

We welcome the proposition of setting out the data protection preconditions for establishing a nation-wide electronic health record system (Estonia is also in the process).

It is very important that all users (medical personnel of the health care providers) of electronic health records understand that they have access to the sensitive personal data and that they are allowed to use the information only in the case of direct provision of healthcare services.

In the field of electronic health records it is necessary to point out that:

- 1) In Estonia there are already existing digital records in the healthcare (health care providers have different digital solutions);
- 2) Most healthcare providers are already using digital recording medical devices;
- 3) Time-critical information (emergency data module) sharing is the key for saving lives;
- 4) The healthcare quality control is mostly based on the documentation (paper or electronic);
- 5) It is much easier to control the electronic data use than the paper data use;
- 6) The use of sensitive personal data for the purpose of medical scientific research or should be determined by the law and whenever feasible the data from health record system should be used in anonymised form (also in the case of government statistics)

Estonia has prepared a legal solution for the electronic health records.

By this regulation only the medical professionals who is involved in the treatment process of the patient is allowed to receive the information from the electronic health records. All users of the system must be identified as registered health care providers. Also the data subjects (patients) have to be identified before they can check the health data that has been collected. Patients can always prohibit the use of his health data collected to the EHR, but the data will be maintained in the system and will not be lost.

For the emergency health care there will be special emergency data module that the data subject can not prohibit.

By this regulation all healthcare providers must inform the patients about data collection and consequences of prohibition of the possessing of personal data concerning health.

In conclusion we find that working document is a good and useful initiation for giving guidelines in the field of sensitive health data protection.

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