

Litigation Chamber

Decision on the merits 51/2020 of August 27, 2020

File number: DOS-2019-04134

Subject: complaint following the disclosure of a medical report in the context of a procedure

judicial

The Litigation Chamber of the Data Protection Authority, made up of Mr Hielke

Hijmans, chairman, and Messrs. Frank De Smet and Dirk Van Der Kelen, members;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the

protection of natural persons with regard to the processing of personal data and the

free movement of such data, and repealing Directive 95/46/EC (General Regulation on the

data protection, hereinafter the "GDPR");

Having regard to the law of 3 December 2017 establishing the Data Protection Authority, hereinafter the

ACL;

Having regard to the internal regulations as approved by the House of Representatives on

December 20, 2018 and published in the Belgian Official Gazette on January 15, 2019;

Considering the documents in the file;

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made the following decision regarding:

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X, hereinafter "the complainant", and□

Dr. Y, hereinafter: "the defendant".□

1. Facts and procedure□

1. On July 27, 2019, the complainant filed a complaint with the Authority for the Protection of□
given against the defendant.□

2. The subject of the complaint is the transmission by the defendant of a medical report in the context of□
of a legal proceeding. The complainant specifies that in the context of a procedure□
before the Court of First Instance concerning very serious facts of which she□
was a victim, an expert report had been ordered by interlocutory judgment of 3 November□
2016 by the aforementioned court in order to find the injuries that the plaintiff had□
suffered as a result of the facts.□

3. In this context, the defendant had been appointed as a medical expert by the court.□

As part of his expertise, the defendant asked Z, a psychiatrist, to carry out a□
additional examination to establish the psychological damage suffered by the□
complainant. The latter examined the applicant and wrote a psychiatric report□
detailed statement which was forwarded to the defendant.□

4. The Respondent attached this psychiatric report to his first report, which was disclosed□
to all parties on 15 September 2018 in the context of the proceedings before the General Court□
of first instance.□

5. Following this, the complainant filed a complaint with the Authority for the Protection of□
data, since it considers that the defendant wrongly communicated this expert report□
medical in its entirety to all parties, including the opposing party - to□
knowing the perpetrator - thus disclosing the complainant's sensitive health data□
and her husband, who would not be directly related to the assault and battery for□
which the expertise had been ordered.□

6. On August 2, 2019, the complaint was declared admissible on the basis of Article 58 of the LCA, the complainant is informed in accordance with article 61 of the LCA and the complaint is forwarded to the Litigation Division under Article 62, § 1 of the LCA.

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7. On August 23, 2019, the Litigation Division decided, pursuant to Article 95, § 1, 1° and article 98 of the LCA, that the case can be dealt with on the merits.

8. By registered letter of August 23, 2019, the parties are informed that the complaint may be dealt with on the merits and, under Article 99 of the ACL, they are also informed of the deadlines for submitting their conclusions.

9. On September 26, 2019, the Respondent filed its submissions in response.

10. On October 24, 2019, the complainant filed her submissions in reply.

11. On November 8, 2019, the Respondent filed its Reply submissions.

12. By e-mail of November 13, 2019, the Respondent requests to be heard, in accordance with article 98, 2° of the LCA.

13. On July 16, 2020, the parties were heard by the Litigation Chamber, in accordance in article 53 of the rules of procedure.

14. On July 17, 2020, the minutes of the hearing are sent to the parties, in accordance with Article 54 of the internal rules.

15. On July 22, 2020, the complainant sent her agreement to the content of the minutes of hearing, which is attached to the minutes of the hearing, in accordance with Article 54, second paragraph of the internal rules.

16. The Respondent does not submit any comments on the record of the hearing.

2. Legal basis

Article 5.1.c) of the GDPR.

1. Personal data must be: (...)

c) adequate, relevant and limited to what is necessary in relation to the purposes for which

they are processed (data minimization);☐

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Article 6.1 GDPR☐

1. Processing is only lawful if and insofar as at least one of the following conditions is☐

filled:☐

a) the data subject has consented to the processing of his or her personal data for one or☐

several specific purposes;☐

b) the processing is necessary for the performance of a contract to which the data subject is party or☐

the execution of pre-contractual measures taken at the latter's request;☐

c) processing is necessary for compliance with a legal obligation to which the data controller☐

treatment is submitted;☐

d) processing is necessary to protect the vital interests of the data subject or of a☐

other natural person;☐

e) the processing is necessary for the performance of a task carried out in the public interest or relating to the exercise of☐

the public authority vested in the controller;☐

f) the processing is necessary for the purposes of the legitimate interests pursued by the data controller☐

processing or by a third party, unless the interests or fundamental rights and freedoms prevail☐

of the data subject who require protection of personal data, in particular☐

when the data subject is a child.☐

Point (f) of the first paragraph does not apply to processing carried out by public authorities in☐

the execution of their missions.☐

GDPR Article 9☐

1. The processing of personal data which reveals racial or ethnic origin, opinions☐

political, religious or philosophical beliefs or trade union membership, as well as the☐

processing of genetic data, biometric data for the purpose of identifying a person☐

unique physical condition, data concerning health or data concerning life☐

gender or sexual orientation of a natural person is prohibited.□

2. Paragraph 1 does not apply if one of the following conditions is fulfilled:□

a) the data subject has given explicit consent to the processing of such data to□

personal character for one or more specific purposes, except where Union law or□

Member State law provides that the prohibition referred to in paragraph 1 may not be lifted by□

concerned person ;□

b) processing is necessary for the performance of obligations and the exercise of rights□

to the controller or the data subject in matters of labor law, security□

social security and social protection, insofar as such processing is authorized by Union law,□

by the law of a Member State or by a collective agreement concluded under the law of a Member State□

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member which provides appropriate safeguards for the fundamental rights and interests of the□

concerned person ;□

c) processing is necessary to protect the vital interests of the data subject or of a□

another natural person, in the event that the person concerned is physically incapacitated□

or legal to give consent;□

d) the processing is carried out, within the framework of their legitimate activities and subject to the guarantees□

appropriate, by a foundation, an association, or any other non-profit organization and□

pursuing a political, philosophical, religious or trade union purpose, provided that said□

processing relates exclusively to the members of the said organization or to the persons maintaining□

with it regular contacts in connection with its purposes and that the personal data□

personnel are not communicated outside of this organization without the consent of the□

persons concerned ;□

e) the processing relates to data which are manifestly made public by the person□

concerned;□

f) the processing is necessary for the establishment, exercise or defense of legal claims or□

whenever courts act within the framework of their jurisdictional function;□

g) the processing is necessary for reasons of important public interest, on the basis of the right of□
the Union or the law of a Member State which must be proportionate to the objective pursued, respect□
the essence of the right to data protection and provide for appropriate and specific measures to□
safeguarding the fundamental rights and interests of the data subject;□

h) the processing is necessary for the purposes of preventive medicine or occupational medicine,□
the assessment of the worker's capacity for work, of medical diagnoses, of the care□
health or social care, or the management of health care or protection systems and services□
company on the basis of Union law, the law of a Member State or pursuant to a contract concluded with□
a healthcare professional and subject to the conditions and guarantees referred to in paragraph 3;□

i) the processing is necessary for reasons of public interest in the field of public health,□
such as protection against serious cross-border threats to health, or for the purposes of□
ensure high standards of quality and safety of health care and medicines or□
medical devices, on the basis of Union law or the law of the Member State which provides for□
appropriate and specific measures to safeguard the rights and freedoms of the data subject,□
in particular professional secrecy;□

j) the processing is necessary for archival purposes in the public interest, for research purposes□
scientific or historical or for statistical purposes in accordance with Article 89(1) on the□
basis of Union law or the law of a Member State which must be proportionate to the objective pursued,□
respect the essence of the right to data protection and provide for appropriate and□
specific to safeguard the fundamental rights and interests of the data subject.□

3. The personal data referred to in paragraph 1 may be processed at the□
purposes set out in paragraph 2, point h), if these data are processed by a healthcare professional□

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subject to an obligation of professional secrecy in accordance with Union law, the law of a State□
member or to the rules adopted by the competent national bodies, or under its responsibility,□

or by another person also subject to an obligation of secrecy in accordance with the right of
the Union or to the law of a Member State or to the rules adopted by the competent national bodies.

3.1.

3. Motivation

Jurisdiction of the Litigation Chamber

17. Pursuant to Article 4, § 1 of the LCA, the Data Protection Authority is responsible
monitoring compliance with the fundamental principles of personal data protection
personnel, within the framework of the LCA and the laws containing provisions relating to the
protection of the processing of personal data. Therefore, the House
Litigation is only competent to rule on the violation or not of the
aforementioned legislation, in particular the General Data Protection Regulation
(GDPR), and will therefore not rule in this decision on the requests
concerning the respect or not of professional secrecy and the duty of discretion of the
defendant.¹

3.2.

Identification of the data controller (article 4.7 of the GDPR)

18. In accordance with Article 4.7) of the GDPR, the person responsible for the
processing: the "natural or legal person, public authority, agency or other
body which, alone or jointly with others, determines the ends and means
treatment".

19. The Court of Justice has on several occasions interpreted the concept of "controller"
broadly in its case law in order to ensure effective and comprehensive protection
of the persons concerned.²

20. In accordance with Group Opinion 1/2010 29, the quality of the manager(s) of the
concerned treatment(s) must be concretely assessed.³

¹ See complainant's complaint.

2 See in particular CJEU, 5 June 2018, C-210/16 - Wirtschaftsakademie Schleswig-Holstein, ECLI:EU:C:2018:388, recitals 27-29.

3 See Group 29, Opinion 1/2010 on the notions of "controller" and "processor", 16 February 2010 (WP 169), as specified by the DPA in a note "Update on the notions of controller / processor with regard to Decision on the merits 51/2020 - 7/15

21. In this case, the Litigation Division first notes that the defendant made a processing of personal data within the meaning of Article 4(2) of the GDPR, namely "any operation or set of operations whether or not carried out using processes automated and applied to personal data or sets of data personnel, such as collecting, recording, organizing, structuring, storage, adaptation or modification, communication by transmission, dissemination or any other form of making available, reconciliation or interconnection, limitation, erasure or "4 destruction". The defendant in effect placed the medical report established and transmitted by Z as well as the personal data it contains to the available to the court and the parties to the trial.

22. Still according to Opinion 1/2010 of the Group 29, the notions "ends" and "means" must be examined together in an inseparable manner and in this respect it is necessary to establish who determines the "why" (the purposes) and the "how" (the means) of the processing.⁵

23. The Litigation Division further notes that the defendant determined the purposes and the means of the processing of personal data concerned, given that firstly, he initiated the treatment by deciding to seek the additional opinion of Z and secondly, it decided to transmit the report drawn up by the latter together with the personal data contained therein to the court and the parties to the proceedings.

24. Based on the foregoing, the Litigation Chamber concludes that the defendant must be considered as controller within the meaning of Article 4.7) of the GDPR for the processing of personal data that is the subject of the complaint. Considering the principle of

liability provided for in Articles 5.2 and 24 of the GDPR, it was therefore, in this

quality, required to ensure compliance with the principles of the GDPR.

3.3.

Lawfulness of processing: general (Article 6.1 of the GDPR)

25. In accordance with Article 6.1 of the GDPR, processing of personal data

is lawful only if, and insofar as, it is based on one of the bases of lawfulness

listed in this article (see "2. Legal basis" above).

of Regulation (EU) No 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of personal data

personnel (GDPR) and some applications specific to liberal professions such as lawyers".

4 Proper underlining.

5 Article 29 Working Party, Opinion 1/2010 on the notions of "controller" and "processor", 16 February 2010,

p. 15

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26. In its submissions in response, the Respondent argues with respect to the legality of the

treatment that he has been appointed as an expert by the court, with the mission of carrying out

conflicting expertise.

27. The Respondent refers in this matter firstly to the interlocutory judgment of the

November 3, 2016 of the Court of First Instance and to the expert mission therein

formulated. In this respect, he asserts that he acted within the limits of his mission as a judicial expert.

entrusted to him by the Court of First Instance.

28. Second, the Respondent argues that it carried out this expertise in accordance with the

applicable provisions of the Judicial Code, namely articles 962 and following and more

specifically Article 973, § 1 of the Judicial Code, worded as follows:

"The judge who ordered the expertise, or the judge designated for this purpose, follows

progress of the latter and ensures in particular compliance with deadlines and

of its contradictory character".

29. Respondent points out that this provision contains the adversarial principle of the expert report and that the obligation of the contradictory nature of the expert report implies that each of the parties must be aware of everything that is communicated orally or in writing to the expert, of any document provided to him as well as information or documents collected by the expert on his own initiative. The defendant asserts that this "does not cannot be contrary to the principle of data minimization".⁶

30. The Litigation Chamber notes that under Article 973, § 1 of the Judicial Code, the defendant was required to communicate the expert medical report - including the report psychiatric written by Z - in its entirety to the parties to the trial and that by Consequently, a legal obligation within the meaning of Article 6.1.c) of the GDPR was incumbent on the defendant for the resulting processing of personal data.

31. The Litigation Chamber observes that if the defendant had not communicated the report medical in question to the parties on his own initiative, the judge would have been required, on the basis of article 973, § 1 of the Judicial Code, to order the provision of this report to all the parties with a view to guaranteeing respect for the adversarial nature.

32. The Litigation Division therefore considers that no violation of GDPR article 6.1.

6 Respondent's Response, p. 9.

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3.4.

Lawfulness of the processing of special categories of data (Article 9 of the GDPR)

33. In accordance with recital 51 and Article 9.1 of the GDPR, the lawfulness of the processing of this so-called "special categories of data", including data relating to the health, must be assessed not only in the light of article 6.1 of the GDPR but also on the basis of the conditions set out in Article 9 of the GDPR.

34. Article 9.1 of the GDPR provides that "the processing of personal data revealing

racial or ethnic origin, political opinions, religious beliefs or

philosophical or trade union membership, as well as the processing of data

genetic, biometric data for the purpose of identifying a natural person of

unique way, data concerning health or data concerning life

sexual⁷ or sexual orientation of a natural person are prohibited."⁸

35. GDPR Article 4(15) defines "health data" as "data

of a personal nature relating to the physical or mental health of a natural person, including

including the provision of health care services, which reveal information about the condition

of that person's health."

36. Recital 35 of the GDPR specifies in this regard that personal data

concerning health include all data "relating to the state of health

of a data subject which reveal information about the state of physical or

mental past, present or future of the person concerned" and in particular information

on "an illness, disability, risk of illness, medical history,

clinical treatment or the physiological or biomedical condition of the data subject,

regardless of its source, whether it comes for example from a doctor or another

healthcare professional, hospital, medical device or in diagnostic test

vitro".

37. The Court of Justice of the European Union has always given this concept an interpretation

wide and emphasized that it covers information concerning all aspects, both physical

than psychic, of a person's health.⁸

38. In the present case, the processing in question is the transmission of a psychiatric report.

This report contains a detailed psychiatric analysis of the complainant and data

⁷ Proper underlining.

⁸ CJEU, 6 November 2003, C-101/01, Lindqvist, recital 50.

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relating to his health, both past and present, as well as other sensitive data□

concerning as well as her husband.□

39. On the basis of the foregoing, it should be noted that the processing of data in□

question falls within the scope of Article 9 of the GDPR and should therefore be□

analyzed in the light of the prohibition of article 9.1 of the GDPR (see above) and the exceptions□

to this prohibition, set out in article 9.2 of the GDPR. Article 9 of the GDPR applies indeed□

as soon as the personal data mentioned in this provision is processed,□

even if the processing of the personal data concerned is not motivated by□

the sensitive element they contain⁹ and notwithstanding the question of whether the processing□

may cause any harm to the data subject.¹⁰□

40. Recital 51 of the GDPR clarifies that the specific requirements of Article 9 of the GDPR□

regarding the processing of sensitive personal data do not, however, relate□

without prejudice to the fact that this type of processing must also take place in accordance□

the general principles and other provisions of the GDPR, in particular with regard to the□

lawfulness of the processing (article 6.1 of the GDPR; see above).□

41. The European Commission underlined in this respect that the processing of sensitive data□

must always be based on one (or more) basis(s) of legality set out in Article 6 of the□

GDPR, in addition to the application of (one of) the conditions of article 9.2 of the GDPR¹¹. The committee□

European Data Protection Board has confirmed□

that a data controller who processes sensitive personal data must□

to be able to rely for this purpose on one of the grounds of exception of article 9.2 of the GDPR and on□

one of the bases of lawfulness of article 6.1 of the GDPR.¹²□

42. The above elements confirm that the processing must also be examined in the present case□

the light of both Article 6 of the GDPR (see above) and Article 9.□

43. Points a) to j) inclusive of Article 9.2 of the GDPR exhaustively list the□

restrictive conditions under which the general prohibition on the processing of categories□

particulars of personal data set out in article 9.1 does not apply.□

9 VAN GYSEGHEM, Jean-Marc, "Special categories of personal data", in DE TERWANGNE, C. and□

ROSIER, K., The General Data Protection Regulation (RGPD/GDPR): in-depth analysis, Larcier, 2018, 269:□

"Indeed, Article 9 of the GDPR is applicable from the moment the data contained therein is processed, even if the processing is personal data for the sensitive element they contain".□

10 CJEU, 20 May 2003, C-465/00, Rechnungshof, recital 75.□

11 GEORGIEVA, L. and KUNER, C., "Article 9. Processing of special categories of personal data" in KUNER, C., BYGRAVE, L. DOCKSEY, C. (eds.), The EU General Data Protection Regulation: A Commentary, Oxford University Press, 2020, 376.□

12 EDPB, "Guidelines 3/2019 on processing of personal data through video devices", July 10, 2019, p. 14, no. 66.□

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44. The Litigation Chamber refers in this case to Article 9.2, g) of the GDPR which provides that□

the prohibition in paragraph 1 does not apply if "the processing is necessary for□

grounds of important public interest, on the basis of Union law or the law of a State□

member which must be proportionate to the objective pursued, respect the essence of the right to□

data protection and provide for appropriate and specific measures for the□

safeguarding the fundamental rights and interests of the data subject".□

45. The Litigation Chamber draws attention to the fact that in this case, under Article□

973, § 1 of the Judicial Code, the defendant had the legal obligation to carry out the□

transmission of the entire medical report and consequently to the processing of□

special categories of personal data contained therein, which has the□

effect that Article 9.2 g) of the GDPR automatically applies and that in this case,□

the prohibition of Article 9.1 of the GDPR does not apply.□

46. The processing - namely the provision of the parties to the trial of the medical report and□

personal data contained therein - by the defendant was indeed necessary□

"for reasons of important public interest" ((i.e. the adversarial principle) and this□

"on the basis of Union law or the law of a Member State" (i.e. Article 973, § 1□

of the Judicial Code).□

After receiving the psychiatric report - which had not been written by him but by Z - the defendant therefore had the obligation to subject this document to contradiction.□

47. The Litigation Chamber therefore considers that no violation of□

Article 9.1 of the GDPR on the part of the defendant.□

3.5. Conclusion□

48. The Litigation Chamber considers that in this case, no violation of Articles 6.1□

and 9 of the GDPR cannot be found on the part of the defendant, given that in application of□

article 973, § 1 of the Judicial Code, the latter had the legal obligation, within the meaning of article□

6.1.c) of the GDPR, to make the entire psychiatric report transmitted available to□

all parties to the trial.□

49. It follows from the foregoing that the Respondent also did not infringe the relative prohibition□

to the processing of special categories of personal data contained in□

GDPR article 9.1. Pursuant to Article 9.2.g) of the GDPR, the aforementioned prohibition does not□

does not apply if "the processing is necessary for reasons of public interest□

material, on the basis of Union law or the law of a Member State".□

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3.6. Application of the principle of data minimization in the context of processing□

special categories of personal data by experts□

legal (medical) (articles 5.1, c) and 9 of the GDPR)□

50. Despite the fact that in this case, the Litigation Chamber considers that, given the circumstances□

of the case and the legal obligation incumbent on the defendant, no violation of the provisions□

of the GDPR cannot be ascertained and therefore no sanction should be imposed□

to the latter, the Litigation Division finds that in this case, a large number of□

sensitive personal data of the complainant and her husband were processed□

and made available to the opposing party in the context of legal proceedings and more□

particularly, in execution of a medical expertise ordered by the court.□

51. The Litigation Chamber notes that there is thus an area of tension between the principle□
the contradictory nature of judicial expertise, arising from article 973 of the Code□
judiciary and Article 6 of the European Convention on Human Rights (ECHR) of a□
part, and the right¹³ to the protection of personal data of the parties to the proceedings,□
on the other hand.□

52. Given this area of tension and the applicability of the principle of contradiction in□
judicial matters, the Litigation Chamber stresses the particular importance of guaranteeing the□
compliance with the principle of proportionality and the principle of data minimization□
arising from Article 5.1.c) of the GDPR by the experts when carrying out expert opinions and□
writing expert reports.□

53. In accordance with this last provision, personal data must be□
effect be "adequate, relevant and limited to what is necessary for the purposes for□
which they are processed". This provision describes in these terms one of the principles of□
basis for the processing of personal data.□

54. The Litigation Division points out that under the aforementioned provision, doctors and□
the other experts in charge of an expertise must ensure that the expert reports□
that they write contain only personal data which is□
necessary for the purposes of the processing.□

13 Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.□

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55. The Litigation Division also refers in this respect to the case law both of the Court□
of Justice of the European Union and of the European Court of Human Rights, in□
which these two jurisdictions have underlined the importance of the special protection of□
sensitive data - such as medical data -, also within the framework□
court cases.¹⁴□

56. In this regard, reference may be made in particular to judgments 15Z. vs. Finland and L.L. v. France¹⁶ of the European Court of Human Rights, by which that court decided that it concerned a violation of Article 8.2 of the ECHR concerning the right to respect for privacy and family life, following communication, in the context of procedures judicial, medical data deemed unnecessary by the Court in order to decide the dispute in question.

57. In the above-mentioned judgments, the Court emphasizes "the fundamental role played by the protection personal data – information relating to health not being the personal data lesser – for the exercise of the right to respect for private and family life guaranteed by Article 8 of the Convention, given that respect for the confidentiality of information on health constitutes an essential principle of the legal system of all Parties contracting parties to the Convention. National legislation must therefore provide guarantees necessary to prevent personal data relating to health from being transmitted or published.".

58. In the present case, the Court considered that "the alleged interference with the applicant's right to respect for his private life, in view of the fundamental role played by the protection of personal data. personal character, was not proportionate to the aim pursued and was therefore not necessary, in a democratic society, for the protection of the rights and freedoms of others".

59. In light of the foregoing, the Litigation Chamber emphasizes that a necessity test preliminary must be carried out by the (medical) experts in charge of carrying out an expertise, so that only personal data that is "relevant" and "limited to that which is necessary for the purposes for which they are processed" within the meaning of Article 5.1.c)

14 GEORGIEVA, L. and KUNER, C., "Article 9. Processing of special categories of personal data" in KUNER, C., BYGRAVE, L. DOCKSEY, C. (eds.), The EU General Data Protection Regulation: A Commentary, Oxford University Press, 434(436):

15 ECHR, Z. v. Finland, 25 February 1997, 22009/93.

16 ECHR, L.L. c. France, 10 October 2006, 7508/02.

17 L.L. v. France, n° 44: "The Court first recalls the fundamental role played by the protection of personal data
personal – not least health information – for the exercise of the right to respect for private life
and family life guaranteed by Article 8 of the Convention, given that respect for the confidentiality of information on the
health constitutes an essential principle of the legal system of all Contracting Parties to the Convention. As a result,
domestic legislation should provide appropriate safeguards to prevent any communication or disclosure of data
of a personal nature relating to health which does not comply with the guarantees provided for in Article 8
(Z v. Finland, cited above, § 95)."

18 Ibid., paragraph 46.

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of the GDPR are included in the expert reports and subject to contradiction, and
that in this way the principles of proportionality and data minimization are guaranteed.
The Litigation Chamber draws attention to the fact that this obligation is incumbent on all
expert with regard to the expert reports that he writes, for which he is the
controller for the personal data contained therein and
for which he is required, by virtue of the liability provided for in Articles 5.2 and 24 of the
GDPR, to guarantee compliance with the principles relating to the protection of personal data
staff.

60. For the above reasons, the Litigation Chamber considers that directives
must be promulgated with regard to the application of the principle of minimization of
data in the context of the processing of special categories of personal data
personnel by medical experts as part of reporting
of expertise. For this purpose, the Data Protection Authority will contact the council
National Order of Physicians.

61. The Litigation Chamber finds that - if there was a question in this case of a violation of the
principle of data minimization, which is not irrefutable and on what the Chamber
Litigation does not rule - this violation cannot be blamed on the defendant,

given that the latter had the legal obligation to communicate the personal data□

staff, as explained above.□

3.7.□

Publication of the decision□

62. Given the importance of transparency regarding the decision-making process of the Chamber□

Litigation, this decision is published on the website of the Protection Authority□

data, in accordance with article 95, § 1, 8° of the LCA, without mentioning the data□

identification of the parties.□

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FOR THESE REASONS,□

the Litigation Chamber of the Data Protection Authority decides, after deliberation:□

- to close the complaint without further action, by virtue of article 100, § 1, 1° of the LCA.□

*□

Under article 108, § 1 of the LCA, this decision may be appealed within a period of□

thirty days, from the notification, to the Court of Markets, with the Authority for the Protection of□

given as defendant.□

(Sr.) Hielke Hijmans□

President of the Litigation Chamber□