

## EOLAS DO SHAORÁNAIGH A THUGANN CUAIRT AR AN SPÁINN

**Soláthraítear eolas leis an doiciméad seo do shaoránaigh faoin mbealach a dhéantar a gcuid sonraí sláinte a phróiseáil agus iad ag lorg cúraim sláinte sa Spáinn.**

Soláthraítear an t-eolas seo a leanas chun na riachtanais a chomhlíonadh, ar riachtanais iad a leagtar síos i Rialachán Ginearálta an Aontais Eorpaigh maidir le Cosaint Sonraí, chun saoránaigh a chur ar an eolas faoi phróiseáil na sonraí pearsanta dá gcuid.

### **Céard atá sa Bhonneagar Seirbhísí Digiteacha r-Shláinte?**

Tá an Bonneagar Seirbhísí Digiteacha r-Shláinte (eHDSI) ina chuid de sheirbhís MyHealth@EU, lena ndéantar bealach slán simplí a thairiscint do shaoránaigh na hEorpa chun a gcuid sonraí sláinte pearsanta a tharchur go leictreonach chuig Ballstáit eile más rud é go mbeidh cúram sláinte ag teastáil uathu agus iad ar an gcoigríoch. Déantar na sonraí a sholáthar do ghairmithe sláinte i dtíortha an Aontais Eorpaigh (AE) mar a bhfuil cóir leighis á cur ar an saoránach. Déantar sonraí pearsanta a phróiseáil i gcomhréir le dlíthe na tíre ina bhfuil cúram sláinte á lorg, sa Spáinn, sa chás seo.

### **Catagóir na sonraí a bhíonn á bpróiseáil againn**

San Achoimre Eorpach ar an Othar (EUPS), tá buneolas leighis fút a chuirtear in iúl trasna teorainneacha tíortha chun gur féidir leat cúram sláinte a fháil i dtír eile. Bíonn sonraí pearsanta san áireamh ann le do shainaithe mar aon leis an eolas leighis phearsanta fút amhail ailléirgí, cógais reatha, tinnis agus máinliacht roimhe seo, ar nithe tábhachtacha riachtanacha iad chun go soláthróidh gairmithe sláinte cúram othair iomchuí duit agus tú ar an gcoigríoch.

An t-eolas a bhíonn ar fáil ó d'Achoimre ar an Othar, is é sin na sonraí pearsanta a bhí taifeadta agus tugtha roimhe seo i bhfoirm leictreonach ag do thír féin. Féach an Fógra Eolais d'Othair ó do thír féin chun mionsonraí a fháil ar an eolas atá i d'Achoimre ar an Othar.

### **Cad chuige a mbíonn do chuid sonraí á bpróiseáil againn?**

Déanaimid d'Achoimre ar an Othar a phróiseáil chun go mbeidh an t-eolas leighis ag na gairmithe sláinte a bhfuil gá acu leis agus cúram á thabhairt acu duit sa Spáinn. Ní stóráfaidh ár ngairmithe sláinte d'Achoimre ar an Othar ar ár gcórais. Mar sin féin, féadfaidh siad eolas breise a iarraidh uait faoi do shláinte agus cúram á thabhairt duit. Féadfar an t-eolas sin a stóráil inár gcórais eolais chun na riachtanais dhlíthiúla is infheidhme maidir lenár ngairmithe sláinte a chomhlíonadh agus ar mhaithe le leas an phobail. Sna cásanna sin, stórálfar do chuid sonraí go ceann 5 bliana ar a laghad ón dáta a scaoilfear amach as gach cúrsa cúraim leighis thú.

I gcúinsí eisceachtúla, i gcás ina mbeidh bunús dlí ann chun déanamh amhlaidh (m.sh. imscrúdú leanúnach ar chion, sláinte phoiblí, eipidéimeolaíocht, staidreamh, srl., arb é is aidhm dóibh feabhas a chur ar cháilíocht an chúraim), coimeádfaimid do chuid sonraí a fhad is gá.

## **Cé a bheidh in ann do chuid sonraí a rochtain?**

Beidh d'Achoimre ar an Othar agus aon sonraí sláinte pearsanta eile a sholáthraíonn tú dúinn á bpróiseáil ag ár ngairmithe sláinte, ar a bhfuil dualgas na rúndachta gairmiúla, nó déanfaidh gairmithe eile atá faoi réir dualgas rúndachta coibhéiseach iad a phróiseáil. Bíonn ár ngairmithe feasach, oilte agus údaraithe i gceart agus ní bheidh siad in ann do chuid sonraí a rochtain ach amháin chun na críche cúram a sholáthar duit agus na hoibleagáidí dlíthiúla a chomhlíonadh ar oibleagáidí dlíthiúla iad a eascraíonn as déanamh amhlaidh nó a leagtar síos sa dlí ar bhealach eile.

Déanfar eolas ó d'Achoimre ar an Othar a tharchur trí phointe rochtana slán a sholáthraíonn an Pointe Teagmhála Náisiúnta le haghaidh na r-Shláinte atá ainmnithe ag gach tír. I gcás na Spáinne, is í an Aireacht Sláinte a oibríonn an tairseach theicniúil a bhfaighimid do chuid sonraí tríthi, agus leis an tairseach sin, faoi seach, déanfar an t-eolas a tharchur chuig na seirbhísí sláinte éagsúla i ngach réigiún den Spáinn. Tá na comhaontuithe sínithe ag an Aireacht agus ag na réigiúin araon, ar comhaontuithe iad a bhfuil gá leo chun riachtanais maidir le cosaint sonraí a chomhlíonadh. Ní bhíonn an Aireacht Sláinte freagrach as na sonraí sláinte pearsanta a phróiseálann na seirbhísí sláinte sna réigiúin éagsúla.

## **Bunús dlí maidir le do chuid sonraí pearsanta a phróiseáil**

Is é Treoir 2011/24/AE maidir le cúram sláinte trasteorann an bunús dlí maidir le d'Achoimre ar an Othar a phróiseáil. Déantar do chuid sonraí a phróiseáil chun na hoibleagáidí a leagtar síos sa Treoir sin a chomhlíonadh mar aon leo siúd atá i reachtaíocht na Spáinne lena ndéantar an Treoir a thrasúiomh: Foraithe Ríoga 81/2014 an 7 Feabhra 2014 i gcomhlíonadh oibleagáid dhlíthiúil Stát na Spáinne chun foráil a dhéanamh maidir le cúram sláinte trasteorann agus le leanúnachas an chúraim sláinte do shaoránaigh na hEorpa.

Déanfar na sonraí sláinte pearsanta a sholáthraíonn tú dár ngairmithe a phróiseáil sa Spáinn chun an oibleagáid a bhíonn ar ghairmithe sláinte a chomhlíonadh, ar oibleagáid í sin chun sonraí sláinte pearsanta a phróiseáil chun cúram sláinte a thabhairt. Féadfar na sonraí a phróiseáil freisin ar mhaithe le leas an phobail i réimse na sláinte poiblí nó nuair is gá chun cuspóir a bhaint amach ar mhaithe le leas an phobail, ar mhaithe le taighde eolaíoch nó taighde stairiúil nó chun críoch staidrimh. Cuirfear i bhfeidhm i gcónaí na bearta teicniúla agus slándála dá bhforáiltear sa Chreat Slándála Náisiúnta. Déanfar do chuid sonraí a phróiseáil i gcomhréir leis na forálacha seo a leanas i gcónaí: Airteagail 6(1)(c), (d) agus (e) agus Airteagail 9(2)(h), (i) agus (j) den Rialachán Ginearálta maidir le Cosaint Sonraí agus Foráil Fhorlíontach 17 de Bhundlí 3/2018 an 5 Nollaig 2018 maidir le cosaint sonraí agus ráthaíochtaí um chearta digiteacha.

## **Cá háit a stóráiltear do chuid sonraí agus cén tréimhse a bhíonn i gceist?**

Stóráilann seirbhísí sláinte na réigiún sonraí sláinte pearsanta. Stóráiltear iad go ceann na tréimhse a leagtar síos le hAirteagal 17 de Dhlí 41/2002 an 14 Samhain 2002 lena leagtar amach bunrialacha maidir le neamhspleáchas an othair agus maidir le cearta agus le hoibleagáidí i dtaca le heolas agus le doiciméadacht leighis agus trí reachtaíocht a chur chun feidhme sna réigiúin, reachtaíocht nach mór dá réir iad a stóráil go ceann 5 bliana ar a laghad ón dáta a scaoilfear amach as gach cúrsa cúraim leighis thú.

Féadfar tréimhsí stórála níos faide a chur i bhfeidhm chun cuspóirí a bhaint amach ar mhaithe le leas an phobail, ar mhaithe le taighde eolaíoch nó chun críoch staidrimh; agus sna cásanna sin, beidh feidhm ag bearta iomchuí chun an príobháideachtas a choimirciú, amhail anaithnidiú sonraí pearsanta.

## Do chearta

Féadfaidh tú do chearta a fheidhmiú maidir le rochtain, ceartú, léirsciosadh, agóid in aghaidh agus srianadh na próiseála, i gcás inarb infheidhme, os comhair an rialtóra i do Phobal Féinrialaitheach agus/nó i do sheirbhís sláinte nó i gcathair fhéinrialaitheach Ceuta nó Melilla (INGESA), nó os comhair an rialtóra sa tír ina bhfuair tú cúram sláinte. Chun déanamh amhlaidh, ba cheart duit litir a sheoladh san fhoirm a thabharfaidh an rialtóir le fios duit nó tríd an bhfoirm atá ar fáil ar an suíomh gréasáin a úsáid i gcás na Spáinne. Tugtar sonraí teagmhála le haghaidh na rialtóirí náisiúnta agus rialtóirí na bPobal Féinrialaitheach thíos.

Tá an ceart agat an méid seo a dhéanamh:

- do chuid sonraí a rochtain tráth ar bith ach iarraidh a chur faoi bhráid an rialtóra,
- aon sonraí míchruinne i d'Achoimre ar an Othar a cheartú,
- próiseáil sonraí d'Achoimre ar an Othar a shrianadh nó agóid a dhéanamh ina haghaidh ar fhorais a bhaineann le do chás áirithe, i gcomhréir le hAirteagal 21 den Rialachán Ginearálta maidir le Cosaint Sonraí,
- gearáin nó iarrataí a thaisceadh le húdarás maoirseachta na Spáinne ( [Gníomhaireacht na Spáinne um Chosaint Sonraí](#) ) i gcás nár éirigh le do chuid iarrachtaí do chearta a fheidhmiú, nó iad a thaisceadh leis na [húdaráis náisiúnta um chosaint sonraí](#) seo a leanas,
- leigheas breithiúnach éifeachtach a lorg in aghaidh rialtóra nó próiseálaí,
- cúiteamh agus dlíteanas a lorg i gcomhréir le hAirteagal 82 den Rialachán Ginearálta maidir le Cosaint Sonraí.

Is féidir tuilleadh eolais a fháil faoi aon ghné de chúram sláinte trasteorann ó Phointe Teagmhála Náisiúnta na Spáinne tríd an nasc seo a leanas: <https://www.sanidad.gob.es/en/pnc/ciudadanoEsp/home.htm>

Tá eolas faoi ghearáin le fáil ag an nasc seo: <https://www.sanidad.gob.es/en/pnc/ciudadanoEsp/infReparRecl.htm>

## Sonraí teagmhála le haghaidh an rialtóra

### Ar an leibhéal réigiúnach

Ba cheart duit dul i dteagmháil le Seirbhís Sláinte do Phobail Fhéinrialaitheach nó INGESA

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

### Ar an leibhéal náisiúnta

An Aireacht Sláinte, Ard-Fhostiúirthóireacht um Fhaisnéis Sláinte,

Paseo del Prado 18-20, 28014 Maidrid.

Ríomhphost: [delegadoprotecciondatos@sanidad.gob.es](mailto:delegadoprotecciondatos@sanidad.gob.es)

Foirm idirlín chun cearta a fheidhmiú:

[https://www.sanidad.gob.es/servCiudadanos/proteccionDatos/docs/Formulario\\_DPD\\_MSCBS.pdf](https://www.sanidad.gob.es/servCiudadanos/proteccionDatos/docs/Formulario_DPD_MSCBS.pdf)

Deireadh an doiciméid

## 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 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](mailto:delegadoprotecciondatos@sanidad.gob.es)

Web form for the exercise of rights:

[https://www.sanidad.gob.es/servCiudadanos/proteccionDatos/docs/Formulario\\_DPD\\_MSCBS.pdf](https://www.sanidad.gob.es/servCiudadanos/proteccionDatos/docs/Formulario_DPD_MSCBS.pdf)

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