

# PATIENT AND USER INFORMATION NOTICE

Pursuant to Articles 13 and 14 of Regulation (EU) 2016/679

By this information notice, the Hospital Board Ospedali Galliera (hereinafter also referred to as "Galliera"), in its capacity as Data Controller, discloses the purposes and the general methods of processing the personal and sensitive data at its facilities.

To provide the healthcare services and for all the associated administrative and legal activities, Galliera needs to acquire data qualified as personal by Regulation (EU) 2016/679- "General data protection regulation", relating to patients and, in some cases, to third parties as well (e.g. family members), obtained in writing or orally directly from the data subject or via other subjects.

The said Regulation stipulates that whoever processes personal data of other persons is required to inform the data subject about which data are being processed, the purposes and some defining elements of the processing, which must always take place in compliance with the principles of correctness, lawfulness and transparency, safeguarding the confidentiality and rights of natural persons. The personal data that concern you will be processed in accordance with the law, to perform institutional functions entrusted to the Board. In particular, Galliera will process the sensitive data (i.e., among others, data capable of revealing the racial and ethnic origin, the religious, philosophical and other convictions, as well as data capable of revealing an individual's state of health and sexual life) with the data subject's consent or by virtue of law and, in some instances, judicial data as well (i.e., data capable of revealing the existence of pending criminal proceeding or the existence of a criminal charge) for the aforementioned purposes. In compliance with the said regulation, we hereby provide you with the following information:

## NATURE OF PROCESSED DATA

Galliera processes the following types of personal data:

1. Common data (name, surname, date and place of birth, address, telephone numbers, tax code, type of healthcare and tax exemption, etc.);
1. sensitive data (capable of revealing the current and prior state of health, or the type and outcomes of diagnostic exams and tests, including the images, any diseases, the treatments underway, the religious orientation, the family's medical history, as well as data relating to the sexual life)
2. genetic data (capable of revealing rare and/or genetic diseases, hereditary diseases, congenital malformations, transplants of tissues or organs or the use of stem cells, to verify maternity or paternity as regards procreation)
3. judicial data (capable of revealing proceedings referred to in Article 3(1) (a) to (o) and (r) to (u) of Presidential Decree No. 313 of 14 November 2002, concerning criminal record, registry of administrative penalties arising from offences and pending charges related thereto or the capacity of an accused or suspect pursuant to Articles 60 and 61 of the Italian Code of Criminal Procedure)

## PROCESSING PURPOSES

The personal data are processed by Galliera for the following purposes:

- a) protection of the data subject's health and physical integrity
- protection of the health and physical integrity of a third party or the community
- ascertainment and certification of the data subject's state of health

scientific-statistical research aimed at the protection of the health and physical integrity of the data subject, a third party or the community

administrative-accounting obligations linked to the aforementioned activities and other activities falling within the tasks of the national health service

informational activities in compliance with legal obligations

protection in court proceedings

## VIDEO SURVEILLANCE

A video surveillance system operates in some of Galliera's premises and along some perimeter areas for the sake of protecting the health and safety of admitted patients, visitors and staff, as well as the Board's assets, adequately signalled by specific information boards and managed in full compliance with the provisions of the 8 April 2010 Video Surveillance Decree issued by the Personal Data Protection Authority.

## ELECTRONIC HEALTH FILE (EHF)

The Board processes the personal data through the so-called "electronic health file" only with the express consent of the data subject or the person who stands in for him, with a view to improving the prevention, diagnosis and treatment services. The EHF contains information on the data subject's state of health relating to present and past clinical events (e.g.: reports, documentation relating to admissions) aimed at documenting his clinical history. The personal data are linked to each other through IT methods of various types that enable in any event an easy unified consultation by different Galliera professionals. Access to the EHF, again upon prior express consent, is open to all those professionals who in various capacities will take care of the data subject, pursuant to technical authentication methods that ensure the security and confidentiality of the data and for the time period indispensable to undertake the treatment operations the accessing subject is qualified for. The Data Controller, subject to prior express consent, may, for the same purposes, make accessible through the EHF even the data that are subject to greater protection under anonymity, i.e., the information relating to healthcare services offered to subjects concerning whom the legal system in force has laid down specific provisions to safeguard their confidentiality and personal dignity (e.g., services rendered to persons who are HIV-positive or make use of drugs, psychotropic substances and liquor; to women subjecting themselves to voluntary interruption of the pregnancy or who choose to give birth anonymously, or services rendered on the occasion of acts of sexual violence or paedophilia or by family counselling centres). The possibility is nevertheless granted, at the data subject's unfettered choice, not to let some information converge into the EHF that relate to single clinical events, subject to the proviso that, wherever the redacting of information and/or documents is requested, they are in any event available to the healthcare professional or to the facility internal to the Data Controller that has collected or processed them. As it could prove useful to establish the file even with health information about clinical events preceding its establishment (e.g. reports on prior medical services), the data subject will first be asked for an additional consent, subject nevertheless to his entitlement to exercise the right of "redacting". Lastly, again upon prior express consent, the data set out in the EHF may also be used for scientific research purposes. The EHF can be consulted, even without the data subject's consent, wherever that is indispensable to safeguard the health of a third party or the community. Expressly excluded from access to the

EHF are experts, insurance companies, employers, scientific associations and bodies, including those active in the healthcare field. The data subject may at any time access his own EHF and extract copy thereof or check who had access to it. Failure to consent to the establishment/update of the EHF will not impact on the possibility of accessing the medical treatments requested. In the event of subjects bereft of the capacity to act, the consent shall have to be issued by the person who exercises guardianship. In the event, lastly, of subsequent withdrawal of the consent, the EHF will not be further implemented. The health documents found there will remain however available to the body that has drawn them up and for any legally prescribed storage, but will no longer be shared by the other bodies or professionals treating the data subject.

#### **PERSONAL HEALTH RECORD (PHR)**

Galliera, subject to informed acceptance and consent by the data subject, will make available to the PHR of the Liguria Region the health data relating to the services performed. We wish to recall that the controller of such processing activity, bound as such to issue the prescribed information notice and collect the relevant consents, is the Liguria Region. The acceptance, the consultation and all the information to that effect can be found on the website <https://www.fascicolosanitario.liguria.it/fselig/>.

#### **PROCESSING METHODS**

The data processing within our Board takes place through the use of tools and procedures capable of ensuring their security and confidentiality and can be carried out both through paper media and through the help of IT means, in compliance with the Medical Code of Ethics and with professional and official secrecy.

We nevertheless wish to specify that our Board deploys adequate organisational, physical and logical measures aimed at ensuring data security, especially as regards the provisions of Article 32 of Regulation (EU) 2016/679. The data will be processed throughout the period necessary for the correct and full performance of the requested service or for whatever might be necessary to the prevention, diagnosis, treatment and rehabilitation activity, to safeguard the health and physical integrity of the data subject, a third party or the community, until withdrawal of the consent, wherever envisaged, and also, subsequently, to comply with specific legal obligations. The medical records are, by law, subject to storage without any time limit.

#### **PROVISION OF DATA**

The provision of personal data requested by Galliera is optional, but necessary to fully meet the abovementioned purposes. Subject to the individual's greater right to health, any refusal to provide all or part of the data requested or the subsequent request to cancel them might entail for the Board the impossibility of undertaking or proceeding, in whole or in part, with the activity required or in any event relating to and/or attendant on performance of its institutional functions.

#### **COMMUNICATION AND DISSEMINATION OF DATA**

The data will be reasonably known to specially authorised healthcare and administrative staff, or to external providers appointed as data processors or acting as autonomous data controllers, and may be communicated, wherever envisaged by law or by regulation, or pursuant to the different conditions laid down by the said Regulation, to the following categories of subjects:

- a) Public Administrations and, especially, Hospital and Healthcare Trusts, Regional Register Office, Ministries of the Republic, Istat, autonomous Regions and Provinces, National Transplant Centre (Centro Nazionale Trapianti), Higher Health Institute (Istituto Superiore di Sanità), Social Security Institutes, Judicial Authorities, Law Enforcement Forces, Supervisory Bodies, as well as other public subjects by virtue of the

exercise of the respective institutional functions.

Trade Union Organizations, Insurance Companies, subjects exercising power over a third party; private laboratories and healthcare facilities, self-employed professionals and our legal, accounting and insurance advisers.

Beyond the aforementioned scenarios, the communication to third parties of personal data stored by Galliera, by means of extraction from the Board's archives (so-called right of access to administrative acts or generalised civic access), will take place within the limits and according to the procedures and forms laid down by Law No. 241 of 7 August 1990 as subsequently amended and supplemented or Legislative Decree No. 33/2013 as subsequently amended and supplemented, the application whereof amounts to an activity of significant public interest. Save for the requirements of compliance with legal obligations, the data processed by Galliera are not subject to dissemination.

#### **TRANSFER OF DATA OUTSIDE THE EU**

Wherever, on treatment and/or scientific research grounds, the data subject's data are transferred, temporarily as well, to subjects located in non-European countries or to an international organisation, Galliera will strictly apply the dictate of Article 44 ff. of Regulation (EU) 2016/679, specifically notifying the data subject, prior to the data transfer, of the appropriate or suitable guarantees and the means to obtain a copy of such data or the place where they have been made available, and requesting, wherever prescribed by the regulation, the expression of a specific consent.

#### **DATA SUBJECT'S RIGHTS**

As regards the data processed by this Board, the data subject is always entitled to lodge a complaint by approaching the Personal Data Protection Authority whose contact details can be found on [www.garanteprivacy.it](http://www.garanteprivacy.it) or the ordinary Courts. Lastly, we inform the data subjects that they are entitled, on the data processed by the Board, to exercise all the rights laid down in Article 15 ff. of the General data protection regulation. The data subjects, in particular, are entitled at any time to request from the data controller access to the personal data and the rectification or erasure of the same or the limitation of the processing or to object to their processing, besides the right to the portability of the data wherever envisaged by the regulation in force. Where the processing is founded on consent, the data subject is always entitled to revoke it at any time without affecting the lawfulness of the processing founded on the consent granted prior to revocation. **To enforce their rights, data subjects may send an informal request to the Data Protection Officer appointed by Galliera, contactable by writing to the address of the office of the Hospital Board Ospedali Galliera, Mura delle Cappuccine 14 - 16128 Genoa, or to the e-mail address: [rpd@galliera.it](mailto:rpd@galliera.it).** A request for the updated list of Data Processors can also be sent to the same addresses.

**The constantly updated version of this information notice will be published on the institutional website [www.galliera.it/privacy](http://www.galliera.it/privacy).**