

Path: Home page > Main menu > Supervisory and decision-making activity Checking of personal data when maintaining patient records in the cloud application

Company

The inspection was included in the Office's Inspection Plan for 2019 based on a complaint, the subject of which was the establishment and subsequent request to cancel the patient's (complainant's) account in the XY system. The complaint was directed both at the doctor's procedure when creating the given account and at the procedure of the inspected person when processing the request for its cancellation. The inspection revealed that the XY application is a so-called cloud application that provides the function of an outpatient information system to medical facilities. The XY application has a basic version, to which other modules are connected, based on the requirements of the customer (health care facility, doctors). The core of the XY application is a database solution for managing the patient file, in which the patient can be registered in the facility, his card and individual visit cards can be created, treatment records or patient visits can be planned. The basic unit in the XY application is a medical facility, under which a doctor's office is created, or more surgeries. The patient database (file) is then always maintained within a specific practice. Patient data can only be entered into the XY application by the administrator of the medical facility, or doctor (i.e. patients do not register themselves in the application). The controlled person supplies the XY application to medical facilities (doctors) and further, its activity consists primarily of setting up an administrator user account, providing remote technical support, with possible access to the patient's personal data with the consent of the medical facility (doctor). On the basis of concluded contracts, the controlled person then provides a virtual space for storing data from the XY application and provides a technical solution for the operation of the XY online data system. Based on the control findings, it was evaluated that the controlled person is in the position of a personal data processor according to Article 4 point 8) of Regulation (EU) 2016/679. Other processors also participate in the subject processing on the part of the controlled person, namely a company providing cloud storage and a company providing technical management and development of the application. With regard to the position of the controlled person, it is clear that most of the obligations arising for personal data administrators from Regulation (EU) 2016/679 when using the XY system primarily apply not to the controlled person, but to individual medical facilities that are in the position of personal data administrators data. The controlled person must fulfill the obligations applicable to processors according to Regulation (EU) 2016/679. The inspection did not reveal that there was any reason to suspect a violation of the provisions regarding the legal basis for processing or the contractual anchoring of the

cooperation of the administrator and processors. The obligations listed in Article 32 of Regulation (EU) 2016/679 apply directly to the controlled person, and in this regard, the auditors noted a violation of the cited provision, with regard to the absence of administrator logs recording the activities of the controlled person and another processor in the XY application. In relation to the handling of the complaint, the inspection found that there was no misconduct on the part of the inspected person.

Additional information: Within each information system to which multiple users or entities have access, partial activities must be logged. This is an obligation arising immanently from Article 32 of Regulation (EU) 2016/679.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed inspections > Inspections for the year 2019 > Inspection activities in the field of personal data protection - 2nd semester > Health care > Inspection of personal data when maintaining patient records in the cloud applicationView current documents | document archive | documents including the archive