

Patient information notice on the cross-border electronic transfer of the patient summary

LUXEMBOURG

This information notice is provided in order to comply with the obligation laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

This notice is intended to inform European citizens who have consented to have their patient summary transferred electronically to a healthcare professional in Luxembourg about the purpose of processing their personal data.

1. What is the Digital Health Service Infrastructure?

The patient summary is transferred electronically via the eHealth Digital Services Infrastructure (eHDSI) set up under the European programme 'Connecting Europe Facility' (CEF eHDSI), which links the National Contact Points for eHealth.

The eHDSI is a cross-border electronic system that offers European citizens, with their prior consent, a safe and simple means of transferring their health data if they need treatment abroad: the eHDSI services.

Personal data are provided electronically to healthcare professionals in European Union (EU) countries where the individual concerned is treated.

The personal data are transferred, processed and stored in accordance with the law of the country of treatment (see details in point 6).

2. Categories of personal data concerned

For the cross-border electronic transfer of the patient summary, two types of personal data are processed:

- the patient's administrative details, for identification purposes, and
- the patient's health data as contained in the patient summary being transferred.

The patient summary covers all health data relating to the patient which are transferred for the purpose of medical treatment and care in another country.

In accordance with Article 4 of the GDPR, 'data concerning health' covers personal data related to physical or mental health, including the provision of health care services, which reveal information about the patient's health.

The patient summary therefore includes essential health data concerning the patient, such as allergies, current medications, previous illnesses and surgical procedures, as well as relevant

information on the care pathway, as this information is needed to ensure proper treatment of the patient abroad.

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

Your personal data are transferred, processed and stored in accordance with

- the provisions of the GDPR, Directive 2011/24/EU on the application of patients' rights in cross-border healthcare,
- the Act of 24 July 2014 on patients' rights and obligations in Luxembourg,
- the agreement between EU Member States on participation in the European programme 'Connecting Europe Facility' (CEF) eHDSI, and
- the Agreement between National Authorities or National Organisations responsible for National Contact Points for eHealth on the Criteria required for the participation in Cross Border eHealth Information Services, designating the eHealth Agency as Luxembourg's National Contact Point for eHealth.

Finally, in accordance with Articles 6 and 7 of the GDPR, the eHDSI services will be available **only with your explicit prior consent**.

If you do not give your explicit consent before travelling or before care is actually provided to you in Luxembourg, your data will not be available via the eHDSI, not even in an emergency.

4. What is the purpose of processing your personal data?

Your health data will be used solely for the purpose of providing you with health care, i.e. as part of your treatment by healthcare professionals (doctors/nurses) in Luxembourg.

In Luxembourg, the health data contained in your patient summary will not at any time be processed for research or statistical purposes.

Only administrative data for your identification will be processed anonymously for the purpose of compiling statistics, more specifically quantitative statistics on the number of cross-border electronic transfers carried out.

5. Who processes and has access to your data? (recipients of personal data)

The health data contained in your patient summary will be accessible only to the authorised health professionals in Luxembourg (doctors/nurses) who are involved in your care and are bound by the obligation of professional secrecy.

The eHealth Agency, as the National Contact Point for eHealth, has access only to the administrative data related to your identification, which must be verified by the Luxembourg

health professional as part of the request for the patient summary.

Each country allowing treatment to be provided under the CEF eHDSI has undertaken to ensure that healthcare professionals and healthcare providers in its territory have all of the information and training required to perform their tasks and fulfil their obligations related to the eHDSI services, and in particular to fulfil the patient information obligation under Article 13 GDPR.

For further details concerning participating countries, please consult the website of the eHealth Agency (www.esante.lu).

Finally, the health data in the patient summary will be transferred via a secure gateway provided by the countries participating in the CEF eHDSI as the National Contact Point for eHealth.

6. Where and for how long are personal data stored?

In accordance with the provisions of the Act of 24 July 2014 on patients' rights and obligations in Luxembourg, the data in the patient summary are stored for a maximum period of 10 years in the information systems of healthcare professionals in Luxembourg who exercise their activities either independently or within an institution.

7. Your access rights

If you agree to your personal data collected in the context of your care in Luxembourg being processed for the purposes of the eHDSI services, you can:

- exercise your right to access your data;
- request the rectification of any inaccurate data pursuant to Article 16 of the GDPR;
- upon request, obtain the erasure of your data pursuant to Article 17 of the GDPR;
- object to the processing of your data pursuant to Article 21 of the GDPR;
- withdraw your consent at any time

by sending a request to the healthcare professional who provides your care in Luxembourg or, alternatively, to the Agency's data protection unit, directly via the email address: privacy@esante.lu.

As already indicated in point 3 above: if you do not give your explicit consent to the processing of your personal data in the context of eHDSI services before travelling or before care is actually provided to you in Luxembourg, your data will not be available to the healthcare professional potentially providing your care, not even in an emergency.

Contact:

National Contact Point for eHealth

Agence eSanté Luxembourg G.I.E. (eHealth Agency)

Agence nationale des informations partagées dans le domaine de la santé (national agency for shared information on health)

B.P. 2511 L-1025 Luxembourg

LUXEMBOURG

Tel.: (+352) 2712 5008 1 Fax: (+352) 2712 5230 21

E-mail: info@agence-esante.lu

eHealth Agency Data Protection Officer

The eHealth agency has a Data Protection Officer whose role is to ensure that personal data are processed in accordance with the relevant regulatory provisions.

It is this Officer who receives all requests from data subjects to exercise their rights, as well as all queries and complaints.

The Officer may be contacted by post at the address of the eHealth Agency referred to above (for the attention of the data protection unit) or by e-mail at the following address: privacy@esante.lu

An acknowledgement of receipt of the request will be issued, and all data exchanged within this framework will be protected as private correspondence.

Luxembourg Supervisory Authority

National Commission for Data Protection (CNPD)

1, avenue du Rock'n'Roll

L-4361 Esch-sur-Alzette

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