

COUNTRY: AUSTRIA

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	Federal Act concerning the Protection of Personal Data 2000 (" <u><i>Datenschutzgesetz 2000 – DSG 2000</i></u> ") And other more specific legislation	GDPR, Federal Act concerning the Protection of Personal Data 2018 (" <u><i>Datenschutzgesetz 2018 – DSG 2018</i></u> "), Federal Act on Research Organisations in Austria (" <u><i>Forschungsorganisationsgesetz – FOG</i></u> ")
Legal grounds applicable to scientific research purposes	The processing of personal data was possible with the consent of the data subject or by applying the national exemption for scientific research purposes (specific provisions or Section 46 DSG 2000).	The processing of personal data is possible with the consent of the data subject or for scientific research purposes (GDPR Article 9(2)(j) combined with Section 2d (1) FOG).
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - Authorisation of the Data protection Authority - Encrypted and non-directly identifiable data was to be favoured. - Processed by person subject to a duty of confidentiality or otherwise credible 	<ul style="list-style-type: none"> - Use of unique identifiers instead of names - Pseudonymised data
Conditions for further processing of health data	Section 46 DSG 2000 allowed the further processing of health data for research purposes for <u>specific</u> projects the goal of which was not to obtain results in a form relating to specific data subjects if the data has been lawfully collected by the Controller for other research projects or other purposes.	The conditions for further processing have been liberalised and are now in line with the general regime.
What are the rights of the data subject?	Data subjects had a right to secrecy, a right to be informed, right of rectification and erasure of unlawfully collected data.	The GDPR provides the following rights: right to access by the data subject (Article 15); Right to rectification (Article 16); right to erasure (Article 17); right to restriction of processing (Article 18); Right to data portability (Article 20); as well as a right to object (Article 21).
Possible Derogations from the rights of the data subject	Derogations from data subjects' rights were possible if they cannot be reached; or if, considering the improbability of infringements of the data subjects' rights and the expense involved in reaching the data subjects, an unreasonable effort would be required.	Derogations are possible if data subject's rights would likely render impossible or seriously impair the scientific research purposes, pursuant to Article 89 GDPR.