

Information for a Patient on cross-border electronic prescription, in case when Poland is their country of affiliation

The document describes which of your personal data will be processed and the activities related to their processing when you are willing to buy medications in a foreign pharmacy, prescribed on an electronic prescription issued in Poland.

1. What is MyHealth@EU

MyHealth@EU provides secure and easy access to medical data for healthcare professionals involved in the delivery of medications.

The infrastructure provides healthcare professionals (involved in the delivery of medications) with access to medical data (cross-border e-prescription) for EU residents electronically – anywhere, anytime, within the EU. This is done through a secure "gateway" provided by the National Contact Point (NCP) designated by each country.

The Polish NCPeH: Centrum e-Zdrowia (eHealth Centre, ul. Dubois 5A, 00-189 Warszawa, Poland).

The Minister of Health is the Personal Data Controller in the Polish legal system. The eHealth Centre, under an agreement with the Minister of Health, is the data processor (contact details below). The eHealth Centre accepts responsibility, as a data processor, for the collection, storage, transfer and other processing activities.

It also means that your personal data are registered, transferred and stored in accordance with Polish and EU law, as well as the law of the country dispensing the cross-border e-prescription.

2. What are the categories of health-related personal data?

Electronic Prescription and Dispensation – You can get an electronic prescription from a doctor in your country and buy medications at a pharmacy in Poland.

An e-prescription contains essentially the same information as a regular paper prescription, i.e., identification of the doctor, the patient, and the medication prescribed.

Electronic dispensation includes medications dispensed at the pharmacy.

Information are available if you have agreed to exchange cross-border e-prescriptions using your Internet Patient Account <https://pacjent.gov.pl/>

Information contained in an electronic prescription:

- prescription identifier;
- prescription issue date;
- patient's first and last name:
- patient identification number;
- patient's date of birth;
- patient's gender;
- patient's country of insurance;
- prescriber's first and last name;
- prescriber's identification number;
- the address of the health institution prescribing the medication;
 - information about prescribed medications: o medicinal product code,
 - active ingredient(s),
 - strength,
 - package size (quantity),
 - type of packaging, if available,
 - pharmaceutical dosage form,
 - manufacturer's name, if available,
 - route of administration, if available,
 - the number of packages,
 - responsible party, if available.
- information on whether the substance is permitted, if applicable;
- dosage information;
- instructions to the patient, if applicable;
- advice to the dispenser, if applicable;
- the entity legally responsible for the data on the e-prescription.

Information contained on the electronic dispensation:

- dispensation identifier;
- date of prescription dispensation;
- the identifier of the dispensed prescription;
- patient's first and last name:
- patient identification number;
- first and last name of the medical professional dispensing the prescription;
- identification number of the medical professional dispensing the prescription;
- pharmacy identification number;
- name of pharmacy, if available;
- pharmacy address;
 - information about medications dispensed: o medicinal product code,
 - active ingredient(s),
 - strength,
 - package size (quantity),
 - type of packaging, if available,
 - pharmaceutical dosage form,
 - name of the manufacturer:
 - route of administration, if available,
 - the number of packages,
 - responsible party, if available.
- information on whether a replacement was issued, if applicable;
- the entity legally responsible for the data on the e-dispensation.

The data transmitted from Poland, through the National Contact Points, to the pharmacy in the country of dispensation (country of travel), include the current prescriptions with the list of medications prescribed to you and detailed information about these medications.

The original PDF version of the prescription and the translated content of the e-prescription will be available to pharmacists through the pharmacy software (via the NCP).

When dispensing a medication, the pharmacist enters the data into the pharmacy software and records the dispensing of the medication. Information on medication dispensing will be sent via the National Contact Points to Poland (Patient's country of residence).

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

MyHealth@EU services are available in Poland under the following legislation:

- 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,
- Act of April 28, 2011 on the information system in healthcare,
- Act of 6 September 2001, Pharmaceutical Law,
- Act of May 12, 2011 on reimbursement of medications, foodstuffs for special nutritional purposes and medical devices,
- Act of 27 August 2004 on healthcare services financed from public funds.

When you receive a medication in Poland, your data will be registered in Poland in accordance with the EU General Data Protection Regulation (Polish RODO), Polish law and the pharmacy's practices.

Personal data will be processed on the basis of consent given through the Internet Patient Account at <https://pacjent.gov.pl/>

When you receive a medication abroad, your data will be registered in that country in accordance with the EU General Data Protection Regulation (GDPR), the laws of that country and the practices of that pharmacy.

4. Who can dispense a cross-border e-prescription?

A patient from Poland, who has an e-prescription issued in Poland, after confirming their identity, can get a cross-border e-prescription dispensed in Poland or in another member state indicated on the website: <https://pacjent.gov.pl/>.

In order to dispense a cross-border e-prescription, you must agree to share your data through your Internet Patient Account (at: <https://pacjent.gov.pl/>). Consent may be withdrawn at any time.

5. What is the purpose of the processing?

Prescription and prescription dispensation data are processed for the purpose of dispensing medications.

Data may also be processed for the purpose of billing the prescription and for reporting, statistical, research and archiving purposes.

6. Who processes and has access to this data? (recipients of personal data)

Only authorized and identifiable healthcare professionals involved in the dispensing of medications and bound by professional secrecy will have access to your personal data in Poland and abroad. Healthcare professionals' duty of confidentiality is based on statutes and professional ethics.

When data is transferred to another EU country through MyHealth@EU, each data recipient assumes responsibility for the processing of that data as part of its data processing activities.

The recipients of data who assume such responsibilities are:

- the healthcare provider where the e-prescription was issued,
- Polish eHealth NCP,
- The eHealth National Contact Point in the country to which the data is being transferred,
- pharmacy where the Patient dispenses the e-prescription.

At: <https://pacjent.gov.pl/> you can find more information on cross-border data exchange.

7. Where and how long are personal data stored?

Collected personal data may be stored in the IT systems of healthcare facilities in both the country of affiliation and the country of treatment. Your personal information will be stored at the pharmacy and processing logs will be stored at NCP.

The data will be kept for no longer than is necessary for the purposes for which the Patient's personal data are processed. Data may be retained for extended periods of time for archival, scientific or historical research purposes only, with specific privacy safeguards (such as data anonymization).

In Poland, the data retention period is 5 years from the end of the calendar year in which the reimbursement occurred or in which the medication was dispensed. This period may vary from one European country to another¹.

In some European countries, where permitted by applicable law, data may be retained for longer periods for archival, scientific, historical research or statistical purposes, subject to specific measures to protect the data.

8. Your rights

You have access to your data stored in Poland in connection with the purchase of a medication by sending a request to the eHealth Centre or to the NCP in the country of e-prescription dispensation, depending on actual situation. In addition, you can exercise your right to rectification, erasure and restriction of processing.

To exercise your rights, you can contact us by email at biuro@cez.gov.pl or in writing to: Centrum e-Zdrowia, Stanisława Dubois 5A Street, 00-184 Warsaw, Poland.

You have the right to file a complaint with the supervisory authority in your country of residence or in the country where the medication is dispensed, depending on actual situation. The President of the Personal Data Protection Office is the supervisory authority in Poland. Contact details for supervisory authorities in EU member states can be found at: <https://pacient.gov.pl/>.

Personal Data Protection Office is the national authority for personal data protection in Poland, Stanisława Moniuszki 1A Street, 00-014 Warsaw, Poland, e-mail: kancelaria@uodo.gov.pl.

9. Contact details

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