

INFORMATION ON THE PROCESSING OF PERSONAL DATA IN HEALTHCARE ENVIROMENT (according to Articles 13 and 14 EU Regulation 2016/679)

NECESSITY OF THE INFORMATION

European Regulation No. 2016/679 (GDPR) on the protection of natural persons with regard to the processing of personal data and on the free movement of such data ensures that the processing of personal data is carried out in accordance with the fundamental rights and freedoms of natural persons, with particular reference to confidentiality and the right to protection of personal data.

The GDPR states that in the event of collection of personal data, the data subject has the right to receive the information indicated in this policy.

The information is available to all Patients and Users who access the Foundation's premises by posting or dedicated barcode (QRCode) affixed to the busiest premises, in order to facilitate its dissemination and viewing. The information is also freely available on the Foundation's website (<https://www.policlinicogemelli.it/servizi-paziente/privacy-e-protezione-dei-dati-personali/>).

DATA CONTROLLER

The Data Controller is Fondazione Policlinico Universitario Agostino Gemelli IRCCS (hereinafter also referred to as the 'Foundation'), based in Largo Francesco Vito n. 1, 00168 Roma (e-mail: direzione.generale@policlinicogemelli.it, PEC: protocollo.generale.gemelli@pec.it).

DATA PROTECTION OFFICER

The Fondazione Policlinico Universitario Agostino Gemelli IRCCS, pursuant to Article 37 of the GDPR 2016/679, has designated the Data Protection Officer (DPO) who can be contacted at the following e-mail address: dpo@policlinicogemelli.it and/or dpo.gemelli@pec.it

TYPE OF DATA PROCESSED

The Foundation may process your common personal data pursuant to Article 6 of the GDPR (e.g. name, surname, tax code and contact details) and your special categories of data pursuant to Article 9 of the GDPR (e.g. information relating to the patient's past, present or future physical or mental health, including clinical care carried out and medical reports) which may be provided directly by you or collected during examinations or visits.

Health data concerning the family members of the patient may also be processed, but only if deemed strictly necessary in the opinion of the healthcare professional responsible for the person's care.

PURPOSE AND LEGAL BASIS OF THE PROCESSING

The personal data processed will be used exclusively for institutional purposes connected with or instrumental to the Foundation's activities within the limits established by law or regulations, and specifically for the following purposes and legal basis:

PURPOSES OF THE PROCESSING	LEGAL BASIS	REGULATORY REFERENCE
Prevention, diagnosis, healthcare or social care, with the primary aim of protecting the health of the patient, including through Teleconsultation and Telemedicine.	Diagnosis and care purposes	art.9 par.2 lett.h) GDPR

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Administrative (for example, booking of outpatient services, collection/shipment of outpatient reports)	Diagnosis and care purposes	art.9 par.2 lett.h) GDPR
Accounting (e.g. invoicing of services, financial management and control, and healthcare expenditure assistance)	Diagnosis and care purposes	art.6 par.1 lett. c) GDPR
Health status certificates	Diagnosis and care purposes	art.9 par.2 lett.h) GDPR
Training in the context of teaching-related activities	Public interest task related to the activities of Scientific Research Institutes (IRCCS)	art.6 par.1 lett.e) GDPR
Scientific research in the biomedical and healthcare fields	Consent of the data subject Legal Provision	art.6 par. 1 lett. a) and art. 9 par.2 lett.a); art. 110 Bis Codice Privacy
Sending medical reports online	Diagnosis and care purposes	art.9 par.2 lett.h) GDPR
Preventive medicine, training and management of the Dossier Sanitario Elettronico (DSE)	Diagnosis and care purposes	art.9 par.2 lett.h) GDPR
Transmission of health data/documents for inclusion in the Fascicolo Sanitario Elettronico (FSE)	Legal Requirement	art.12 D.L.n.179/2012 e Ministerial Decree of Health n.169/2023
Communications containing service news and updates on the Foundation's activities, in particular on research, therapeutic innovation, practical applications in the clinical field, as well as fundraising or donation initiatives, through various communication channels: e-mail, text message, telephone and ordinary post.	Consent of the data subject Performance of a contract (for donations)	art.6 par.1 lett.a) GDPR art.6 par.1 lett.b) GDPR
Appointment reminders also via text message/e-mail (for managing healthcare service bookings)	Diagnosis and care purposes	art.9 par.2 lett.h) GDPR
Conducting satisfaction surveys on the quality of healthcare services offered to Users with a view to improving the services provided.	Legitimate interest	art.6 par.2 lett.f) GDPR

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DATA PROCESSING METHODS

Personal data will be processed in paper and electronic format, using methods strictly related to the aforementioned purposes, in order to guarantee the security, confidentiality, integrity and availability of the data in all cases.

Personal data may be processed with the collaboration of external parties appointed by the Data Controller as 'Data Processors' and by personnel acting under their direct authority (authorised persons). Personal data may also be disclosed to Third Party Recipients in accordance with the application of laws protecting public health and the public interest.

Specific processing methods are also indicated in the sections dedicated to 'Receipt of medical reports online' and 'Dossier Sanitario Elettronico'. Personal data may also be transferred to hospitals managed by the Foundation through companies controlled by and/or affiliated with the Foundation.

RECEIPT OF MEDICAL REPORTS ON-LINE

The Foundation uses the following electronic methods to send reports to patients:

- sending the report by email;
- or*
- sending a link to access the report and/or images online.
- posting on the "*Patient Portal*" with the option for patients to download the report directly by accessing their personal area.

SENDING THE REPORT The report can be sent online:

- as a non-editable PDF attachment to an email (not as text included in the body *part* of the message),
- as a *link* to access the report and/or images online.

OPENING THE REPORT The file sent as an attachment to the email or the link in the text containing the report are protected by appropriate measures to prevent the unlawful or accidental acquisition of information by parties other than the recipient, consisting of file encryption and sending a password to open the file, which is communicated to the interested parties through channels of communication other than those used to send the reports.

In any case, the Patient retains the right to request a paper copy of the report.

All reports from clinical examinations aimed at identifying, directly or indirectly, certain pathologies that require specific consultation by specialised medical professionals to explain the diagnostic results are excluded from the 'online report receipt' service. For example, reports from genetic tests or examinations for infectious diseases of social relevance may only be delivered in paper format directly to the person concerned.

Reports requested in paper format may only be delivered to the person concerned or to persons previously authorised using the appropriate proxy form provided by the Foundation and delivered at the time of acceptance.

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DOSSIER SANITARIO ELETTRONICO (DSE)

The DSE The EHR is a collection of personal data collected in digital format, relating to present and past healthcare services (hospitalisations, outpatient examinations and visits, emergency room admissions) provided by the Foundation's healthcare professionals to Patients for the purposes of prevention, diagnosis, care or healthcare therapy, with the primary aim of improving the health protection of the person being cared for, with a view to making prevention, diagnosis and treatment processes more efficient, allowing various healthcare professionals to access all the patient's clinical information, in their exclusive interest.

Electronic documentation is only viewed by healthcare personnel authorised by the Foundation who, in addition to being bound by the professional secrecy of healthcare professionals, are expressly authorised to process the Patient's personal data (Article 29 of the GDPR and Article 2-quaterdecies of the Privacy Code).

The innovation in the management of the DSE was implemented by the Foundation following the experience gained during the COVID-19 health emergency, which showed that the immediate availability of the patient's clinical information (past and present) allows for more timely and efficient medical care, improving the overall quality of care provided.

The establishment of the DSE as it is integrated into the Foundation's prevention, diagnosis and treatment process does not therefore require the Patient's consent.

Particular attention will be paid to the confidentiality of your personal data, which will be guaranteed both by compliance with privacy protection legislation and by compliance with professional secrecy, official secrecy and the restricted access to electronic data to which all the Foundation's healthcare personnel are bound.

OBSCURING OF THE HEALTHCARE EPISODE

The data subject may submit a specific request for the obscuring of individual episodes from the DSE, in the cases of so-called "enhanced protection" indicated below:

- protection of victims of sexual violence or paedophilia (Law N°. 66 of 15 February 1996; Law N°. 269 of 3 August 1998 and Law N°. 38 of 6 February 2006), (Law N°. 38/2009, N°. 38);
- protection of the confidentiality of HIV-positive persons (Law N°. 135 of 5 June 1990), in particular Article 5 (Plan of urgent measures for the prevention and control of AIDS);
- protection of those who use narcotic drugs, psychotropic substances and alcohol (Presidential Decree N°. 309 of 9 October 1990);
- protection of women who undergo voluntary termination of pregnancy or who decide to give birth anonymously (Law N°. 194 of 22 May 1978; Ministerial Decree N°. 349 of 16 July 2001), as well as with regard to the services offered by family counselling centres (Law N°. 405 of 29 July 1975); protection of minors who have reached the age of 14 (see, for example, Laws 194/1978 and 405/1975) even in the absence of parental consent.

The aforementioned legal provisions also grant the data subject the right to request that the service be provided on an 'anonymous' basis. However, the decision to use the service anonymously must be expressed at the beginning of the treatment process. In cases where anonymity is requested, it will not be possible to access the request for obscuring.

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In addition to the above cases, the Patient may request anonymisation directly from the attending physician if, due to the nature of the service provided, greater confidentiality is required for the healthcare episode.

The Patient has the right to request obscuration by filling in the appropriate form in the required fields, signing the form and sending it, together with a photocopy of a valid identity document and a copy of their tax code, to the doctor/organisational unit that has taken them into care or to the e-mail address: dpo@policlinicogemelli.it or to the certified email address: dpo.gemelli@pec.it. The form is available on the Foundation's website at <https://www.policlinicogemelli.it/servizi-paziente/privacy-e-protezione-dei-dati-personali/>.

PATIENT PORTAL

The Patient Portal is a service that the Foundation makes available to its patients to facilitate access to medical and healthcare services and documentation; it is voluntary and does not require the explicit consent of the data subject. Access to the portal is guaranteed by a two-factor authentication system or direct access via SPID or CIE. The methods of access and use are detailed in the dedicated information notice visible when accessing the service. The terms and conditions of access and use are detailed in the dedicated information notice visible when accessing the service. The Portal allows you to independently perform numerous services, including:

- Reservations (allows outpatient bookings, in public and private regimes);
- Payments (allows the payment of services booked through the patient portal);
- Invoicing (viewing of invoicing documents);
- Access to reports (viewing and downloading reports and radiological images);
- Sharing of documentation between doctor and patient;
- Access to services in Televisit mode;
- Sharing satisfaction questionnaires on the services rendered.

CATEGORIES OF SUBJECTS TO WHICH DATA CAN BE COMMUNICATED

Personal data processed solely for the purposes set out above may be disclosed to parties to whom disclosure is required by law or regulation, or on the basis of existing legal relationships with the Foundation. In particular, data may be disclosed to:

- other healthcare and Hospital Companies and the user's Region of residence;
- insurance companies of the Entity and other parties involved in the settlement of claims, e.g. loss adjusters (lawyers, experts, etc.), for the protection of the Entity itself and its operators in cases of liability;
- insurance companies with which users have taken out health insurance policies covering the reimbursement of medical expenses incurred;
- other public entities (e.g. regional and municipal authorities) or private entities (entrusted with tasks by the Foundation) for institutional purposes (e.g. hygiene, public health, healthcare monitoring and expenditure);
- to the Judicial Authority and/or Public Security Authority, in cases expressly provided for by law.

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DATA RETENTION

Hospital admission records are subject to unlimited retention as required by Ministry of Health Circular No. 900 2/AG454/260 of 19 December 1986.

Outpatient medical records and reports are kept for at least 10 years from the date of collection. Personal data collected for informational/promotional purposes, therapeutic innovation and fundraising promoted by the Foundation are kept for a period not exceeding 10 years from the date of collection.

EXERCISE OF RIGHTS

Pursuant to articles 15, 16, 17, 18, and 21 of the GDPR EU 2016/679, we inform you that:

- a) you have the right to ask the Data Controller to access personal data, rectify, integrate, delete them, limit the processing of data concerning you or oppose their processing if the conditions are met envisaged by the GDPR EU 2016/679 and within the limits set by national legislation in this sector;
- b) The right to erasure of data may be subject to restrictions for reasons of public interest in the healthcare sector (Article 17(3)(c) of the GDPR) and in processing for scientific research purposes where the exercise of the right is at risk of rendering impossible or seriously impairing the achievement of the objectives of such processing (Article 17(d) and Article 89 of the GDPR);
- c) You may exercise your rights under letter a) by contacting the Data Controller at the postal address indicated above and/or the Data Protection Officer who can be contacted at the email and certified email addresses indicated above;
- d) you have the right to lodge a complaint with the Supervisory Authority, following the procedures and indications published on the official website of the Authority:
www.garanteprivacy.it.

REVOCATION OF CONSENT

We inform you that, pursuant to Article 7, paragraph 3 of GDPR EU 2016/679, you may at any time withdraw consent for those processing for which consent the aforementioned consent (see also the table above). The withdrawal of consent does not affect the lawfulness of the processing based on the consent issued prior to revocation.

CALL IN COMMON WAITING AREAS

The names of users/patients waiting for a service or documentation are not disclosed aloud. When it is your turn, the staff of the Foundation will call you with the identification code previously assigned to you.

COMMUNICATION TO THIRD PARTIES OF THE PRESENCE OF THE PATIENT AT THE FOUNDATION

In the event of hospitalisation, the Foundation's staff will provide information about your presence, to those how may request it, unless your negative decision expressed by using the appropriate forms.