Points for eHealth, to a pharmacy in Poland, contains valid prescriptions with a list of medications prescribed for you and detailed information about these medications.

The original PDF version of the prescription and the translated content of the electronic prescription will be available to pharmacists through the pharmacy software solution (via the National Contact Points for eHealth of Poland and your country of affiliation).

When dispensing the medicine, the pharmacist enters the data onto the pharmacy software solution and logs the dispensation of the medicine. The information of the medicine's dispensation will be submitted via National Contact Points for eHealth to your country of affiliation.

3. What is the legal basis for the use of your personal data?

The MyHealth@EU services are available to you on the basis of relevant law of your country.¹

In Poland, your personal data will be processed on the basis of below legal acts:

- Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare,
- The Act of 28 April 2011 on the information system in health care,
- The Act of 6 September 2001. Pharmaceutical Law,
- The Act of 12 May 2011 on reimbursement of medicines, foodstuffs for special nutritional purposes and medical devices,
- The Act of 27 August 2004 on health care services financed from public funds.

When you receive a medicine in Poland, your data will be recorded in Poland according to the EU General Data Protection Regulation (GDPR), Polish law and practices of a particular pharmacy.

4. What is the purpose of processing?

Prescription data and dispensation data are processed for the dispensation of medicines.

¹ The system is also currently open for Iceland, Liechtenstein and Norway.

The data may also be processed for the purpose of billing the dispensation and for reporting, statistical, research and archiving purposes.

5. Who processes and has access to this data? (Recipients of personal data)

Your personal data will be accessible only by authorized and identifiable health professionals involved in provision of medicine under professional secrecy in Poland. Health professionals' duty to maintain confidentiality results from legal acts and rules of professional conduct.

When the data is exchanged through MyHealth@EU, each of the recipients of the data assumes responsibility for the processing of such data within their scope of data processing activities.

The recipients of the data who assume such responsibilities are:

- The pharmacy in Poland,
- The Polish NCPeH.

On the Polish website: <https://pacjent.gov.pl/> you can find more information about cross-border health data exchange.

6. Where and how long is the personal data stored?

The collected personal data may be stored in information systems of the health institutions both in your country of affiliation and the country of treatment. Your personal data will be stored in a pharmacy and data processing logs will be stored in the NCPeH. The data shall be stored for no longer than is necessary for the purpose for which your personal data is processed. Data may be stored for longer periods only for the purpose of archiving, scientific or historical research, with specific measures for protecting privacy in place (such as data anonymisation).

The storage period in Poland is the following: 5 years after the end of the calendar year in which the refund occurred or in which a medicine was dispensed (Act of the Pharmaceutical Law).

7. Your rights

You have access to your data stored in Poland, in the context of dispensations of medicines, by sending a request to e-Health Centre. Apart from that, you can exercise the rights of rectification, erasure, and restriction of the processing. In order to exercise your rights, you may contact us by email at biuro@cez.gov.pl or in writing to **Centrum e-Zdrowia, Stanisława Dubois 5A Street, 00-184 Warsaw, Poland.**

Also, you have the right to lodge a complaint with a supervisory authority in your country of residence or in the country of a medicine's dispensation, depending on the factual situation. The supervisory authority in Poland is President of the Personal Data Protection Office. Contact details to the supervisory authorities in the UE Member States can be found at: <https://pacjent.gov.pl/>.

The Poland national data protection authority is Office for the Protection of Personal Data (pl: Urząd Ochrony Danych Osobowych), which can be reached through the following contacts:

Office for Personal Data Protection (pl: Urząd Ochrony Danych Osobowych), address: Stawki 2 Street, 00-193 Warsaw, Poland, e-mail: kancelaria@uodo.gov.pl.

8. Contact Details

- **NCPeH – e-Health Centre (pl: Centrum e-Zdrowia ul. Stanisława Dubois 5A, 00-184 Warszawa):**
biuro@cez.gov.pl
- **Data Protection Officer:**
iod@cez.gov.pl