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»Opinion of the CPDP on issues related to the provision by the administration of personal data of deceased persons in connection with the reporting to the Regional Health Insurance Fund Opinion of the CPDP on issues related to the provision by the administration of personal data of deceased persons reporting to the Regional Health Insurance Fund

OPINION

ON

THE COMMISSION FOR THE PROTECTION OF PERSONAL DATA

Reg. № NDMSPO-01-299 / 2018

Sofia, September 12, 2018

REGARDING: Request with ent. № NDMSPO-01-299 of 2018 by the Municipality of B., Plovdiv District, on issues related to the provision by the administration of the Municipality of B. of personal data of deceased persons in connection with the reporting to the Regional Health Insurance Fund.

Commission for Personal Data Protection (CPDP, Commission) composed of: Chairman: Ventsislav Karadzhov and members: Tsanko Tsolov, Tsvetelin Sofroniev, Maria Mateva and Veselin Tselkov, at a meeting held on 05.09.2018, considered a file with reg. NDMSPO-01-299 / 2018 by Eng. R.M. - in his capacity of Mayor of the Municipality of B., Plovdiv District. A question was asked in connection with a request received by the administration of the municipality of B. from the Medical Center, serving the settlements of the municipality for monthly provision of the names and uniform civil numbers of the deceased residents. The requested data are necessary for the medical center for reporting to the Regional Health Insurance Fund and in order to prevent misuse of data of deceased persons.

Eng. R.M. asks for an opinion on whether the municipal administration is obliged to provide the requested information.

Legal analysis:

Regulation (EU) 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation) applies from 25 May 2018 directly in all Member States of the European Union and is binding in its entirety.

The legal definition of the term "personal data" was introduced by Art. 4 (1) of the General Data Protection Regulation and

means any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is a person who can be identified, directly or indirectly, in particular by an identifier such as name, identification number, location data, online identifier or one or more features specific to the natural, the physiological, genetic, mental, intellectual, economic, cultural or social identity of that individual.

The provisions of the preamble to Regulation 2016/679, namely recital 27, state that the Regulation should not apply to the personal data of deceased persons, and that Member States may lay down rules on the processing of personal data of deceased persons.

The draft Law on Amendments to the Personal Data Protection Act, which is currently being considered by the National Assembly, adopts this approach in Art. 25 (j) proposes the following special rules regarding deceased data:

When processing personal data of deceased persons, the administrator shall take appropriate measures to prevent adversely affecting the rights and freedoms of others and / or the public interest. In these cases, the controller may provide the data only if there is a legal basis for it. The administrator provides, upon request, access to personal data of the deceased, incl. provides a copy of them, to his heirs or to other persons with a legal interest, such as the medical center, in connection with the reporting to the Health Insurance Fund.

In connection with the above and on the grounds of Art. 58, para. 3 of the General Data Protection Regulation, the Commission for Personal Data Protection expressed the following

OPINION:

Municipal Administration - B., may provide monthly to the Medical Center serving the settlements of the municipality, the requested information such as names and personal identification numbers of deceased residents of B., in connection with the reporting to the Regional Health Insurance Fund, with aimed at preventing the misuse of deceased persons' data.

The administrator, namely the municipality of B., should take appropriate measures to prevent adversely affecting the rights and freedoms of others and / or the public interest. In these cases, the controller may provide the data only if there is a legal basis for it.

THE CHAIRMAN:

MEMBERS:

Ventsislav Karadzhov

Tsanko Tsolov

Tsvetelin Sofroniev / p /

Maria Mateva / p /

Veselin Tselkov / p /

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