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Health service provider

The inspection was started on the basis of the inspection plan for 2019 and previous complaints related to the ambulatory information system, focusing in particular on the fulfillment of obligations regarding the rights of data subjects (especially Articles 5, 6, 9 and Articles 12 to 23) and the security of processed personal data within the meaning of Articles 30 and 32 of Regulation (EU) 2016/679.

The controlled person, as a provider of health services, processes personal data [Art. 4 paragraph 1 of Regulation (EU) 2016/679] and special category personal data [Art. 9 paragraph 2 of Regulation (EU) 2016/679] of their patients in connection with the issuance of electronic prescriptions (e-prescription) based on the fulfillment of a legal obligation [Art. 6 paragraph 1 letter f Regulation (EU) 2016/679] established by Act No. 378/2008 Coll., on medicinal products.

For this purpose, the controlled person concluded a contract with the provider of the outpatient information system software application through an external company, while not providing information about the processing of personal data to its patients, or information to their legal representatives within the scope of Article 12, paragraph 1 of Regulation (EU) 2016/679, she did not have a proper contract with the actual software service provider (she did not know about this provider at all), thereby violating the obligation according to Article 28, paragraph 2 of the Regulation (EU) 2016/679, because it involved three other processors in the processing without general written permission and at the same time violated the obligation according to Article 28, paragraph 3 of Regulation (EU) 2016/679, because it did not have a contract or authorization to process personal data by the processor. With this action, she violated the obligation according to Article 5 paragraph 1 letter a) Regulation (EU) 2016/679, because in relation to its patients it violated the obligation to process their personal data transparently.

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