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UOOU-02737/21

The inspection was initiated on the basis of stimulus. The subject of the inspection was compliance with the obligations set forth by the GDPR and by Act No. 110/2019 Coll., on the processing of personal data, in connection with the processing of personal data when using the camera system on the premises of a specific hospital clinic.

Introduction of camera

monitoring system in the interior of the clinic should have been according to the statement of the controlled person by the support process for the detection of the origin adverse patient conditions and an integral part of the patient's overall treatment.

The controlled person further stated that the processing of personal data is according to provisions of Article 6 paragraph 1 letter c) GDPR established by law on health services and decrees on health documentation. Processing special categories of personal data of patients should then be justified by an exception according to Article 9 paragraph 2 letter i) GDPR when processing is necessary for a reason public health and serves to ensure strict quality standards and the safety of health care, medicinal products or healthcare preparations. Neither the Act on Health Services nor the Ordinance on Health Documentation however, it does not stipulate the obligation to monitor the condition of patients using video cameras.

In addition, the review revealed that during the last 10 years the camera footage was not consulted. The office stated that the controlled person for the use of a camera monitoring system in the interior of the clinic legal title in the sense of Article 6 paragraph 1 letter c) GDPR does not apply.

To use the camera system in

external premises, the controlled person has demonstrated a legitimate interest according to Article 6 paragraph 1 letter f) GDPR. The legitimate interest lies in the protection of property hospitals, prevention of vandalism and in the protection of life and health of persons entering the hospital premises.

The controllers have also grown up

to the conclusion that the audited person did not violate the obligations relating to

to secure personal information. And although a small partial was detected

misconduct in fulfilling the information obligation, their scope and intensity did not reach

the level of breach of obligations jointly established by Article 5(1)(a)

a), Article 12 paragraph 1 and Article 13 GDPR.

Against inspection findings

the controlled person did not object.

Additional information

: It must be emphasized that the stated breach of duty

given Article 6 paragraph 1 GDPR (lawfulness of processing) refers to specifically

declared purposes and facts found during the inspection. In the theoretical

level, the camera monitoring system in the interior spaces could

be operated in accordance with Article 6 paragraph 1 letter f) GDPR (legitimate interest

administrator or third parties). However, it would have to be a data controller

demonstrated that for specific purposes a legitimate interest takes precedence over interests

or fundamental rights and freedoms of the data subject.

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