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Social service provider

The inspection was carried out on the basis of an initiative that related to the processing of personal data/special categories of personal data of clients of the XY Seniors' Home in the provision of health and social services without legal authorization in the sense of Act No. 108/2006 Coll., on social services, Act No. 372 /2011 Coll., on health services, Act No. 98/2012 Coll., on health documentation. In the given case, the audited person was not authorized to process the personal identification numbers of clients if, as part of his business, he had only issued trade authorizations for accommodation and catering services and thus also did not meet the conditions of Act No. 133/2000 Coll., on the registration of residents and personal identification numbers and on the amendment of certain laws (Act on Registration of Residents). If the controlled person uses his headquarters, where the XY Nursing Home is located, for the purpose of providing social care and actively participates in this care, including the presentation of his activities, he is obliged, in connection with the processing of personal data/special categories of personal data, with this related activities, comply with the legality of the processing of personal data, by fulfilling the obligations of the personal data manager according to the general regulation, Act No. 110/2019 Coll., on the processing of personal data, in conjunction with Act No. 108/2006 Coll., on social services, respectively is obliged to ensure that this activity is carried out only by a person authorized to do so, in particular according to Act No. 108/2006 Coll. (§ 78) and Act No. 372/2011 Coll. (§ 11), without access by unauthorized persons to the medical documentation kept about the patient and to the personal files of clients; including demonstrable familiarization of persons with the procedures for dealing with documents and thereby ensuring the protection of personal data of patients/clients in these documents listed. In particular, only a person authorized by law can have access to the medical documentation maintained about the patient, i.e. also in the sense of the provisions of § 3, paragraph 3 of Act No. 98/2012 Coll., on medical documentation, a healthcare worker or other professional who provided the patient health service and by making an entry in the medical documentation, he ensures its correctness with his signature.

The inspection found that the inspected person did not fulfill the duties of a personal data administrator, and in particular illegally processed special categories of personal data and the birth numbers of clients accommodated in the XY Nursing Home. The inspection found a violation of Article 5, paragraph 1, in relation to Article 5, paragraph 2. Article 6, paragraph 1., Article 9, paragraph 1., Article 12, paragraph 1., Article 13, Article 24, Article 25, Article 30 of Regulation (EU) 2016/679. The

inspected person took sufficient security measures during the inspection files of its clients and, even before the start of the inspection, it refrained from collecting identity cards, which the clients had locked in designated lockers in the room. For violating the above-mentioned provisions of Regulation (EU) 2016/679, the company was fined CZK 50,000.

Additional information:

An administrator providing services in the field of health and social care, who works with special categories of personal data, must pay attention to the fact that the activities carried out by him are regulated by a number of special regulations, which establish often very detailed rules for data processing. Among them, in particular, is the management of patient and client documentation.

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