

**COUNTRY: LUXEMBOURG**

<b>Theme/ question:</b>	<b>Under the Directive + National Law</b>	<b>Under the GDPR + National law</b>
<b>Legislation</b>	Act of 2 August 2002 on the protection of individuals with regard to the processing of personal data	New data protection Act (Adopted by the Chambre des députés on the 26 July 2018)
<b>Legal grounds applicable to scientific research purposes</b>	Processing of health data was admitted on the basis of consent or for scientific research purposes (article 7).	The processing of health data is possible on the basis of consent or for scientific research purposes (Article 63).
<b>Safeguards required - Conditions framing the processing of health data for scientific research purposes</b>	<ul style="list-style-type: none"> <li>- Declaration to the Data Protection Authority</li> <li>- In principle anonymised data</li> <li>- But if necessary, identifying data is admitted on the basis of consent.</li> <li>- Processing of genetic data required the authorisation of the Data Protection Authority</li> <li>- Confidentiality and technical measures for security</li> <li>- Ethics review</li> </ul>	GDPR safeguards must be implemented as well as additional safeguards, as recommended by article 65 of the Act.
<b>Conditions for further processing of health data</b>	Authorisation of the Data Processing Authority otherwise the conditions are the same than for the initial processing	No additional safeguards.
<b>What are the rights of the data subject?</b>	Data subjects had a right of information and access	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 exemption to the rights of the data subject</b>	Derogations were admitted under certain circumstances.	Derogations from access, restriction, rectification and objection rights are admitted if they were to render impossible or seriously impair the achievement of the scientific purposes.