

Bilag 2: Insurance Europes referat af deltagelsen i Kommissionens workshop den 23. oktober 2017 om implementering af databeskyttelsesforordningen og behandlingen af sundhedsdata

"CONDUCT OF BUSINESS EC workshop discusses GDPR implementation and health data

On 23 October Insurance Europe participated in a European Commission workshop on the implementation of the General Data Protection Regulation (GDPR) and on the processing of health data. The workshop mainly focused on processing of health data by the health sector, including for health research and further processing of data for scientific purposes.

Insurance Europe raised its concerns regarding processing of health data by insurers based on data subject's consent. It pointed out that the upcoming guidelines by the Article 29 Working Party should clarify that the data subject's consent given for processing of sensitive data by insurers goes hand-in-hand with risk assessment, both at the pre-contractual stage and during the performance of the contract. This consent should be considered as freely given.

The European Commission replied that regarding the insurance sector, using consent as a legal basis for processing of sensitive data is questionable, as the contract depends on the data subject's consent. Thus, according to the European Commission, the most appropriate solution would be the introduction of legislation at national level that provides for processing of sensitive data by insurers.

The Article 29 Working Party is expected to publish its draft guidelines on consent by the end of the year or, in any case, before February 2018. The European Commission, without duplicating the guidelines by the Article 29 Working Party, intends to provide guidance to stakeholders on the implementation of the GDPR by means of good practices, Q&As, etc."

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