

COUNTRY: THE NETHERLANDS

Theme/ question:	Under the Directive + National Law	Under the GDPR + National law
Legislation	The Data Protection Act (<u>Wet bescherming persoonsgegevens, WBP</u>) ¹ ;	<u>Uitvoeringswet Algemene Verordening Gegevensbescherming, UAVG</u>
Legal grounds applicable to scientific research purposes	Health data could be processed on the basis of consent or for scientific research purposes (article 23.2).	Health data may be processed on the basis of consent and for scientific research purposes (article 24 UAVG).
Safeguards required - Conditions framing the processing of health data for scientific research purposes	<ul style="list-style-type: none"> - If consent is impossible to obtain or it demands unreasonable effort, the data is necessary, there was a general interest of research and guarantee privacy of individuals. - Special legal ground (7:458 BW) - Concerning de-identified data, or indirectly identifying data. - Vetting by an Ethics committee - Notification to Data Protection Authority of processing, unless data was to be de-identified with 6 months. - Compliance with the Code of conduct 	GDPR requires the implementation of specific safeguards, compliance with the code of conduct and ethics vetting
Conditions for further processing of health data	The conditions were the same as for the initial processing.	The conditions are the same as for the initial processing.
What are the rights of the data subject?	Data subjects had a right to be informed and access the data processed concerning them	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 exemption to the rights of the data subject	If processing was done through research institution, no notification or processing or provision of overview of the data processed was required	If the processing is performed by institutions or services for scientific research or statistics, and there are sufficient guarantees that the personal data will only be used for these purposes, the controller may abstain from the application of articles 15,16 and 18 of the GDPR.

¹ Act of July 6, 2000