



13TH EHEALTH NETWORK 15 MAY 2018, BRUSSELS, BELGIUM
COVER NOTE BY EHEALTH NETWORK SECRETARIAT

Agenda point 7: Electronic identification for the exchange of health data

Issue at stake

Patients and Health Professionals are usually only registered within their country of origin; however their cross-border travel requires their data to be able to be shared cross-border as well. To ensure the continuity of care and accessibility of health records a cross-border identity verification process needs to be established based on regulatory backed cross-border trust relationships. For the uptake of eHDSI and CBeHIS of health professionals and patients, identification and authentication have to be taken into account.

The eHealth Network adopted the eID specific Framework for eHealth in May 2017, which laid foundation for the future development of the eHDSI. Efforts therefore are focused to establish identification under eIDAS scheme possibly during the third wave to go-live with CBeHIS (February 2020).

Summary

JAsEHN has produced a Recommendation that discusses the identification of patients and health professionals within eHDSI and CBeHIS using electronic means notified under eIDAS scheme and the necessity of a legal review of eIDAS Regulation in relation to GDPR.

Under the *Agreement*¹, the Member States are free to grant access to the national contact points of CBeHIS through non-eID, notified eIDs and non-notified eIDs. The Recommendation Paper focusses on electronic means notified under eIDAS.

The legal obligation for electronic identification for patients varies within Member States significantly, as so far a legal assessment of eIDAS and GDPR has not been tasked yet and no common legal interpretation of an obligation to implement electronic identification under eIDAS scheme for current eHDSI services has been reached. But eIDAS Regulation has been accepted by Member states for health professional identifying the patient at Point of Care and accessing eHDSI services.

For the implementation of national eID the individual national situations of Member States needs to be investigated if they could comply with the proposed eIDAS Authentication Assurance Level (AAL) "high" and what the consequences thereof would be, as some Member States will have to adapt national legislation to meet requirements. But as political alignment on the AAL has not been reached, its legal review should first be concluded. The implementation of notified eID means will further result in the need for additional investment, which has to be analysed. Further, to ensure interoperability of eID Schemes mitigation strategies, services and virtual identification have to be investigated.

¹ Agreement between National Authorities or National Organisations responsible for National Contact Points for eHealth on the Criteria required for the participation in Cross-Border eHealth Information Services

The recommendation paper proposed the following recommendations to be adopted by the eHealth Network:

- To carry out a legal review of eIDAS Regulation and GDPR in relation to a sustainable uptake of CBeHIS under the responsibility of the eHMSEG, including a cross check concerning patient consent required identity information and cross border sharing under consideration of the *Agreement* and the Art. 29 working party.
- To agree that the outcomes of the legal review will be integrated into the CBeHIS roadmap for future services and features, which will be elaborated in the new eHealth Joint Action (eHAction).
- The whole outcome of JAsEHN T5.2 eID for eHealth will be made available for the European Research and Development project (called HealthID) which is going to implement a reference implementation of an eHealth eIDAS Connector Country-B.

The Connecting Europe Facility (CEF) is financing a related project “Development of an eIDAS – OpenNCP Connector for cross-border eHealth”. It aims to develop, test and deliver a reference implementation of an eHealth eID connector to the European Commission and the Member States, which links the national OpenNCP-based National Contact Point for Health (NCPeH) to the eIDAS node and the relevant attribute providers. This reference implementation will be transferable to national scenarios of other Member States through the eHMSEG. In conclusion the connection of the national eIDAS Infrastructure to the national NCPeH will enable secure access to cross border eHealth Information Services under CBeHIS, as agreed upon by the eHealth Network, concerning Patient Summaries and ePrescription.

Format of procedure in the eHN

The Member State co-chair introduces the topic. The eHealth Network is asked to discuss and adopt the proposed recommendations in the JAsEHN deliverable. The Member State co-chair gives the floor to the leader of the project “Development of an eIDAS”.