

Amendment ..

Proposal for a regulation

Recital 122

Text proposed by the IMCO Committee

(122) The processing of personal data concerning health, as a special category of data which deserves higher protection, may be often justified by a number of legitimate reasons for the benefit of individuals and society as a whole, in particular in the context of ensuring continuity of cross-border healthcare. Therefore this Regulation should provide for harmonised conditions for the processing of personal data concerning health, subject to specific and suitable safeguards so as to protect the fundamental rights and the personal data of individuals. This includes the right for individuals to have access, *directly or through previously delegated persons*, to their personal data concerning their health, for example the data in their medical records containing such information as diagnosis, examination results, assessments by treating physicians and any treatment or interventions provided.

Amendment ..

Proposal for a regulation

Recital 122 (a) (new)

Text proposed by the IMCO Committee

(122(a)) A professional who process personal data concerning health should receive, if possible, anonymised or

Amendment

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Amendment

deleted

pseudonymised data, leaving the knowledge of the identity only to the General Practitioner or to the Specialist who has requested such data processing.

Amendment ..

**Proposal for a regulation
Article 9 – paragraph 2**

Text proposed by the Commission

2. Paragraph 1 shall not apply where:

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Amendment

2. Paragraph 1 shall not apply where:

(l) Processing of data concerning health is necessary for the assessment of risk, calculation of premiums and the settlement of claims and benefits.

Amendment ..

**Proposal for a regulation
Article 17 - paragraph 3**

Text proposed by the Commission

3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

Amendment

3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

(f) for the prevention and/or detection of fraud

(g) for execution of the contract

(h) for compliance with other legal and/or regulatory obligations.

Amendment ..

**Proposal for a regulation
Article 18**

Text proposed by the Commission

Amendment

1. The data subject shall have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain from the controller a copy of data undergoing processing in an electronic and structured format which is commonly used and allows for further use by the data subject.

deleted

2. Where the data subject has provided the personal data and the processing is based on consent or on a contract, the data subject shall have the right to transmit those personal data and any other information provided by the data subject and retained by an automated processing system, into another one, in an electronic format which is commonly used, without hindrance from the controller from whom the personal data are withdraw.

3. The Commission may specify the electronic format referred to in paragraph 1 and the technical standards, modalities and procedures for the transmission of personal data pursuant to paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment ...

Proposal for a regulation Article 20 – paragraph 1

Text proposed by the Commission

1. Every natural person shall have the right not to be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which is based solely on automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's

Amendment

1. Every natural person shall have the right not to be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which is based solely on automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's

performance at work, economic situation, location, health, personal preferences, reliability or behaviour.

performance at work, economic situation, location, health, personal preferences, reliability or behaviour.

Every natural person shall have the right to relinquish this right.

Amendment ...

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. Subject to the other provisions of this Regulation, a person may be subjected to a measure of the kind referred to in paragraph 1 only if the processing:

(a) is carried out in the course of the entering into, or performance of, a contract, where the request for the entering into or the performance of the contract, lodged by the data subject, has been satisfied or where suitable measures to safeguard the data subject's legitimate interests have been adduced, such as the right to obtain human intervention; or

2. Subject to the other provisions of this Regulation, a person may be subjected to a measure of the kind referred to in paragraph 1 only if the processing:

(a) is carried out ***at pre-contractual stage or*** in the course of the entering into, or performance of, a contract, where the request for the entering into or the performance of the contract, lodged by the data subject, has been satisfied or where suitable measures to safeguard the data subject's legitimate interests have been adduced, such as the right to obtain human intervention; or