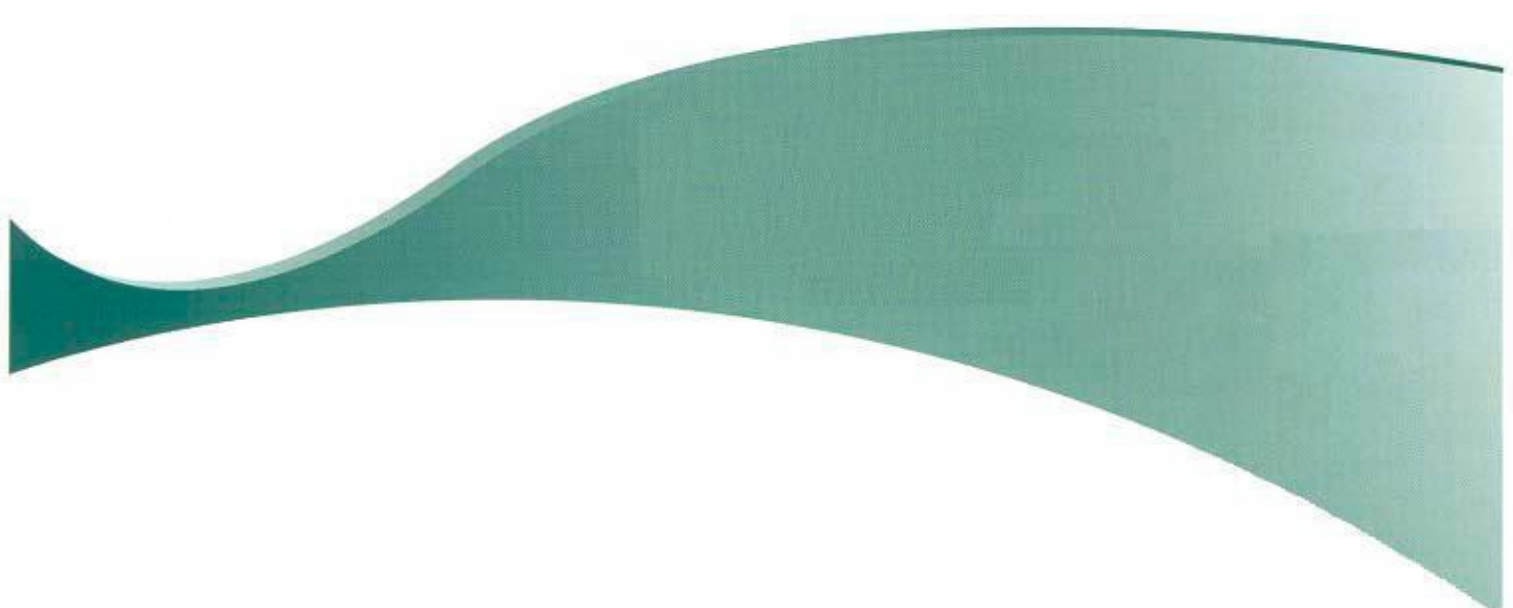




Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

HSE
Primary Care Reimbursement Service
(PCRS)

Privacy Statement



August 2018



HSE PCRS Privacy Statement

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1. Purpose

The Health Service Executive (HSE) must comply with all applicable data protection, privacy and security laws and regulations in the locations in which we operate. We respect your rights to privacy and to the protection of your personal information. The purpose of this privacy statement is to explain how we collect and use personal information for the provision of our services administered by the HSE PCRS.

The Primary Care Reimbursement Service (PCRS) is an internal business function of the Health Service Executive (HSE). Our contact details are: The Health Service Executive, The Primary Care Reimbursement Service, Exit 5 M50, North Road Finglas, Dublin 11, D11 XKF3. Telephone: +353 1 864 7100; Email: PCRS@hse.ie; PCRS.dataprotection@hse.ie or +1890 252 919 (matters relation to schemes eligibility). More information about our functions and services is available on www.PCRS.ie, www.medicalcard.ie

Where the terms “we”, “us” or “our” are used in this statement this refers to the HSE PCRS. Our main business activities include the following:

- Provide reimbursement to Primary Care contractors [General Practitioners, Pharmacists, Clinical Dental Technicians, Dentists and Optometrists/Ophthalmologists] who deliver health services, under a contract for service with the HSE, to persons with eligibility under the General Medical Services (GMS) scheme and Community Drugs schemes and arrangements.
- Provide reimbursement to Hospitals and to High-Tech medicines suppliers in respect of services delivered to eligible persons. We also make payments to miscellaneous suppliers in support of the delivery of our business activities.
- Make administrative arrangements (including the assessment of eligibility) for public health schemes, pursuant to sections 45, 58, 59 and 61 of the Health Act 1970 as amended or regulations made thereunder; the Health Act 2004; the Health (Pricing and Supply of Medical Goods) Act 2013. Such health schemes include: the Medical Card scheme; the GP Visit Card scheme, the Long Term Illness scheme; the Drugs Payment Scheme, and the European Health Insurance Scheme. The European Health Insurance Scheme is governed by EU regulations 883/2004.



The HSE PCRS collects and uses personal data (personal information) about individuals who come in contact with us, for a variety of purposes. In circumstances where we are responsible for deciding how we hold and use personal data about individuals we are a “Data Controller” for records created and maintained in respect of persons that have made application for Medical Card eligibility and GP Visit Card eligibility.

This Privacy Statement outlines what personal data we collect and use about individuals in connection with the services and functions of the HSE PCRS, where we obtain the personal data from, what we do with that personal data, how we comply with data protection legislation, who receives personal data from us and how we deal with individuals’ rights in relation to their personal data.

This Privacy Statement also explains what personal data we collect and use about individuals who use our websites (www.PCRS.ie ; www.medicalcard.ie or www.mymedicalcard.ie). By furnishing us with details through your interaction with us using these websites, or, as an authorised service user, through the use of other PCRS online access portals you are accepting and agreeing to the practices described in this privacy statement.

We use cookies on our website, and for more information about this, please see our Cookie Notice at www.pcrs/cookie-policy/.

The primary data protection legislation that applies to us is the EU General Data Protection Regulation (**the GDPR**) effective from 25 May 2018, supplemented by Irish legislation (primarily the Data Protection Acts 1988 – 2018 and ePrivacy Regulations 2011). One of our obligations under the GDPR is to be transparent with you about our collection and use of personal information about individuals.

The HSE PCRS also maintains an electronic record (including personal data) in respect of persons that have eligibility under the Community Drugs schemes and other arrangements and, as such, the PCRS fulfils its obligations as the “Data Controller” for data maintained for the effective administration of these schemes and arrangements.

If you wish to find out more regarding the data protection legislation please visit:
<https://www.dataprotection.ie/docs/legislation/k/1728.htm>



The HSE-PCRS deals with 3 main categories of “data subjects”:

- Members of the public who apply for eligibility and or services under The General Medical Services (GMS) scheme and Community Drugs schemes and arrangements.
- Contractors who provide services and treatments to members of the public free or at a reduced cost.
- Employees of the HSE-PCRS.

2. The information we process

To allow us to provide services to you, we collect and process various categories of personal information. By engaging in the application or registration process for eligibility and entitlement under a public health scheme you are required to furnish information using our online application portal, or alternatively by the completion and submission of a paper application/registration form to us. You can also make an enquiry and/or provide information to us by telephone or email. The information provided by you will vary depending on the service you wish to obtain.

We collect personal data about individuals directly from the individual and from persons acting on their behalf (e.g. advocate acting on behalf of children and/or incapacitated persons).

The personal data may include but not limited to: a person’s name, data of birth, personal public service (PPS) number, address and health and social care information, records related to care and service that the individual has received from a service provider and is pertinent to the provision of eligibility or/and services.

Financial information, as set out in the application process, is collected for the purpose of making a means assessment and determining eligibility and entitlement to particular public health schemes.



The information you provide to us should at all time be accurate, valid, reliable, relevant, legible and complete. Where your personal details change you are obliged to notify the HSE as changes to your circumstances may affect your eligibility status.

3. Legal basis for processing

The HSE's lawful basis for processing personal data of service users is as follows:

- The processing is necessary for a task carried out in the public interest or in the exercise of official authority vested in the data controller; for the HSE this official authority is vested in us through the Health Act 2004 (as amended).
- Personal data may be submitted by you to us for the purposes of determining eligibility and entitlement under the General Medical Services (GMS) scheme and Community Drug schemes and arrangements.
- The Health (Alteration of Criteria for eligibility) Act 2013 provides a legal basis for the exchange of personal data between the HSE and the Department of Employment Affairs and Social Protection and the Revenue Commissioners. The Social Welfare Consolidation Act 2005 also provided a legal basis for exchange of data between specified public bodies.

Special categories of data are defined by the GDPR and include: racial or ethnic origin, religious or philosophical beliefs, genetic data, biometric data, health data, sex life details and sexual orientation. We will only process special categories of personal data where it is necessary:

- for the purposes of preventative or occupational medicine,
- for the assessment of the working capacity of an employee,
- for medical diagnosis,
- for the provision of healthcare, treatment or social care,
- for the management of health or social care systems and services, or
- pursuant to a contract with a health professional.



Processing is lawful where it is undertaken by or under the responsibility of:

- a health practitioner, or
- a person who in the circumstances owes a duty of confidentiality to the data subject that is equivalent to that which would exist if that person were a health practitioner.

For example the staff working in an administrative capacity in support of the effective administration of a public health scheme etc.

If the purpose of the processing is for a reason other than the reasons above, we will seek explicit consent to process your sensitive personal data (referred to as ‘special categories’ of data under the GDPR).

4. How we obtain information

We may obtain your information from a variety of sources, including information you give to us. We may also receive your personal information from third parties, for example your GP, your dentist, your social worker, or pharmacist.

When a service or treatment is provided to a patient, under the GMS Scheme, or Community Drugs Scheme, the Primary Care contractor (your GP, Pharmacist, Dental Technician or Dentist, Optometrists/Ophthalmologists) will submit a claim to the HSE PCRS in relation to that treatment, which gives detail of the patient and the treatment received. This information is needed to provide reimbursement to the contractor. This data is held securely. The HSE-PCRS is obliged by law, to maintain records in relation to medications dispensed.

5. Your rights

Under certain circumstances, by law you have the right to:

- **Request access** to your personal information (commonly known as a “data subject access request”). This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.



- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate information we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have exercised your right to object to processing (see below).
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground.
- **Request the restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it
- **Request the transfer** of your personal information, in a portable format, to you or another party.
- **Make a complaint** to the data protection commissioner.

6. Access your personal records

You can access your person records maintained by the HSE PCRS by making a subject access request (SAR) to our Data Protection Adviser – contact details:

Ms. Christine Smyth, PCRS.dataprotection@hse.ie Tel: 01 864 7100 (ext. 5713)

The Health Service Executive, The Primary Care Reimbursement Service, Exit 5 M50, North Road Finglas, Dublin 11, D11 XKF3.

You will not have to pay a fee to access your personal information (or to exercise any of the other rights). However, we may charge a reasonable fee if your request for access is clearly unfounded or excessive.



Alternatively, we may refuse to comply with the request in such circumstances.

We may need to request specific information from you to help us confirm your identity and ensure your right to access the personal information (or to exercise any of your other rights). This is another appropriate security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

We may also contact you to ask you for further information in relation to your request in order to speed up our response.

We try to respond to all legitimate requests within one month of receiving them. (One month is the specified time limit for response under the GDPR.) Occasionally, it may take us longer than a month if your request is particularly complex or if you have made a number of requests. In this case, we will notify you and keep you updated about our timing for response.

7. Your Information may be used to

- Assess and determine your eligibility [and that of another adult or dependent(s)] listed in your application for eligibility to services entitlement under the General Medical Services (GMS) scheme or other Community Health schemes or arrangements.
- Support the reimbursement of Primary Care contractors of the making of other payments in respect of services delivered to you under a public health scheme
- Investigate complaints, legal claims or adverse incidents
- Protect wider public health interests
- Provide information for planning so we can meet future needs for health and social care services
- Provide information to prepare statistics on Health Service performance
- Carry out health audit
- Provide training and development



8. What other use is made of your Information

The HSE PCRS provides statistical information to other organisations, such as the Department of Health, Universities and other research institutions. The HSE PCRS ensures that you cannot be identified by anonymising the information. If it is not possible to anonymise the information, you will be contacted for your consent.

9. Transferring information overseas

We may transfer your information to organisations in other countries which is necessary to provide you with health and social care services, on the basis that anyone to whom we pass it protects it in the same way we would and in accordance with applicable laws. For more information about overseas transfers, please contact us using the contact information provided hereunder.

10. How do we keep your records secure and confidential?

We are committed to ensuring that your information is secure with us and with the third parties who act on our behalf. We have a number of security precautions in place to prevent the loss, misuse or alteration of your information. All staff working for the HSE PCRS have a legal duty to keep information about you confidential and all staff are trained in information security and confidentiality. The HSE PCRS has strict information security policies and procedures in place to ensure that information about you is safe, whether it is held in paper or electronic format.

11. Sharing Information – within the HSE

Within the HSE, the clinical information collected by a doctor or other healthcare professional or staff member authorised to process your data is not passed on to others within the HSE, unless it is considered necessary for your health or social care needs or for one of the other reasons set out above (where possible, the personal information is anonymised or pseudonymised).

12. Retention period

We will only retain information for as long as necessary. Records are maintained in line with the recommendations of the HSE retention policy, which can be found at <https://www.hse.ie/eng/services/yourhealthservice/info/dp/recordretpolicy.pdf>



Within the HSE PCRS, paper application forms for the purposes of determining eligibility and entitlement under the General Medical Services (GMS) scheme and Community Drug schemes and arrangements are retained for a period of 12 months in circumstances where eligibility is not granted.

All telephone call recording to the National Medical Card Unit contact centre are retained for a period of 12 months.

Under financial procedures, supporting information to support reimbursement of public funds must be retained for 6 years, following the current financial year.

Personal records retained outside of these guidelines may be retained where legal or other circumstances require them to be kept as evidence. Approval for the retention of such information rest with the Assistant National Director, HSE- PCRS. Where possible the consent of the data subject will be obtained.

13. Contact details

- If you have any queries in relation to Data Protection or other issues around the security of your personal information held by the HSE PCRS, please contact the following:

Ms. Christine Smyth, PCRS.dataprotection@hse.ie Tel: 01 864 7100 (ext. 5713)
The Health Service Executive, The Primary Care Reimbursement Service, Exit
5 M50, North Road Finglas, Dublin 11, D11 XKF3.

- If you wish to raise a complaint on how we have handled your personal information, you can contact our Data Protection Officer who will investigate the matter. We hope that we can address any concerns you may have.



Data Protection Officer HSE	Joe Ryan Email: dpo@hse.ie Phone: 01-6352537 Address: Dr Steevens Hospital Steevens Lane Dublin 8
Deputy Data Protection Officer West <ul style="list-style-type: none">• CHO 1 – Cavan, Donegal, Leitrim, Monaghan, Sligo• CHO 2 – Galway, Mayo, Roscommon• Mid-West Community Healthcare• Saolta Hospital Group	Liam Quirke Email: ddpo.west@hse.ie Phone: 091-775819
Deputy Data Protection Officer Dublin North-East (excluding voluntaries) <ul style="list-style-type: none">• Midlands, Louth, Meath Community Health Organisation• Community Health Organisation Dublin North City & County• CHO 6 – Dublin South East, Dublin South & Wicklow• RCSI Hospital Group• National Children’s Hospital	Rosalie Smith-Lynch Email: ddpo.dne@hse.ie Phone: 046-9251265 049-4377343
Deputy Data Protection Officer Dublin mid- Leinster (excluding voluntaries) <ul style="list-style-type: none">• Dublin Midlands Hospital Group• Ireland East Hospital Group• Community Healthcare Dublin South, Kildare & West Wicklow	Debbie Keyes Email: ddpo.dml@hse.ie Phone: 057-9357876 045-880496
Deputy Data Protection Officer South (excluding voluntaries) <ul style="list-style-type: none">• Cork & Kerry Community Healthcare• CHO 5 – Carlow, Kilkenny, South Tipperary, Waterford & Wexford• UL Hospital Group• South South-West Hospital Group	Liam Quirke Email: ddpo.south@hse.ie Phone: 091-775819

14. Changes to this Privacy Statement

We reserve the right to update this Privacy Statement at any time.

We may also notify you in other ways from time to time about the processing of your personal information.