**Privacy Statement within the management of medical information and pharmacovigilance**

# Controllers for the processing

MSD Merck Sharp & Dohme AG  
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(hereinafter "**MSD**" or "**we**")

This privacy statement is intended for the persons whose data will be processed by MSD within the management of medical information and pharmacovigilance and the associated processes. This privacy statement describes how MSD processes personal data within the management of medical information and pharmacovigilance, how MSD processes the data and the rights that data subjects have with regard to their personal data.

# Data subjects

**In terms of medical information:**

* Persons contacting MSD's medical information in Switzerland either through an online facility (web chat, form), by telephone or by any other means to obtain information, make a report, forward information to MSD, make a complaint or any other request covered by the purposes of processing.

**In terms of pharmacovigilance:**

* persons notifying MSD, either through an online facility (form), by telephone or by any other means, of an adverse reaction or incident concerning a patient who has suffered such a reaction (in particular healthcare professionals, members of patient organisations, members of an authority);
* the patients who suffered the adverse reaction or incident.

**In terms of other purposes:**

* callers to the interactive voice server;
* data subjects exercising their rights and, where applicable, their representatives.

# Personal data processed by MSD

We process personal data that we collect directly or indirectly.

We collect your data directly from you, for example, when you contact us to receive medical information, or when you notify us of an adverse reaction or incident.

We collect your data indirectly, for example, when someone other than the patient notifies a pharmacovigilance report. This data is collected primarily in the course of the notification but also during subsequent interactions with the notifying person or with other persons from whom we may collect data necessary to assess the adverse reaction or incident (such as healthcare professionals).

**In terms of medical information:**

We process the following personal data:

* data of the contacting person: identification data (surname, first name, contact details such as telephone number, email), if applicable, data relating to his/her professional life (profession, type of practice, speciality, professional contact details), login data and identifiers if the contacting person identifies himself/herself via his/her MSD Connect account, information transmitted within the scope of the request or report;
* identification data relating to the product concerned by the request or the report, such as the availability of the product or a quality complaint.

**In terms of pharmacovigilance:**

We process the following personal data:

* Patient data necessary to assess the adverse reaction or incident:
* data that indirectly identifies the person exposed to the adverse reaction or incident (identifying information such as age, year or date of birth, sex, weight, height) or personal identification number;
* identification data relating to the product concerned by the report of the adverse reaction or incident: type of medicinal product, medical device or equipment used, serial number, etc.;
* health data, such as: treatments administered, test results, nature of the adverse reaction(s), personal or family history, diseases or events associated with it, risk factors, pregnancy, information relating to the type of prescribing and use of medicinal products and the therapeutic conduct of the prescriber or healthcare professionals involved in the treatment of the disease respectively the adverse reaction or incident;

Additional data collected when necessary to assess the adverse reaction:

* data on working life;
* use of tobacco, alcohol, drugs;
* lifestyle habits and behaviours;
* ethnic origin (where this may have an impact on the efficacy or safety of the medicinal product, medical device or equipment);
* Data on the notifying person: contact details;
* Data relating to the healthcare professional likely to provide additional information: identification data (surname, first name, contact details such as telephone number, email), if applicable, data relating to his/her professional life (profession, type of practice, speciality, professional contact details), login data and identifiers if the notifying person identifies himself/herself via his/her MSD Connect account, information transmitted within the scope of the request or report.

**In terms of other purposes:**

* the voice recording and subsequent written transcription of the conversation;
* the identity of the data subject exercising his/her rights (surname, first name), contact details (telephone, email or address) for the purposes of the reply, subject of the request and the content of the exchanges.

When MSD asks you to provide your personal data, you have the right to refuse, unless it is necessary to comply with legal obligations. If so, we will inform you thereof.

# Purposes of processing

**In terms of medical information:**

Your personal data is processed for the purposes of managing:

* medical and pharmaceutical information on specialities for which MSD is manufacturer or distributor;
* product quality claims;
* suspected counterfeiting / misappropriation / falsification;
* feedback from people contacting us with suggestions for improvement;
* questions on applications for early access to medicinal products;
* positive or negative feedback (such as dissatisfaction following supply problems with MSD products);
* complaints about the quality of the promotional information provided;
* reports of inappropriate prescribing of a medicinal product;
* enquiries about the availability of our medicinal products, emergency supply of essential products;
* requests for copies of documents.

Personal data is also processed for the purposes of evaluation, service improvement, satisfaction surveys and statistics.

**In terms of pharmacovigilance:**

Your personal data is processed for the purposes of managing:

* the collection, recording, analysis, monitoring, documentation, transmission and retention of data relating to adverse reactions or incidents;
* exchanges with the person reporting adverse reactions or incidents or with healthcare professionals who can be questioned about details of the reported adverse reactions or incidents while maintaining medical confidentiality obligations (healthcare professionals who follow-up with the patient, etc.).

**In terms of other purposes:**

When you call an interactive voice server, your personal data is processed by MSD for the purposes of providing information on the availability of our medicinal products and for the detection of possible pharmacovigilance reports and/or product quality complaints to be able to contact the caller again.

When you exercise your rights as a data subject, your personal data will be processed by MSD to respond.

# Transfer of personal data to third parties

**In terms of medical information:**

* subcontractors processing data at the direction of MSD;
* MSD Group companies in Switzerland and the EU and the parent company Merck & Co, Inc, Rahway, NJ, USA;
* third parties whose medicinal products, medical devices or equipment may be involved.

**In terms of pharmacovigilance:**

* subcontractors processing data at the direction of MSD;
* MSD Group companies in Switzerland and the EU and the parent company Merck & Co, Inc, Rahway, NJ, USA;
* to third parties whose medicinal products, medical devices or equipment may be involved;
* Healthcare professionals involved in the patient's follow-up treatment and healthcare professionals or other professionals who can provide additional information;
* authorities responsible for the evaluation of a medicinal product, medical device or equipment;
* national (in particular Swissmedic), foreign or international authorities competent for pharmacovigilance.

**In terms of other purposes:**

* subcontractors processing data at the direction of MSD.

# Duration of retention of personal data

MSD will store your personal data for as long as necessary for the purposes described.

**In terms of medical information:**

* the duration is 10 years in addition to the current year for data related to the request or report and for quality monitoring from the date of collecting the data.

**In terms of pharmacovigilance:**

* the duration is 35 years from the date of withdrawal from the market of the medicinal product or medical equipment.

**In terms of other purposes:**

* the duration is 6 months for the recording of conversations, the transcript is kept for the above-mentioned durations according to the purposes in question;
* the duration is 10 years in addition to the current year for the requests of the data subject to exercise their rights from the date of request.

# Disclosure of personal data abroad

In order to ensure that your personal data is adequately protected, Merck & Co, Inc., Rahway, NJ, USA has established binding corporate rules on data protection to regulate the transfer of data within the MSD Group companies. The countries in which MSD group companies are represented can be found [here](https://www.msdprivacy.com/) (https://www.msdprivacy.com/).

In the event of further transfer to countries where adequate protection of personal data is not guaranteed, MSD and/or Merck & Co, Inc., Rahway, NJ, USA will contractually ensure that adequate protection is guaranteed, in particular by agreeing to the EU Commission’s Standard Contractual Clauses (SCC) which have been approved by the EDÖB (*Eidgenössischer Datenschutz- und Öffentlichkeitsbeauftragter* [Federal Data Protection and Information Commissioner]. The data may be processed in any country in which companies of the MSD group are represented (see above), and in particular, in the following countries: USA, the Czech Republic, Singapore, India, Switzerland, Belgium, Argentina, the Netherlands, Germany, France, Ireland, the United Kingdom.

# Your rights as a data subject

In accordance with the provisions of the Data Protection Act and subject to fulfilling the conditions foreseen therein, regarding your data you have a right to information, to correction, to deletion, to restriction of processing, to revocation of the consent granted and to transfer the personal data provided by you.

You also have the right to object to the processing of your personal data, including profiling, for reasons relating to your particular situation.

If you wish to exercise these rights, you can use the [contact form](https://dsr.msd.com/DSR/submit-request?language=35) (<https://dsr.msd.com/DSR/submit-request?language=35>) provided for this purpose.

Alternatively, you may submit your request by email to [MSD\_privacy\_office@msd.com](mailto:MSD_privacy_office@msd.com) or by mail to the address at the top of this Privacy Statement, to the attention of the Office of the Data Protection Officer. If necessary, you may also use the unsubscribe links in the corresponding emails.

The MSD Group has appointed a data protection officer, who can be reached at the following address: euprivacydpo@msd.com.

You also have the right to file a report with the Federal Data Protection and Information Commissioner (EDÖB).

You can find more information on data protection of the MSD Group [here](https://www.msdprivacy.com/) (<https://www.msdprivacy.com>).