

COUNTRY: FINLAND

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
<b>Legislation</b>	<p>Personal Data Act (523/1999) governs the collection and the processing of personal data. It replaced the Personal Data File Act and was adopted in June 1999</p> <p>And sector specific legislation also applies</p>	<p>The new legislation has not yet been adopted</p> <p>Government Bill for the Data Protection Act (HE 9/2018 vp)</p>
<b>Legal grounds applicable to scientific research purposes</b>	<p>Data concerning health could be processed on the basis of consent or for scientific research purposes (Section 14 of the Act)</p>	<p>Data concerning health can be processed on the basis of consent or national legislation enabling processing for scientific research purposes.</p>
<b>Safeguards required - Conditions framing the processing of health data for scientific research purposes</b>	<ul style="list-style-type: none"> <li>- Data Protection Authority or Data Protection Ombudsman’s approval (if research could not be carried out with anonymised data, or consent cannot be obtained)</li> <li>- The processing had to be based on an appropriate research plan.</li> <li>- Access to health data stored by National Institute for Health and Welfare was granted only on request (specific requirements) of specific data and required the assent data protection Ombudsman.</li> <li>- Data shall be erased, or archived in anonymised form when no longer necessary</li> <li>- Processing was admitted only where appropriate technical safeguards are implemented.</li> </ul>	<p>Implementation of the GDPR safeguards, the results of the DPIA should be notified to the Data Protection Authority 30 before the start of processing operations.</p> <p>The Act on Secondary use of Social and Health data would introduce a new, centralised Licensing Authority for social and welfare data application permissions as well as a service for permit applications.</p>
<b>Conditions for further processing of health data</b>	<p>This required approval of the Data Protection Authority or Data Protection Ombudsman</p> <p>Precise description of the data used had to be submitted and kept available to everyone.</p>	
<b>What are the rights of the data subject?</b>	<p>Data subjects had a right to access.</p>	<p>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).</p>
<b>Possible derogation from the rights of the data subject</b>	<p>No derogation was admitted</p>	<p>Under specific conditions, derogation from the rights of access restriction of processing and right to object.</p>