Medical Data Protection: A Proposal for a Deontology Code*

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In this paper, a proposal for a Medical Data Protection Deontology Code in Greece is presented. Undoubtedly, this code should also be of interest to other countries. The whole effort for the composition of this code is based on what holds internationally, particularly in the EC countries, on recent data acquired from Greek sources and on the experience resulting from what is acceptable in Greece. Accordingly, policies and their influence on the protection of health data, as well as main problems related to that protection, have been considered.

INTRODUCTION

Any code can be considered as solemnization of experience in the form of a set of rules. A code is adopted by a community because its members accept that obedience to the rules of this code, including constraints resulting by these rules, are to the benefit of the community. It can be said that everything included in an acceptable code is obvious and expresses the common sense but this does not mean diminution of the code’s value. The conscientious selection that takes place and the emphasis rendered, with respect to a group of items of common sense based on experience, constitute by themselves a remarkable function.

The composition of a Health Informaticians’ Deontology Code (HIDEC) in Greece is the main aim of the present paper. However, this HIDEC should also be of interest to other countries. The community, where the HIDEC should apply, consists of the informaticians, working in connection with the users of computers in the health sector. The HIDEC will refer to the practice and behavior, according to which the health informaticians are expected to exercise their profession, offering their services, but also to the
practice and behavior expected from the users. The whole effort for the composition of the HIDEC will be based on:
1. What holds internationally, but particularly on what holds in the EC countries.
2. The data acquired very recently from Greek sources.
3. The experience resulting from what is acceptable in Greece socially and scientifically.

POLICIES ON THE PROTECTION OF HEALTH DATA

Great attention is given to the protection of the professional secret in the health area because health belongs to the social ethics, which are part of our life. Often, this protection does not refer specifically to health, but is covered by measures related to every kind of professional secret. Certainly, the authorities are confronted with the need to allow exemptions to the professional secret. Exchange of health data and information, governed by legal procedures, takes place in almost all countries, without this being considered as violation of the professional secret. On the other hand, various health bearers assure the application of the relevant rules and principles. However, exemptions referring, e.g., to research or statistics on health data and training to the medical profession are in general acceptable.

The policies on the protection of health data into different countries are not static. So, the respective legal arrangements are delayed and where they do not exist, the problems are tackled through the penal law, which covers the professional secret and the health data, rendering responsibility to the health personnel. In some countries, like France, it is believed that the health data should be governed by special rules, so that the citizen’s rights are in harmony with the rights of the society. In general, it is acceptable that the protection of health data should be improved.

Some countries are characterized by different beliefs, e.g., Sweden, where the general principle of free access to public files and documents and consequently to every kind of health data, is in power. In some countries, where there is no legislation on data protection, the health data secret is preserved by the medical ethics.

In the United Kingdom, where law is basically traditional, medical ethics played an important role in introducing special directives on health data protection, in the frame of the existing act for the protection from the automated data collection and processing.

In Spain, the need for restriction of information use and therefore of information use of health data is anticipated constitutionally.

In Denmark, the use of computers in health has been developed for 25 years now. So the sensitivity of the Danes led to legislation with basic principle referring to the medical professional secret.

APPLICATION OF POLICIES ON THE PROTECTION OF HEALTH DATA

Legal Measures

We go through a period of intensive legal research in the data protection area with special interest in the protection of health data. In countries where there is extensive