

Transmission of health data to third countries

No further data transfers for prenatal tests in China for the time being

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The Hessian Commissioner for Data Protection and Freedom of Information (HBDI) took the current Reuters press report on the illegal use of sample material and data from prenatal tests by a Chinese company as an opportunity to prevent the transmission of blood samples and data from Germany to China for the time being and to examine it intensively .

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According to an investigative report available at <https://www.reuters.com/investigates/special-report/health-china-bgi-dna>, the Chinese corporate group BGI Group used the sample material from its prenatal tests for its own purposes, for example as part of its diverse research and cooperation with the Chinese military.

In order to carry out particularly meaningful prenatal tests, BGI receives sample material from pregnant women from numerous countries, including Germany. The more than 8 million women who have taken the relevant test to date have unknowingly contributed to a comprehensive international gene database with their sample material, which is also used in the interest of the Chinese state for research purposes.

The prenatal test "NIFTY" by BGI Health Co., Ltd. from Hong Kong is offered in Germany by Eluthia GmbH from Giessen under the name "Previatest". The HBDI has been in contact with Eluthia GmbH since March 2021 and checks their business model for data protection compliance.

HBDI Roßnagel states: "An improper use of genetic data for secret research projects, if applicable, poses a high risk for the fundamental rights of the women concerned and will be addressed accordingly as a violation of the GDPR."

Against the background of the current Reuters report, Eluthia GmbH has assured the HBDI that it will not send any samples to the BGI partner laboratory in Hong Kong and stop the corresponding transmission of personal data until the open questions have been clarified and data protection-compliant processing of prenatal tests has been ensured.

The HBDI will work to ensure that the principle of data minimization is implemented in all processing operations related to prenatal testing. He will also check whether sufficient additional protective measures for data transmission to China ensure that state authorities have no access to personal data.

In the further examination, the fact that pregnant women could be dependent on this test must also be taken into account. But even if they try to carry out such a test despite the risks, their consent must be given on the basis of the greatest possible transparency and the greatest possible anonymity of their samples.

Contact for press representatives Press spokeswoman: Ms. Maria Christina Rost Press and public relations: Telephone: +49 611 1408 119 The Hessian Commissioner for Data Protection and Freedom of Information P.O. Box 316365021 Wiesbaden

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