

1.2.2.8 Ironing out differences in national General Data Protection Regulation (GDPR) implementation in the health sector — development of a code of conduct for data processing (Article 40 GDPR)

THEMATIC PRIORITY

3.2 of ANNEX I to the Programme Regulation

TYPE OF APPLICANT²³

Countries participating in the health programme (competent authorities).

OBJECTIVES

To examine national implementation of the General Data Protection Regulation (GDPR)²⁴ in the health sector and ensure that possible differences do not hamper the free flow of health and genetic data across borders. Building on the outcomes of the 2020 preparatory workshops with the Member States⁷ and other experts (in particular the final report on Member States' rules on processing of health data).

To provide technical support for the development of guidelines on effective methods for enabling the use of medical information for public health and research to be endorsed by the eHealth Network. To support the e-health network in drawing up guidelines on effective methods for enabling the use of medical information for public health and research.

To develop a governance model for data-sharing.

EXPECTED RESULTS

A data governance model.

A code of conduct.

ACTIVITIES TO BE FUNDED

²³ Grant to be awarded without a call for proposals under article 195c of the Financial Regulation

²⁴ 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 on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

The joint action will examine how Member States have applied the GDPR rules on processing health data and will contribute to ensuring the protection and free flow of data in the health sector.²⁵

It will build on the outcomes of the 2020 preparatory workshops with Member States' and other experts (in particular the final report on Member States' rules on processing of health data) and on other existing national and EU initiatives (e.g. BBMRI-ERIC, European research infrastructure for biobanking, eHAction) and it will encourage and support production of a code of conduct for health data processing.

Special attention should be given to the secondary use of health data in Europe, including the application of big data and artificial intelligence in health and long-term care.

The action will provide technical support for the development of guidelines on effective ways of enabling the use of medical information for public health and research, in accordance with Article 14.2(b)(ii) of the Cross-Border (Healthcare) Directive (CBD)²⁴ to be endorsed by the eHealth Network.²⁶

It will also propose a governance model for data-sharing at EU level, for primary and secondary use.

IMPLEMENTATION

Chafea

EU ADDED VALUE

Supporting networks for knowledge-sharing or peer learning.

²⁵ With possible participation of health and other public authorities of the Member States.

²⁶ Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare (OJ L 88, 4.4.2011, p. 45).