

I. Order

1. The Directorate-General for Health requested the issuance of an opinion from the National Data Protection Commission (CNPD) on the "New model of multipurpose medical certificate of disability (AMIM) under the terms of Decree-Law n.0 202/96, of October 23".

2. The CNPD issues an opinion within the scope of its attributions and powers as a national authority to control the processing of personal data, conferred by subparagraph c) of paragraph 1 of article 57 and paragraph 4 of article 36. of Regulation (EU) 2016/679 of the European Parliament and of the Council, of 27 April 2016 (General Regulation on Data Protection - RGPD), in conjunction with the provisions of article 3, no.

2 of article 4 and in point a) of paragraph 1 of article 6, all of Law n.º 58/2019, of 8 August.

II. Analysis

3. This model, to be approved by order of the Director-General of Health, is issued under the provisions of article 4 of Decree-Law no. Law No. 1/2022, of January 3rd.

4. In the aforementioned model, in addition to the identification data of the user and the data relating to the assessment of their incapacity, to be registered in accordance with Decree-Law no. and the nature of the incapacity for the purpose of applying two legal regimes attributing specific benefits (taxation on vehicles and parking of vehicles), provided for by Law no. No. 12/2022, of June 27, and by Decree-Law No. 307/2003, of December 10, last amended by Decree-Law No. 128/2017, of October 9.

5. In the case of information relating to the health of an identified natural person - which is part of the category of personal data specially protected by Article 9(1) of the GDPR -, which will be submitted or presented by the respective holder to administrative entities for obtaining certain social, economic and tax benefits, and kept by such entities, it is essential that the certificate contains only the personal health data strictly necessary for this purpose, in accordance with the principle of

minimization of personal data enshrined in subparagraph c) of the Article 5(1) of the GDPR.

6. However, the national legislature defined in Article 4, paragraphs 2 and 4, of Decree-Law No 202/96, the personal data relating to health that must be included in the multipurpose certificate, specifying that “[whenever the law makes the attribution of benefits subject to certain specific requirements, the medical certificate of

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incapacity must indicate the purpose for which it is intended and the respective effects and legal conditions, as well as the nature of the deficiencies and the relevant conditions for the granting of the benefit» (emphasis added).

7. Thus, having the national law considered the categories of personal data necessary to fulfill the purposes of the multipurpose certificate, in the light of the principle of proportionality and the principle of minimization of personal data, the CNPD can only conclude that this model complies with this legislative option, I have nothing more to say.

Lisbon, September 8, 2022

Filipa Calvão (President, who reported)