

COUNTRY: DENMARK

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
<b>Legislation</b>	<u>Act</u> no. 428 of 31 May 2000 on processing of personal data	<u>Act</u> on supplementary provisions to the Regulation on protection of natural persons in connections with processing of personal data and on free movement of such data and on repealing directive 95/46/EF (General Regulation on Data Protection); 23 May 2018
<b>Legal grounds applicable to scientific research purposes</b>	Health data could be processed on basis of consent and scientific research purposes.	Data concerning health can be processed based on consent or for scientific research purposes (Article 10).
<b>Safeguards required - Conditions framing the processing of health data for scientific research purposes</b>	<ul style="list-style-type: none"> <li>- Data could be processed exclusively for scientific research purposes, if it was necessary (public interest notion), with suitable safeguard</li> <li>- Processing by a public institution: notification and opinion of the Data Protection Authority.</li> <li>- Private sector: notification and authorisation (possible recommendations) of the Data Protection Authority.</li> <li>- Ethics approval necessary in case of interventional research (No notification to Data Protection Authority if ethics approval).</li> </ul>	<ul style="list-style-type: none"> <li>- Additionally to GDPR safeguards,</li> <li>- the project must be reviewed by an Ethics committee.</li> <li>- There are additional specificities applying to genetic data.</li> </ul>
<b>Conditions for further processing of health data</b>	Approval by Data Protection Authority prior to transfer. Further processing was based on a specific legal base. Further processing must have had a Public interest dimension, and the processing exclusively for scientific purpose.	Authorisation for the Data Protection Authority is required to be able to transfer sensitive data.
<b>What are the rights of the data subject?</b>	Data subjects had a right to be informed about the processing of their data, and to request access to the data processed.	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 form the rights of the data subject</b>	Exemption to data subjects' rights were possible if it was impossible or required a disproportionate effort.	It is possible to derogate from the Right to access, rectification, restriction and objection may derogate to in case of processing for scientific research purposes. This is possible only if the exercise of those rights is likely to render impossible or seriously impair the purposes of processing.