

COUNTRY: LITHUANIA

| Theme/ question:   | Under the Directive + National Law   | Under the GDPR + National law   |
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| <b>Legislation</b>   | The <u>Law</u> of the Republic of Lithuania on Legal Protection of Personal Data<br>The <u>Law</u> of the Republic of Lithuania on Ethics of Biomedical Research   | The Law of the Republic of Lithuania on Legal Protection of Personal Data (will be amended to comply with the GDPR)<br>The Law of the Republic of Lithuania on Ethics of Biomedical Research  |
| <b>Legal grounds applicable to scientific research purposes</b>  | Health data could be processed on the basis of consent or scientific research purposes.  | Health data may be processed on the basis of consent or scientific research purposes.   |
| <b>Safeguards required - Conditions framing the processing of health data for scientific research purposes</b> | <ul style="list-style-type: none"> <li>- In the case of processing without consent, a notice must then be given to the Data Protection Authority, that carried out a prior checking</li> <li>- obligation to alter the data to make it impossible to identify data subjects (after the processing for scientific research anonymisation or pseudonymisation)</li> <li>- prohibition to use the data for any other purpose than scientific research</li> <li>- in the case of biomedical research, 10 conditions applied</li> </ul> | GDPR required safeguards must be implemented<br><br>The former regime applicable to health data remains in place (ethical authorisation)  |
| <b>Conditions for further processing of health data</b>  | Compatibility of processing purposes and adequate protection measures  | Compatibility of processing purposes and adequate protection measures must be implemented.  |
| <b>What are the rights of the data subject?</b>  | Data subject had the right to be informed (some exceptions) (e.g. purpose, methods, rights...), the right to withdraw consent and guarantees of confidentiality of health information  | 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 derogation from the rights of the data subject</b>   | There could be derogations the obligation to inform data subjects (if impossible or required a disproportionate effort) and from the obligation to receive consent (where authorities permit it)   | No derogations are admitted   |