

Awareness Raising in Data Protection in Health(Unit 1)

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Aims & Objectives

- Description of the basic points of GDPR Regulation
- Patients legal needs
- Description of the role of Data Protection Officer, Controller and Processor



Learning Outcomes

- *List at least 3 tasks of a Data Protection Officer*
- *List at least 3 tasks of a EDPS*
- *List at least 4 Principles of Data Protection*
- *Describe at list 4 patients' rights, regards to the GDPR Regulation*
- *Identify the key rules of GDPR*
- *Identify the circumstances that allow the proccession of patients' data*
- *Differentiate the roles of the Data Protection Officer, Controller and Processor*
- *Justify the legal importance of GDPR for our lives and in Healthcare*



Terms and Keywords



- Data Protection Officer
- Data Processor
- Data Controller
- Natural Person
- Personal data
- Natural Person
- Personally identifiable information

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Definition

- **The EU General Data Protection Regulation (GDPR)** is the regulation 2016/679 of the European parliament and the council. It replaces the **Data Protection Directive 95/46/EC** and is designed to:
 - *Harmonize data privacy laws among European states*
 - *Promote data privacy knowledge*
 - *Protect all EU citizen*
 - *Reshape the way stakeholders across the region understand the concept of data privacy.*
- It is generally pronounced as GDPR and was passed as a regulation on **27th April 2016**.



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- Natural Person

The person that is an individual human being, as opposed to a legal human being, which is private (i.e., business entity or non-governmental organization) or public (i.e., public authority) organization.

- Personal Data

Personal data means any related information to an identifiable natural person ('data subject'). An '**data subject**' is one who can be identified, directly or indirectly, in particular by reference to an identifier such as:

- *a name*
- *an identification number*
- *location data or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.*



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Key features



- **Personally identifiable information(PII)**

Personally Identifiable Information (PII) is any information that can be used to trace an individual's identity (such as name, date and place of birth, social security number, or biometric records etc.) or any other information that is linked to an individual (such as educational, financial, employment and medical information).



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EDPS: Its importance for GDPR



- **He/she is able to supervise** EU administration's processing of personal data, ensuring that exists the appropriate compliance with privacy rules
- **He/she is able to offer appropriate** advice to EU institutions and to other bodies on all aspects of personal data processing
- **He/she is able to handle** complaints and possible questions
- **He/she is able to work** in collaboration with the national authorities of EU countries, ensuring consistency in data protection
- **He/she is able to monitor** new technologies that might have a possible impact on data protection.



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The DPO Officer: Main tasks



- **Guarantee** that controllers and data subjects possess specific knowledge on their **data protection rights, duties and responsibilities** and **raise awareness** about them;
- **Offer advice** and **recommendations** to institutions about interpreting or applying data protection rules;
- **Handle queries or complaints** on request by the controller, institutions and other person(s).



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The DPO Officer: What a DPO should not do

- a DPO **should not be an employee** on fixed term contract
- a DPO **should not act as a controller** of processing activities
- a DPO **should not be responsible for managing** his/her own budget.



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- **Why** the organization collects data?
- **What are the purposes of** your company/organisation using your personal data?
- **What** is the type of these data?(i.e specific categories)
- **What** is the legal justification for processing data?
- **For how long** the organization will use peoples' data?
- **Whether their personal data** will be transferred outside the EU?
- **The right to withdraw consent and lodge possible complaints**



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GDPR4H Important Information for individuals

- **Why** the organization collects data?
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Key rules



- Personal data must be processed, respecting the legal framework and ensuring fairness towards the individuals' data.
- The company/organisation must indicate the purposes to individuals when collecting their personal data.
- The company/organization should collect and process only the personal data that is necessary to fulfil that purpose.



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Key rules



- the company/organisation must ensure the accuracy of data
- the company /organisation can't further make use of personal data for **other purposes** that aren't **in compliance** with the original purpose



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- Under Regulation (EU) 2018/1725, as well as under the GDPR, the data controller is the authority that, alone or in collaboration with others, is able to determine the purposes of the processing of personal data.
- Key facts:
 - Understanding the importance of your role in relation to the personal data you are processing, is critical for ensuring compliance with the GDPR and the right treatment of all individuals.
 - Realizing that your obligations under GDPR will be different depending on whether you are a controller or processor.



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Article 4 specifies data processor as: “ a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller”

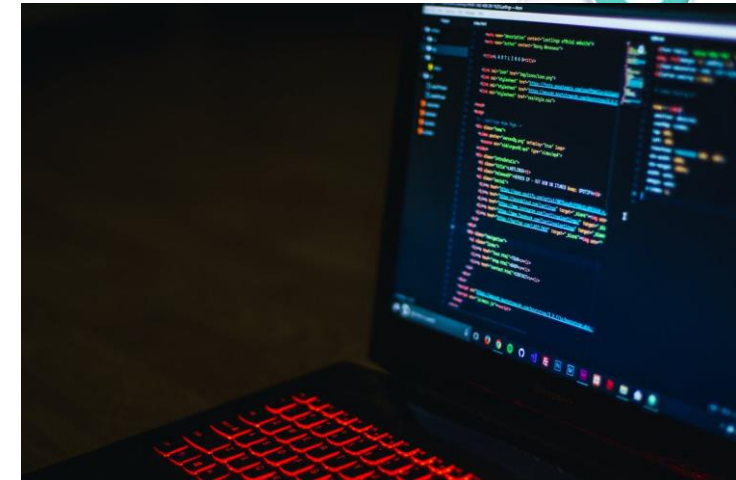


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Key tasks of a Data Processor



- **Only process** personal data under instructions from the controller
- **Inform the controller** if he/she has the opinion that specific instruction infringes on the GDPR
- **Upon request, he/she deletes or returns** all personal data to the controller at the end of service contract

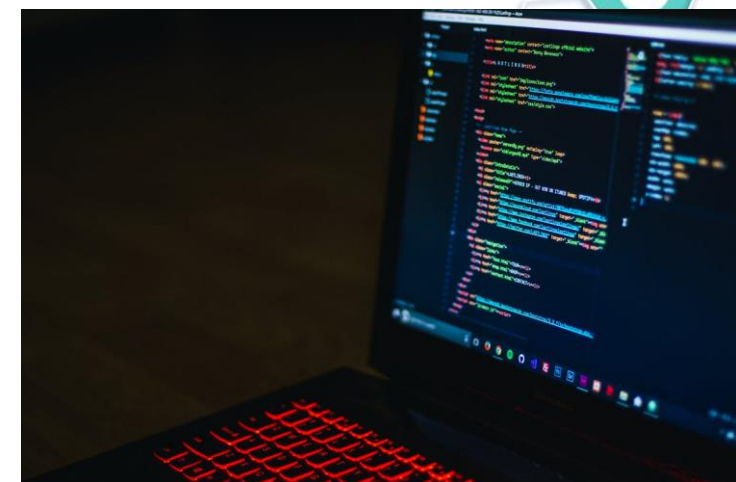


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Key tasks of a Data Processor



- **He/she enables and contributes** to compliance audits conducted by the controller or a representative of the controller
- **He/she can take the right steps to offer** secure data, such as encryption, stability and backup as well as regular security testing
- **He/she is able to notify data controllers** without undue delay upon learning of data breaches

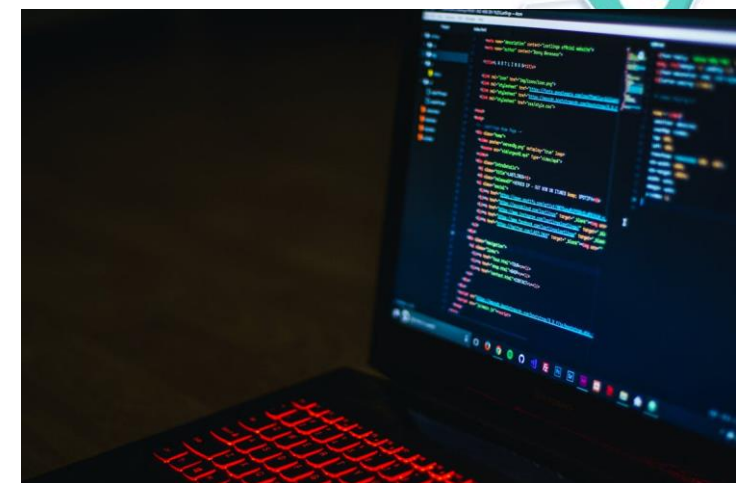


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1) **Read the below tasks** and recognize if they are related to responsibilities of data controllers or processors:

- He/she collects personal information of your customers and site visitors. You must have legal authority to do so.
- He/she implements security measures that would protect personal data.
- He/she knows exactly **where and how** can use the data and towards what purpose.
- He/she changes or modifies the data that you get.



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Synopsis



In this lesson, the learner will understand that the GDPR Regulation is structured as a tool that:

- Harmonize data privacy laws among European states
- Promote data privacy knowledge
- Protect all EU citizen
- Reshape the way stakeholders across the region understand the concept of data privacy

Moreover, the DPO officer has the following tasks:

- Guarantee that controllers and data subjects possess specific knowledge on their data protection rights, duties and responsibilities
- Offer advice and recommendations to institutions about interpreting
- Handle queries or complaints

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Thank you for your attention!

