

COUNTRY: SLOVENIA

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
<b>Legislation</b>	<u>Personal Data Protection Act</u> (Official Gazette of the Republic of Slovenia, no. 86/04, 113/05, 51/07, 67/07 and 94/07	New data protection Act proposal (to be adopted )
<b>Legal grounds applicable to scientific research purposes</b>	Data concerning health could be processed on the basis of consent and or scientific research purposes (epidemiologic cf. with Article 44 (VI) of the Patient Rights Act).	Health data may be processed on the basis of consent and for scientific research purposes (article 79, 80 ad 81).
<b>Safeguards required - Conditions framing the processing of health data for scientific research purposes</b>	<ul style="list-style-type: none"> <li>- Prior written consent patient of the data subject</li> <li>- Data subjects could not be identified (anonymisation), pseudonymisation was acceptable at certain conditions,</li> <li>- Data Protection Authority has the power to take decisions when research is justified in the public interest.</li> </ul>	<ul style="list-style-type: none"> <li>- GDPR requires the implementation of certain safeguards</li> <li>- Registered research organizations may use special categories of data in a pseudonymised form if they submit a “demonstration research study” and a Data Protection Impact Assessment</li> </ul>
<b>Conditions for further processing of health data</b>	<ul style="list-style-type: none"> <li>- Processing of data in anonymised form, unless otherwise provided for by law or prior written consent of the data subjects</li> <li>- No consent needed if the data subject man not be identified (art 44 (VI))</li> <li>- Data provided in anonymised form,</li> <li>- Upon completion of processing, data had to be destroyed and the data recipient had to inform data controller when and how it was destroyed</li> </ul>	The data is obtained and further processed in anonymous form unless the further processing is provided by law
<b>What are the rights of the data subject?</b>	Data subjects had mainly the right to be informed (of purpose of collection, type of personal data, data recipients, categories of data recipients), but also a right of access correction of personal data.	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>	The obligation to inform could be derogated to if it was too costly or required a disproportionate effort, or data was required by law.	No derogation is admitted