

COUNTRY: CZECH REPUBLIC

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	Act No. 101/2000 Coll., on Protection of Personal Data (<u>Zákon č. 101/2000 Sb., o ochraně osobních údajů a o změně některých zákonů</u>)	The Act on Processing of Personal Data, has yet to be adopted, pending before Parliament
Legal grounds applicable to scientific research purposes	Health data may only have been processed based on consent of data subjects or for the provision of health care services (this included collection and processing of data for research – including identification data) (Article 9 of the act and Article 70 Health service Act)	Health data may be processed on the basis of consent of data subjects. Possible legal basis for scientific research purposes are still uncertain.
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - Professional secrecy and confidentiality, - Data processed from the national register had to be anonymised, - Notification to Data Protection Authority. 	<ul style="list-style-type: none"> - GDPR requires the implementation of certain safeguards. - Potential additional safeguards are not yet known.
Conditions for further processing of health data	Further processing had to be notified to Data Protection Authority and the transfer of data would require an agreement between the host and the “further controller”	A data transfer agreement between data controllers was included in the Bill.
What are the rights of the data subject?	Data subjects had a right of access to personal data, a right of rectification of personal data (e.g. blocking, correction or liquidation), and a right to withdraw consent (provided that the personal data is processed based on consent).	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	Possible derogations to the obligation to inform data subjects.	No derogations are admitted.