

Commission Implementing Decision 2019/1765 of 22 October 2019 providing the rules for the establishment, the management and the functioning of the network of national authorities responsible for eHealth, and repealing Implementing Decision 2011/890/EU (notified under document C(2019) 7460) (Text with EEA relevance)

Article 1	Subject matter
Article 2	Definitions
Article 3	Membership of the eHealth Network
Article 4	Activities of the eHealth Network
Article 5	Functioning of the eHealth Network
Article 6	Relation between the eHealth Network and the Commission
Article 7	Protection of personal data processed through the eHealth Digital Service Infrastructure
Article 7a	Cross-border exchange of data between national contact tracing and warning mobile applications through the federation gateway
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ANNEX I

Responsibilities of the Commission as data processor for the eHealth Digital Service Infrastructure for Cross-Border eHealth Information Services

The Commission shall:
Set up and ensure a secure and reliable communication infrastructure...

ANNEX II

RESPONSIBILITIES OF THE PARTICIPATING MEMBER STATES
AS JOINT CONTROLLERS FOR THE FEDERATION GATEWAY
FOR CROSS-BORDER PROCESSING BETWEEN NATIONAL
CONTACT TRACING AND WARNING MOBILE APPLICATIONS

SECTION 1

Subsection 1

Division of responsibilities

- (1) The joint controllers shall process personal data through the federation...
- (2) Each controller shall be responsible for the processing of personal...
- (3) Each controller shall set up a contact point with a...

- (4) A temporary subgroup set up by the eHealth network in...
- (5) Instructions to the processor shall be sent by any of...
- (6) Only persons authorised by the designated national authorities or official...
- (7) Each designated national authority or official body shall cease to...

Subsection 2

Responsibilities and roles for handling requests of and informing data subjects

- (1) Each controller shall provide the users of its national contact...
- (2) Each controller shall act as the contact point for the...
- (3) Each controller shall make available to the data subjects the...

SECTION 2

Management of security incidents, including personal data breaches

- (1) The joint controllers shall assist each other in the identification...
- (2) In particular, the joint controllers shall notify each other of...
- (3) The joint controllers shall communicate any personal data breaches with...

SECTION 3

Data Protection Impact Assessment

ANNEX III

RESPONSIBILITIES OF THE COMMISSION AS DATA PROCESSOR FOR THE FEDERATION GATEWAY FOR CROSS-BORDER PROCESSING BETWEEN NATIONAL CONTACT TRACING AND WARNING MOBILE APPLICATIONS

The Commission shall:

Set up and ensure a secure and reliable communication
infrastructure...

Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision 2019/1765. (See end of Document for details)

- (1) [OJ L 88, 4.4.2011, p. 45.](#)
- (2) Commission Implementing Decision 2011/890/EU of 22 December 2011 providing the rules for the establishment, the management and the functioning of the network of national responsible authorities on eHealth ([OJ L 344, 28.12.2011, p. 48](#)).
- (3) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) ([OJ L 119, 4.5.2016, p. 1](#)).
- (4) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ([OJ L 295, 21.11.2018, p. 39](#)).
- (5) Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 ([OJ L 348, 20.12.2013, p. 129](#)).
- (6) Communication from the Commission on enabling the digital transformation of health and care in the Digital Market; empowering citizens and building a healthier society, COM (2018) 233 final, p. 7.
- (7) Council conclusions on Health in the Digital Society making progress in data — driven innovation in the field of health, 2017/C 440/05, paragraph 30.
- (8) Regulation (EU) No 283/2014 of the European Parliament and of the Council of 11 March 2014 on guidelines for trans-European networks in the area of telecommunications infrastructure and repealing Decision No 1336/97/EC ([OJ L 86, 21.3.2014, p. 14](#)).
- (9) Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union ([OJ L 194, 19.7.2016, p. 1](#)).
- (10) Commission Recommendation (EU) 2019/243 of 6 February 2019 on a European Electronic Health Record exchange format ([OJ L 39, 11.2.2019, p. 18](#)).
- (11) https://ec.europa.eu/health/sites/health/files/ehealth/docs/ev_20190611_co922_en.pdf
- (12) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) ([OJ L 201, 31.7.2002, p. 37](#)).

Changes to legislation:

There are currently no known outstanding effects for the Commission Implementing Decision 2019/1765.