

COUNTRY: LATVIA

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	Data protection <u>Act</u> and the <u>Law</u> on the rights of patients	New data protection law, 5 July 2018
Legal grounds applicable to scientific research purposes	Health data could be processed on the basis of consent, Regulations No. 446 issued by the Cabinet of Ministers – ‘Procedures for Using the Patient Data in a Specific Research’	Health data may be processed on the basis of consent, and processing for scientific research purposes (Law on the Rights of Patients and Chapter VIII of the new data protection law)
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - Registration to Data Protection Authority - Consent for specific research - Use of data that could not directly or indirectly identify the patient - If consent may not be obtained by reasonable means public interest and an authorisation form Data Protection Authority and no refusal in writing of the data subject and finally the public health interest proportional with limitation of privacy. 	GDPR safeguards apply The basic principle, specific to Latvia remain unchanged.
Conditions for further processing of health data	The conditions are the same than from the initial processing.	
What are the rights of the data subject?	Data subjects had a right to be informed, to access, rectification, object, erase.	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	Derogation were admitted to obligation to inform if the processing was ordered by law or if required an inordinate effort or was impossible.	Where the data is processed for the purposes of scientific or historical research in the public interest, the rights of the data subject, as provided for in Articles 15, 16, 18 and 21 of the GDPR, may be derogated from in so far as they may prevent or significantly impede the achievement of the specific purpose and the derogations are necessary in order to achieve those purposes.