

COUNTRY: ESTONIA

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	Personal Data Protection Act, 1996, amended in 2004,	The new data legislation has not been adopted yet
Legal grounds applicable to scientific research purposes	Data concerning health could be processed on the basis of consent or for scientific research purposes	Data concerning health may be processed with the consent of data subjects or for scientific research purposes.
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - When data was processed without the consent of data subject, the authorisation of Data protection Authority and the opinion of competent Ethics committee were required, and specific security measures had to be implemented. In that case data could only be processed in coded form. - Storage for further processing had to be done in a coded form. - Identifying data could be processed without consent under certain circumstances. 	<ul style="list-style-type: none"> - The usual safeguard provided by the GDPR must be implemented such as a register of processing activities or carry out a DPIA if necessary. - When data is processed without the consent of data subjects, an Ethics committee’s approval is necessary, if there is no competent Ethics committee the Data Protection Authority will assess the situation . But this is not necessary if the data is anonymised or pseudonymised.
Conditions for further processing of health data	The conditions were the same than for the initial processing. The requirement of processing for scientific purposes had to be met, data stored had to be in coded form. Decoding was only allowed when it was necessary for research purpose	When the data being further processed is identifying the approval of an Ethics committee is necessary.
What are the rights of the data subject?	General rights of information and access were applicable.	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 derogation from the rights of the data subject	Data subjects’ rights could be derogated from if it was authorised by Data Protection Authority.	Derogations from rights of access rectification, restriction of processing and right to object are admitted, if their exercise would impair the research purposes.