

COUNTRY: IRELAND

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	<u>Data Protection Acts 1988 - 2003</u> And other specific legislation, such as health (provision of information) Act 1997	Data protection <u>Act</u> 2018 (repeals the previous Act) Data Protection Act 2018 (Suitable and Specific Safeguards for the Processing of Personal Data for Health Research) Regulations 2018
Legal grounds applicable to scientific research purposes	Health data could be processed on the basis of consent, or for medical purposes (which included scientific research purposes)	Health data may be processed on the basis of consent, or for scientific research purposes (Section 54).
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - Processing by medical personnel or someone with similar confidentiality duty (this included researchers). - Notification to the Data Protection Authority. - Processing by health professional or someone with an equivalent duty of confidentiality. The processing had to be necessary. 	<ul style="list-style-type: none"> - General GDPR requirements. - Duty of confidentiality (health professional or equivalent) - Pseudonymisation or encryption, - Technical and organisational measures.
Conditions for further processing of health data	<ul style="list-style-type: none"> - Processing without consent is admitted if: <ul style="list-style-type: none"> o If processing was necessary for research and carried out by initial controller –no damage or distress for the data subjects. o Disclosure to third party research limited to anonymised data or pseudonymised data. - Or for historical data if impossible to reach the data subjects or highly impractical, Ethics committee’s approval was required with appropriate safeguards in research project. 	
What are the rights of the data subject?	Data subjects had to be informed of the identity of the Controller , they also had a right to object, cease processing.	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	Right to request cessation of processing did not apply to scientific research.	The right to access the data by the data subject, rectify, restrict the processing and the right to object may be derogated from if seriously impair or make impossible the scientific purpose.