

COUNTRY: BULGARIA

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
<b>Legislation</b>	Personal Data Protection Act (PDPA) adopted on 21 December 2001	Not yet adopted.
<b>Legal grounds applicable to scientific research purposes</b>	The processing of personal data was possible with the consent data subjects and data could be shared for scientific research purposes (Art. 28, para. 1 Health Act)	The processing of personal data is possible with the consent of data subjects and data may be shared for scientific research purposes (Art. 28, para. 1 Health Act)
<b>Safeguards required - Conditions framing the processing of health data for scientific research purposes</b>	<ul style="list-style-type: none"> <li>- Authorisation of the Data Protection Authority.</li> <li>- Security measures (against unauthorised access).</li> <li>- Confidentiality (professional secrecy).</li> <li>- Check by Ethics committee.</li> </ul>	<ul style="list-style-type: none"> <li>- Authorisation of the Data Protection Authority (when required by outcome of the DPIA).</li> <li>- Security measures (against unauthorised access).</li> <li>- Confidentiality (professional secrecy).</li> <li>- Check by Ethics committee.</li> </ul>
<b>Conditions for further processing of health data</b>	When data is stored for scientific research purpose (format precluding identification of DS) sufficient safeguards must be implemented. Moreover the processing had to be registered by Data Protection Authority.	No additional conditions.
<b>What are the rights of the data subject?</b>	The PDPA did not provide additional rights to those set by the Directive. Data subjects had a right of access, and right to authorise a third person to access their 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).
<b>Possible derogations from the rights of the data subject</b>	When data was not obtained directly from the data subjects and were used for scientific purposes, controllers were exempted from the information obligation if the provision of the required information was not possible or required disproportionate efforts (Art. 20, para. 3, pt. 1 PDPA).	No derogations are admitted.