

info@aki.ee / www.aki.ee Registry code 70004235 PRECAUTIONS-WARNING in personal data protection matter no. 2.1.-6/18

Preceptor Senior Inspector of the Data Protection Inspectorate Helina-Aleksandra Lettens Date and place of issue of the precept 06.09.2018 in Tallinn Addressee of the precept - processor of personal data OÜ Pärnu Perearstid e-mail address:

post@pak.ee xxxxxxxx@pak.ee Person in charge of the processor of personal data member of the management board

RESOLUTION: § 28 of the Law Enforcement Act 1 (1), § 40 (1), § 40 (1) and § 33 (2) 4) of the Personal Data Protection Act

(IKS) I make a mandatory precept: years (distribution of drugs, denies use). Driving licenses last extended in 2012. during their stay in the place of detention. ". I set the deadline for compliance with the precept at 13 September 2018. Notify the Data

Protection Inspectorate of the compliance with the precept or the circumstances preventing compliance with the precept by 13

September 2018 at the latest. CONTEST REFERENCE: This precept can be challenged within 30 days by submitting either: -

a challenge under the Administrative Procedure Act to the Data Protection Inspectorate, or - an appeal under the Code of Administrative Court Procedure to the Tallinn Administrative Court (in which case the challenge can no longer be heard).

Contestation of a precept does not suspend the obligation to comply with the precept or the application of the measures

necessary for compliance. PENALTY OF WARRANTY: If the precept is not complied with by the specified term, the Data

Protection Inspectorate shall impose a penalty payment of 1000 (one thousand) euros on the addressee of the precept on the

basis of subsection 40 (2) of the Personal Data Protection Act. The penalty payment may be imposed repeatedly - until the

precept is complied with. If the addressee does not pay the penalty payment, it is forwarded to the bailiff to start enforcement

proceedings. In this case, the bailiff's fee and other enforcement costs are added to the penalty payment. FACTUAL FACTS:

Xxxxx XXXXXXX's complaint was registered with the Data Protection Inspectorate, according to which he visited a family doctor

on 18.04.2018 to obtain a second-level medical certificate for driving an emergency vehicle. It appears from the complaint that

the medical certificate issued to him also contained the following. Pt has been in detention for 11 years (distribution of drugs,

denies use). Driving licenses last extended in 2012. during their detention. XXXXX XXXXXXX visited Pärnu Perearstid on

01.08.2018 and asked for this text to be removed. Text removal declined. EXPLANATION OF THE PERSONAL DATA

PROCESSOR: In connection with the complaint of XXXXX XXXXXXX (ik xxxxxxxxxxxx), I explain that Pärnu Perearstid OÜ has the

permission of the Data Protection Inspectorate to process personal data and the processing of sensitive personal data is

carried out in accordance with the requirements. When issuing health certificates for a motor vehicle driver, I follow the

Government of the Republic Regulation "Conditions and Procedure for Medical Examination of Applicants for Motor Vehicle Drivers and Driving Rights and Applicants for Driving Trams and Forms, § 6. Medical contraindications for drivers belonging to group 2 ..... 8) in case of alcohol dependence; 9) dependence on cannabinoids, opioids, stimulants, sedatives, hypnotics, hallucinogens and volatile solvents or abuse of these substances; 10) during the use of psychotropic substances and drugs which reduce the ability to drive; ..... § 4. Medical contraindications for drivers belonging to group 1 ..... 3) in case of alcohol dependence; 4) dependence on cannabinoids, opioids, stimulants, sedatives, hypnotics, hallucinogens and volatile solvents, or abuse of these substances; 5) during the use of psychotropic substances and drugs that reduce the ability to drive; ..... I will explain: the driver of an emergency vehicle is a highly responsible profession, so a thorough medical examination, including a medical history, is important to help assess the patient's background. The collected health data is transferred to an outpatient epicrisis. The driver attestation is in the form of No or Yes (driving is / is not permitted). The health certificate is not supplemented with data from an outpatient epicrisis, ie the text of the complaint does not have the text on the health certificate and has never been entered on the health certificate. In this case, X.Xxxxxxxx may benefit from the knowledge that the digital story is not a public Internet or publicly available information. Medical records and health information are only visible to the patient and the treating physician. The patient has the opportunity to close their data in the digital history, either by documents or the entire digital history. (If a patient has decided to close the entire digital history, the health information system will alert them to what the decision means to them.) The patient can also change their family doctor. GROUND FOR THE DATA PROTECTION INSPECTORATE: The explanations of Osaühing Pärnu Perearstid show that the data on the patient's stay in the detention facility have not been entered in the driver's medical certificate but in his or her outpatient epicrisis. I explain that in the present case, the fact that the health information system is not a public environment or the fact that the medical records are visible only to the patient himself and to the doctor treating him is irrelevant. According to Article 5 of the General Regulation on the protection of personal data, the lawfulness of the processing of any personal data must be ensured. Which means there must be a legal basis for processing. In this case, the legal basis can be the law or the person's consent. In performing their duties, health care providers mainly proceed from the Health Care Services Organization Act and legislation established on the basis thereof. This law imposes an obligation on the health care provider to document the provision of health care services and to transmit these documents to the health information system. § 591 (1) of the Health Care Services Organization Act states that the health information system is a database belonging to the state information system which

processes data related to health care for concluding and fulfilling health care contracts, ensuring the quality of health care services and patients' rights, and health management. The Regulation "Data Compositions of Documents Transmitted to the Health Information System and the Conditions and Procedure for Their Storage" lists all documents transmitted by the Health Information System, their forms and data compositions. The data set for an outpatient epicrisis does not provide for the healthcare professional to enter patient records or other non-health data. Secondly, the purposefulness and relevance of the processing of personal data must be ensured. This means that the data must be relevant to the purpose. The purpose of the health care provider's activities arises from § 758 (1) of the Law of Obligations Act, which states that one person (health care provider) undertakes to provide health care services to another person (patient) in his or her professional activities, in particular to or provide maternity care to the patient, as well as inform the patient about his or her health and the course and results of treatment. The provision of healthcare also includes the care of the patient in the framework of the provision of healthcare, as well as other activities directly related to the provision of healthcare. I would point out that it is not the responsibility of the healthcare provider to draw up a 'life history' and to assess the patient's background in relation to the non-medical condition. Secondly, there is no legal basis for entering such data in a health document and they are inappropriate and clearly excessive in relation to the purpose of the provision of healthcare. / digitally signed / Helina-Aleksandra Lettens Senior Inspector

Authorized by the Director General