

FORM for the exercise of the RIGHTS of RECTIFICATION, ERASURE AND OBJECT of MINORS PERSONAL DATA
 (Articles 16, 17 AND 21 -UE 2016/679 Regulation- GDPR)

HISTORIA CLÍNICA DIGITAL ÚNICA DE ARAGÓN - DIR. GERENCIA del SERVICIO ARAGONÉS DE SALUD

MINOR PATIENT DATA		NHC (by SALUD)		CIA	
Name and Surname			Age		
Address					
APPLICANT DATA (Parents/ Legal Representatives)			Notification by: <input type="checkbox"/> Postal <input type="checkbox"/> In Person <input type="checkbox"/> E-mail		
Mr/Mrs/Ms		National ID number		Relationship:	
Address					
City		Province		Postal Code	
Contact phone number		Email			
Separated parents <input type="checkbox"/> Yes <input type="checkbox"/> No			Other parent DATA (Separation-Divorce): MANDATORY		
Name		Surname			
Address					
REQUEST <input type="checkbox"/> RECTIFICATION <input type="checkbox"/> ERASURE <input type="checkbox"/> OBJECT					
CLEARLY DESCRIBE THE MOTIVATION OF YOUR REQUEST (Indicate the document of data)					
I attach the certifying document that justify my request					

The undersigned person DECLARES that he / she is assigned the FAMILIAR AUTHORITY of the minor, without there being any legal impediment to exercise this right. The applicant person DECLARES that all data referred are true, and will attend to the responsibility derived from the current legislation.

Received
Delivery date

At _____, _____, 20__

APPLICANTS SIGNATURE

HEALTHCARE SECTOR (by SALUD)		Registry Num.	
Provided documentation (by SALUD) <input type="checkbox"/> National ID <input type="checkbox"/> family book <input type="checkbox"/> Regulatory Agreement <input type="checkbox"/> Other			

Notes for filling the form

- For the exercise of these rights you are entitled to:
 - Address to the Information and Attention to Users Services located at the centres of Servicio Aragonés de Salud, where you will be informed and guided on the type of right and requirements requested, will give you the corresponding form and will manage your request.
 - You can also download the request form at <https://www.saludinforma.es> and deliver it in-person at the Information and Attention to Users Services of Servicio Aragonés de Salud, or through any other means available according to the Law 39/2015 October 1st, of The Common Administrative Procedure of the Public Administrations
- The following data is required: name, surname, copy of the National Document or electronic certificate (electronic signature) or any other personal identification valid in law, family record, address in terms of notifications, date, and signature of the requesting party (parents/legal authorities). The same data is required referred to the legal representative in case that the minor is disabled. In addition, in this case, they must present the documentation that accredits the legal representation.
- In case of separated or divorced parents, the CUSTODY or the FAMILIAR AUTHORITY assignment must be recognized and provide the regulatory agreement or other certifying documentation.
- This form may be submitted, without the need of representation, by emancipated minors over 16 years of age who are subject to the common civil law regime, and minors over 14 years' old with Aragonese civil residence in accordance with the provisions of the Code of Foral Law of Aragon (the latter with the assistance, where appropriate, of one of their parents who is in the exercise of family authority or, failing that, of the guardian).
- Clearly describe the scope of your request and the documents in your clinical history upon which the right of access is requested.

Indicate the Right to exercise:

- **Right of Rectification:** the requesting party shall have the right to obtain from the controller without undue delay the rectification of inaccurate personal data concerning him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.
- **Right of erasure:** The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the grounds in art. 17 GDPR applies.
- **Right to object:** The data subject shall have the right to object, on grounds relating to his or her particular situation, at any time to processing of personal data concerning him or her which is based on point (e) or (f) of Article 6(1), including profiling based on those provisions. The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or defence of legal claims.
- In case of inaccurate or incomplete personal data, it will be required to provide copy of the certifying documents to the controller. No documentation will be required if the rectification or cancellation of data depends exclusively from the consent of the data subject.
- The data controller will communicate any rectification or erasure of personal data or limitation of data carried out according to art 16, art 17, paragraph 1, and art 18, to each of the recipients whom the personal data has been communicated, unless it is impossible or request a disproportionate effort. The controller shall inform the applicant about those recipients, if requested so.
- A minor may exercise the right to access their medical records from the age of 14. However, this exercise cannot be understood as a limitation on the right of those holding parental authority or legal guardianship over the unemancipated minor to access their medical records (criterion of the Spanish Data Protection Agency)
- In the case of exercising the right over a **deceased minor's** medical records, their legal representatives or the Public Prosecutor's Office (art. 3 of the LOPDGDD) may request it by providing proof of the family relationship through the family record book and submitting the death certificate (and, where applicable, the certificate of last will and testament, a copy of the Will and/or the Declaration of Heirs). Likewise, the applicant **DECLARES** with his signature that he has the right of access to the data contained in the medical history of the deceased patient, without being any legal impediment to exercise this right (art 18.4 of Law 41/2002).

Requirements and content of the report

- The data controller shall provide to the applicant with the information related to his acts based on the request of access in a period of **one month** from the request reception, according to art 12.3 of GDPR, with a maximum of 2 other months in cases foreseen on the Regulation.
- When the interested party submits the request by electronic means, the information will be provided in an electronic format of common use, unless he requests to be provided otherwise.
- If the data controller does not act on the applicant request, he will inform the applicant without delay at the latest after one month of the request reception, of the reasons of failure to act and the applicant's option of claiming with a supervisory authority and take legal actions.
- The data provided upon the request of rectification, erasure and object will be free of charge. When the request is manifestly unfounded or excessive, especially if repetitive, the data controller may:
 - a) charge a reasonable fee based on the administrative costs faced to facilitate the information or the communication or perform the requested action, or
 - b) refuse to act upon the request
- The controller can ask for additional information to confirm the identity of the interested party when there are doubts about the identity of the natural person applicant.

Claims (Rights custody)

- Without prejudice to the administrative or extrajudicial remedies available, including the right to claim to a supervisory authority under article 77 of the GDPR, all interested parties will have the right to effective judicial protection when they consider that their rights under GDPR law have been violated as a result of their personal data processing.

Basic information about data protection in accordance of the information duty in GDPR 2016/679

Controller: Servicio Aragonés de Salud.

Purpose: Historia Clínica del Servicio Aragonés de Salud.

Legislation: Law 41/2002 of autonomy of the Patient, LOPDGDD, GDPR.

Recipients: Will not be given to third parties, except for legal obligation.

Rights: Access, rectification, erasure, object, limitation and portability of data

Additional Information: Additional and more detailed information about data protection can be found on our website:

www.aragon.es/seguridadesalud and the Spanish Ministry of Health website <https://www.mscbs.gob.es/profesionales/eupin/pintranslations.htm>