



Purpose of this notice

This privacy notice has been developed specifically to inform you about how the Gibraltar Health Authority (collectively referred to as “GHA”, “we”, “us” or “our” in this privacy notice) processes your personal data for the purposes of healthcare financial reimbursement.

This privacy notice should be read in conjunction with our main GHA Privacy Notice.

To enable us to process your request or determine your eligibility for healthcare financial reimbursement before and after the transition period ends on 31 December 2020, we will need to share your personal data with our counterparts in the United Kingdom; The Department of Health and Social Care “DHSC” and the NHS Business Services Authority “NHSBSA”.

The GHA, together with DHSC and NHSBSA, will act as joint data controllers for personal data relating to claims for financial reimbursement for reciprocal healthcare treatment.

For ease of reference you may find respective privacy notices for DHSC and NHSBSA at <https://www.gov.uk/government/publications/reciprocal-healthcare-privacy-notice> and <https://www.nhsbsa.nhs.uk/our-policies/privacy/overseas-healthcare-services-privacy-notice>.

Why do we process your personal data?

We are collecting your personal data to enable us to:

- process and determine eligibility for financial reimbursement of healthcare costs as part of the UK’s reciprocal healthcare arrangements with the EU;
- make payments to countries and international healthcare providers within the European Economic Area (EEA) and Switzerland for healthcare treatment;
- claim the cost of treatment provided by Gibraltar from countries within the EEA and Switzerland;
- provide appropriate healthcare related support and advice related to your enquiry;
- analyse data alongside other patient information to understand patterns and trends that will be used to plan and make improvements to GHA services, and/or direct patient care.

What personal data do we share?

Please note that in order to process your application and determine your eligibility we must share the following information with DHSC and NHSBSA:

- information to identify you, such as: your name, date of birth, and GHA number;
- your address to enable us to confirm your residency and eligibility.

If appropriate, we will ask you for:

- details about the treatment you received and of any charges paid (if you are a Gibraltar-insured person)

- details about the treatment you have provided (if you are a medical facility);
- information to identify your dependent(s);
- details of the international healthcare provider that you have, or are being treated by;
- information about your medical condition or planned treatment;
- information about your exportable benefit(s), including your State Pension.

How do we share this information?

Under the Data Protection Act 2004 and the GDPR, strict principles govern our use of information and our duty to ensure these are kept safe and secure. For this reason the GHA, along with DHSC and NHSBSA, have entered into an agreement to ensure timely and a safe mechanism transfer of personal data to permit implementation of reciprocal healthcare arrangements.

The agreement sets out the framework for the processing of personal data, defining the principles and procedures that the parties will adhere to and the responsibilities we owe to each other.

The safety of your personal data is a top priority and for this reason we will ensure that approved processes are always followed, including security features such as sharing via email encryption and having in place access restrictions and password controls.

Keeping us informed of changes

For the purposes of processing your application correctly, it is important that the personal data we hold about you is accurate and current.

Please keep us informed if your personal data changes (for example; your address, telephone number, email) during your relationship with us.

Lawful basis for processing and your rights

We process your personal data via numerous lawful bases under the GDPR, particularly when it is necessary to comply with our legal obligations (Article 6(1)(c)) and when it is necessary for the performance of a task carried out in the public interest or in the exercise of our official authority. You can read further information about this in our main GHA Privacy Notice.

The main legislation we are complying with is the European Union's reciprocal healthcare agreement under EU Regulation No. 883/2004 on the coordination of social security systems. This is in place to support people living in, working in, or visiting the EU, as well as EU-insured individuals living in, working in, or visiting Gibraltar and the UK, in the reimbursement of healthcare costs.

Retention of your information

We will only keep your information for as long as reasonably necessary to fulfil the relevant purposes set out in this privacy notice and in order to comply with our legal and regulatory obligations.

DHSC and NHSBSA have their own retention policies for the personal data that they receive from us.

In the majority of cases, they will dispose of personal data when it reaches the following retention periods:

- 4 years after the expiry of your European Health Insurance Card (EHIC) - to allow for treatment cost claims made near the end of the card expiry to be processed;
- 7 years from when your Provisional Replacement Certificate (PRC) or S2 was processed – to allow for treatment cost claims made to be processed;
- 7 years from the date the NHSBSA are notified that you are no longer entitled to your S1;
- 7 years from the date payment is made or a claim for payment of treatment costs is closed;
- 24 months from the date of a decision for any rejected applications for PRC, S1 and S2.

There may be occasions when records need to be kept for longer. Your personal data will only be retained for as long as necessary to fulfil the purposes for which it was collected, including for the purposes of satisfying any legal, accounting, or reporting requirements.

Your rights

Under data protection law you have certain rights in relation to the information that we hold about you.

You may exercise these rights at any time by contacting us using the below details.

It may not be possible to agree to your request, if the need to keep the record is of significant importance. If it is not, we will explain the reason for this to you.

You have the right to ask us:

- to confirm whether we hold any of your personal data and request a copy of any personal data that we hold about you. The process of asking for access to your personal data is known as a Subject Access Request;
- to correct any inaccuracies in your personal data and to modify it in such a way if you believe the personal data we hold is incomplete. To ask for rectification please notify the reception staff at your point of care or contact us on the below details;
- to delete (in as much as is possible in the specific circumstances) any of your personal data. However, there are exceptions; for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks that are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims;
- to stop processing your personal data. However, there are exceptions; for example, we do not have to comply with your request if it is necessary to keep your information in order to perform tasks that are in the public interest, including public health, or for the purposes of establishing, exercise or defending legal claims;
- to transfer (in as much as is possible in the specific circumstances) your personal data to you or (if this is technically feasible) another individual/organisation of your choice;
- where we process your personal data on the basis that you have given us your consent to do so, you may contact us at any time to withdraw your consent.

Contacting us with queries or concerns

We aim to meet the highest standards when collecting and using personal data. We encourage people to bring concerns to our attention and we take any complaints we receive seriously.

If you have any questions about this privacy notice or any of our privacy practices, please contact us on the below details:

Email: DataProtection@gha.gi

Postal address: St Bernard's Hospital, Harbour Views Road, Gibraltar, GX11 1AA

Telephone: +350 20072266 ext. 2391

Alternatively, you can contact our Data Protection Officer on:

Email: dpo@gibraltar.gov.gi

Postal address: Government Law Offices, No.40 Town Range, Gibraltar, GX11 1AA

If you remain dissatisfied with the GHA's decision following your complaint, you may wish to contact the Gibraltar Regulatory Authority:

Email: privacy@gra.gi

Postal address: 2nd floor, Eurotowers 4, 1 Europort Road, Gibraltar

Telephone: +350 20074636