

INFORMATION FOR CITIZENS VISITING SPAIN

This document provides citizens with information about how their personal health data is processed when they seek dispensation in Spain of a product prescribed in their country of affiliation

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 healthcare, including pharmaceutical services, while they are abroad. The data is provided to health professionals in European Union (EU) countries where the citizen is assisted or receives pharmaceutical services. Personal data is processed in accordance with the laws of the country where healthcare is sought, in this case Spain.

Category of data we process

Electronic prescription and dispensation - ePrescription and eDispensation - via the MyHealth@EU service makes it possible for a medicine prescribed by a healthcare professional in your country of affiliation to be dispensed in any pharmacy in Spain. ePrescription contains all the data and information necessary for safe dispensing, such as data identifying the prescriber, the patient and the product prescribed. eDispensation contains information about the product dispensed.

That information is available in so far as your personal data have previously been recorded and provided in electronic form by your own country. If you wish you can consult the service provider in your country.

For what purposes do we process your data?

The personal health data contained in your ePrescription issued in your country of affiliation will be processed by professionals in Spanish pharmacies so that the medicines prescribed are dispensed when you request them. The information on eDispensation will be stored by the pharmacy for a period of 3 months and by the information systems of the autonomous health service for the period necessary to comply with the provisions laid down in Royal Legislative Decree 1/2015 of 24 July 2015 and Royal Decree 1718/2010 of 17 December 2010 on medical prescriptions and dispensing orders.

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 personal health data will be accessed by pharmacy professionals, who have a duty of professional confidentiality. Our professionals are properly informed, trained and authorised, and will be able to access your data only for the purpose of carrying out tasks relating to dispensation and complying with the legal obligations which derive from doing so or which are otherwise laid down in law.

The data in your ePrescription will be transferred via a secure gateway provided by the National Contact Point for healthcare by electronic means (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 health service of the region of Spain in which the pharmacy where you go to collect your prescribed medication is located. That service will transmit it to the relevant pharmacy. 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.

The pharmacy in which you collect your medication prescribed electronically is responsible for the processing of your personal health data for the purposes stated above.

Legal basis for processing your personal data

The legal basis for processing your ePrescription and eDispensation is Directive 2011/24/EU on cross-border healthcare, 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 the mutual recognition of electronic prescriptions between Member States of the EU and the continuity of cross-border healthcare for European citizens.

Personal health data relating to ePrescription and eDispensation in Spain can be processed in order to ensure high standards of quality and safety of healthcare and pharmaceutical services, and is carried out by a professional under a duty of professional confidentiality. 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 GDPR 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 and in pharmacies. The storage of your personal health data in Spain is subject to Articles 7, 11 and 8 of Royal Decree 1718/2010 of 17 December 2010 on medical prescriptions and dispensing orders and by implementing legislation in the regions. It is stored in the pharmacy for a period of no longer than 3 months. 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 national controller or controller of the region in which your dispensation took place, or before the controller in the country where the ePrescription was issued to you. 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,
- c) restrict or object to the processing of your 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 ([Agencia Española de Protección de Datos](#)) 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 establish liability in accordance with Article 82 of the GDPR.

Further information on any aspect of cross-border healthcare 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, Subdirectorate-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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