

PAR/2022/19

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CNPD

National Data Protection Commission

OPINION/2022/29

## I. Order

1. The Director-General of Health (DGS) asked the National Data Protection Commission (CNPD) to issue an opinion on the new draft model for a multipurpose medical certificate of incapacity (AMIM) for the purposes of Law No. 14 /2021, of April 6th.

2. The CNPD issues an opinion within the scope of its attributions and competences, as an independent administrative authority with powers of authority to control the processing of personal data, conferred by subparagraph c) of paragraph 1 of article 57, subparagraph b ) of Article 58(3) and Article 36(4) of Regulation (EU) 2016/679 of 27 April 2016 - General Data Protection Regulation (hereinafter GDPR), in conjunction with the provisions of article 3, paragraph 2 of article 4 and paragraph a) of paragraph 1 of article 6, all of Law No. 58/2019, of 8 December August, which enforces the GDPR in the domestic legal order.

3. The model of the multipurpose medical certificate of incapacity (AMIM), now presented, contains the User's identification data and the data related to the evaluation of the incapacity, previously filled in with the percentage of incapacity determined by Law No. 14/2021, of April 6, as well as an indication of the year of disability reassessment.

4. Personal data is therefore at stake - therefore, information related to the health of an identified natural person, pursuant to Article 4(1) of Regulation (EU) 2016/679, of 27 April 2016 ( General Regulation on Data Protection - RGPD) -, which are part of the category of data specially protected by paragraph 1 of article 9 of the RGPD.

5. The processing of this data is directly based on Law no. 14/2021, of 6 April, which provides for the transitional regime for the issuance of a medical certificate of multipurpose incapacity for cancer patients, as well as on Decree-Law no. 202/96, of 23 October, amended and republished by Decree-Law no. and effective, a specific health condition before administrative entities in order to obtain, by the respective data subject, certain social, economic and fiscal benefits, under the legal terms.

6. The personal data being processed appear adequate and necessary for the pursuit of the purposes envisaged with the

issuance of the aforementioned certificate, in compliance with the principles of lawfulness and minimization of personal data, enshrined in subparagraphs b) and c) of no. Article 5(1) of the GDPR.

## II. Analysis

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## III. Conclusion

7. In these terms, the CNPD understands that the medical certificate model in question respects the data protection principles enshrined in the RGPD.

Lisbon, March 28, 2022

Filipa Calvão (President, who reported)