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PHARMACY

The inspection was carried out on the basis of a complaint forwarded to the Office by the Inspectorate of the Czech Trade Inspection. In her complaint, the complainant stated that when she picked up the e-prescription in July 2020, she was asked for her ID card at the pharmacy, while the pharmacy operator copied the information from it, after which she informed the complainant that they did not have the medicine. The complainant considered the description of data in the case of an e-prescription to be a non-standard procedure, which the pharmacy could not reliably explain. The inspection revealed that the inspected person (a natural person doing business) has concluded a Personal Data Processing Agreement with the processor provided by the Lekis pharmacy information system. When dispensing medicinal products issued on the basis of a issued prescription, it collects and processes information about patients/clients as part of proper pharmacy practice, at least to the extent of name, surname, insurance number (social security number), registration number of the prescription, name of the medicinal product and the name of the issuer doctor. When dispensing medicinal products, personal data of the patient/client are collected and processed in accordance with § 81 of Act No. 378/2007 Coll., on medicinal products, through the Central Repository of Electronic Prescriptions. This processing is secured in online mode through the data interface between the pharmacy system and the Central Repository of Electronic Prescriptions (i.e. the State Institute for Drug Control). At the same time, according to the Medicines Act, the pharmacy is obliged to keep records of issued medicinal products as a personal data controller. Pursuant to Act No. 262/2019 Coll., which amends Act No. 378/2007 Coll., with effect from June 1, 2020, changing access to the Central Repository of Electronic Recipes, namely to introduce another access option via the ID number. Identification of the patient with the central register of residents is ensured automatically. In practice, this means that the patient has the opportunity to ask any authorized pharmacist to provide information on undispensed medicinal products by entering their ID number into the Central Repository of Electronic Prescriptions. The inspection did not reveal that the inspected person was processing the complainant's personal data in his own records, i.e. not even her ID card number. The processing of personal data when dispensing medicinal products is primarily regulated by Act No. 378/2007 Coll. Pharmacists proceed in accordance with Article 5 and Article 6 of the general regulation, i.e. according to the principles and legality of personal data processing. The administrator of the Central Repository of Electronic Prescriptions is the State Institute for Drug

Control. The pharmacy, in connection with the online connection to the Central Repository of Electronic Prescriptions, as a processor of personal data, follows the regulations and methodologies for the operation of the repository. According to the Medicines Act, the State Institute for Medicines Control, as the controller of personal data, is responsible for their security during collection, processing and storage. Every patient has the right to access their account in the Central Repository of Electronic Prescriptions. The exact conditions are set and published on the website www.sukl.cz.

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