

AP imposes an order subject to periodic penalty payments on health insurer CZ

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Healthcare providers and the GDPRUse and share medical dataHealth insurers

After an investigation at health insurer CZ, the Dutch Data Protection Authority (AP) ruled that CZ's working method when applying for authorization was in violation of the privacy law. According to the investigation by the AP for the assessment of applications for reimbursement of rehabilitation care, CZ processed more medical data than necessary in a number of cases. This concerns applications from insured persons who required specialist medical rehabilitation care, for example after a complex bone fracture or a motor disorder. The AP has imposed an order subject to periodic penalty payments on CZ for this. For the reimbursement of specialist medical rehabilitation, CZ requires prior approval (authorisation requirement). CZ may impose additional conditions on this statement of approval.

Twelve insured persons have asked the AP to take enforcement action against CZ. They are of the opinion that CZ has processed too many (special) personal data for the assessment of their applications for rehabilitation care.

Contrary to privacy law

The AP has ruled that CZ processed more medical data about their treatment than was necessary for the assessment of their authorization applications in violation of the privacy law of four insured persons. According to the AP's investigation, CZ's policy contributed to the provision of more personal data than was necessary for such assessments.

CZ has lodged an appeal against the AP's decision. In addition, the AP and CZ have already made some agreements. CZ has taken a number of measures in this context. For example, CZ has removed the relevant data of the twelve applicants from its systems and has removed a policy document for authorization applications from its website.

When assessing applications for authorization for specialist medical rehabilitation (without admission), CZ will check on a case-by-case basis whether additional information is required. The starting point is the information that is necessary according to the professional framework and the point of view of the National Health Care Institute.

CZ and the AP will continue discussions about possible adjustments to the procedure for authorization applications that comply with the GDPR.