

## DECISION

SUBJECT: Registration with a personal physician of GESY

without the consent of the beneficiaries

### 1. Facts:

1.1 Around October 2019, two complaints against Dr. X,

which relate to the above topic.

1.2 The first complaint dated October 14, 2019 was submitted by Ms. P. According to

with the complainant, Dr. X obtained the identity details of her minor son, who

he is a football player, from his match sheet, without parental consent

of him, and used it to register him as his patient. The complainant states that

her son was already registered in the General Health System (hereafter "GeSY"), having

choose another as a personal physician.

1.3 According to the complainant, she contacted her personal physician

register her son, who confirmed to her that her son had been removed from the register

of his patients. The complainant then states that after a commotion which

was created, Kat'ou the complaint deleted him from his patient register. When the

complaining tried to register her son again in the doctor's patient register

of her choice, this became impossible, as in the intervening time it was filled

the maximum number of patients that a staff member is entitled to keep in his register

physician. The complainant also claims that the same thing happened to her husband.

1.4 The second complaint dated 10/10/2019 was submitted by Mrs. O. According to

complaining, on 7/10/2019 she visited her thirteen-year-old son's pediatrician, with

in order to enroll him in the National Health Service. Then he was informed by the particular pediatrician that Mr

her son is already enrolled in the NHS, and in fact to a pathologist (instead of a paediatrician), specifically

to Kat'os the complaint. The complainant claims that she does not know Kathou

complaint, and that the latter without the consent of his parents, identified the personal

details of her son and included him in his patient register. According to her complaining, in a phone call she had with Kat'ou about the complaint, she asked him explanations, while Kathou asked the complainant if she belongs to a football team, leaving it to be understood that the Complainant got his information from there. Ms. Oh reported that her son was training at the Football Academy "... " until August 2019, and requested that an investigation be carried out as to whether the registration of her child in the client list of Kat'os the termination, without the consent of his parents, is legal.

1.5 On October 29, 2019, my Office informed the Defendant of the complaint about the allegations of the complainants and asked him as:

- (a) we have his positions and opinions on the above allegations, as well as anything else other it considers relevant to the case,
- (b) inform us whether it had the consent of the particular persons for the registration them in his patient registry, and
- (c) send us a copy of the "Mutual Acceptance of Directory Enrollment" form Beneficiaries of Personal Physician".

1.6 On November 29, 2019, my Office received a letter from Mr complaint, in which the Defendant stated that by mistake, he registered the due beneficiaries, as the match doctor and the team, but without their consent, and after miscommunication with the team. He mentioned that he then deleted them as well they eventually registered with a personal physician of their choice. He also apologized for the disturbance it caused. In this particular letter, Kathou mentioned the complaint also that, through the GeSY software, at regular intervals they are added to list of personal doctors number of beneficiaries automatically, with the automatic system allocation, and through this system the software automatically adds to directories personal physician beneficiaries, without their consent. He even mentioned that in in the latter case there is no question of personal data.

1.7 On December 12, 2019, Officers of my Office contacted by phone the complaining and confirmed that, after the corrective actions of Kathou her complaint, proceeded to register their affected family members, to doctors of their choice.

## 2. Legal Framework:

2.1 The General Health System Law of 2001 (N.89(I)/2001), as amended or replaced, constitutes the legislative framework that governs its operation Health Insurance Organization (OHI) and the implementation of the NHS. The registration of patients in GeSY is governed by the General Health System (Definition of registration procedures and deletion of the beneficiaries in the System as well as the initiation, renewal and termination of leave to health care services in the System) Decisions of 2019. Registration with a personal physician is the choice of each beneficiary, and in the event that not choose a doctor within two weeks, the system automatically allocates him to a personal doctor, depending on the address of the beneficiary and the availability of nearby doctors.

2.2 According to Article 5(1)(a) of Regulation (EU) 2016/679, "Personnel data character are lawfully and legitimately processed in a transparent manner in relation to data subject ("lawfulness, objectivity and transparency"). In accordance with article 6(1)(a) of Regulation (EU) 2016/679, "Processing is lawful only if and provided that at least one of the following conditions applies: a) the subject of data has consented to the processing of his personal data for one or more purposes, ..." Also, in accordance with Article 9(2)(a) of the Regulation (EU) 2016/679, the processing of personal data concerning health is permitted when the data subject has provided express consent for it processing them for one or more purposes.

## 3. Rationale:

3.1 While initially the change of personal physician was done at the request of the beneficiaries in

GeSY, the specific period where it was decided to reduce the minimum period that must elapse for the change of doctor from 6 to 3 months, was it technically possible n ability for a physician to transfer a patient from another physician's patient registry to own, without prior request from the beneficiary.

3.2 However, in any case, the transfer of a patient from one doctor to another, must be accompanied by a patient consent document. In this particular case, Kat'ou the complaint was forwarded to the patients without having completed the form patient consent.

#### 4. Conclusion:

4.1 The action of the Plaintiff to register the patients in question in the registry of his patients without their consent, is a violation of Article 9(2)(a) thereof Regulation (EU) 2016/679. Based on Article 58 of the same Regulation, I have the authority to impose administrative sanctions, including the imposition of a fine.

4.2 Considering that, the registration of the complainants in his patient register The complaint was made, as the latter claims, in bad consultation with her football team and that it took corrective action after receiving the letter us, that he has apologized for the disturbance he caused, as well as that the members of families of the complainants have managed to register with doctors of their choice, I decided as I ORDER Dr. X the administrative sanction of the Aggravation that it provides Article 58(2)(b) of Regulation (EU) 2016/679.

4.3 In the case where the Complainant commits a violation of a similar nature of the provisions of Regulation (EU) 2016/679, in the future this reprimand will be received considered as an aggravating factor.

Irini Loizidou Nikolaidou

Data Protection Commissioner

Personal Character