

AP imposes penalty on health insurer CZ

News item/14 February 2020Category:

Healthcare providers and the GDPRUse and share medical dataHealth insurers

After an investigation at health insurer CZ, the Dutch Data Protection Authority (AP) has ruled that CZ's working method in applications for authorization was contrary to the privacy law. According to the investigation of the AP, for the assessment of applications for reimbursement of rehabilitation care, CZ has processed more medical data than is necessary in a number of cases. This concerns applications from insured persons who required medical specialist rehabilitation care, for example after a complex fracture or a motor disorder. The AP has imposed an order subject to penalty on CZ for this.

CZ requires a prior statement of approval (authorisation requirement) for the reimbursement of specialist medical rehabilitation.

CZ may attach additional conditions to this statement of approval.

Twelve policyholders have asked the AP to take enforcement action against CZ. They are of the opinion that CZ has processed too much (special) personal data for the assessment of their applications for rehabilitation care.

In violation of privacy law

The AP has ruled that, contrary to the privacy law, CZ has processed more medical data about their treatment for four insured persons than was necessary for the assessment of their authorization applications. According to the AP's investigation, CZ's policy has facilitated the disclosure of more personal data than was necessary for such assessments.

CZ has appealed against the decision of the AP. The AP and CZ have also already made some agreements. In this context, CZ has taken a number of measures. For example, CZ has removed the relevant data of the twelve applicants from its systems and has removed a policy document for authorization applications from its website.

When assessing authorization applications for specialist medical rehabilitation (without admission), CZ will check on a case-by-case basis whether additional information is required. The starting point is the information that is necessary according to the professional framework and the position of the National Health Care Institute.

CZ and the AP will continue to discuss possible changes to the working method for authorization applications that comply with the GDPR.