

Personal Data Protection: A Legal Framework for Health Law in Turkey

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Abstract : Every patient who needs to get a medical treatment should share health-related personal data with healthcare providers. Therefore, personal health data plays an important role to make health decisions and identify health threats during every encounter between a patient and caregivers. In other words, health data can be defined as privacy and sensitive information which is protected by various health laws and regulations. In many cases, the data are an outcome of the confidential relationship between patients and their healthcare providers. Globally, almost all nations have own laws, regulations or rules in order to protect personal data. There is a variety of instruments that allow authorities to use the health data or to set the barriers data sharing across international borders. For instance, Directive 95/46/EC of the European Union (EU) (also known as EU Data Protection Directive) establishes harmonized rules in European borders. In addition, the General Data Protection Regulation (GDPR) will set further common principles in 2018. Because of close policy relationship with EU, this study provides not only information on regulations, directives but also how they play a role during the legislative process in Turkey. Even if the decision is controversial, the Board has recently stated that private or public healthcare institutions are responsible for the patient call system, for doctors to call people waiting outside a consultation room, to prevent unlawful processing of personal data and unlawful access to personal data during the treatment. In Turkey, vast majority private and public health organizations provide a service that ensures personal data (i.e. patient's name and ID number) to call the patient. According to the Board's decision, hospital or other healthcare institutions are obliged to take all necessary administrative precautions and provide technical support to protect patient privacy. However, this application does not effectively and efficiently performing in most health services. For this reason, it is important to draw a legal framework of personal health data by stating what is the main purpose of this regulation and how to deal with complicated issues on personal health data in Turkey. The research is descriptive on data protection law for health care setting in Turkey. Primary as well as secondary data has been used for the study. The primary data includes the information collected under current national and international regulations or law. Secondary data include publications, books, journals, empirical legal studies. Consequently, privacy and data protection regimes in health law show there are some obligations, principles and procedures which shall be binding upon natural or legal persons who process health-related personal data. A comparative approach presents there are significant differences in some EU member states due to different legal competencies, policies, and cultural factors. This selected study provides theoretical and practitioner implications by highlighting the need to illustrate the relationship between privacy and confidentiality in Personal Data Protection in Health Law. Furthermore, this paper would help to define the legal framework for the health law case studies on data protection and privacy.

Keywords : data protection, personal data, privacy, healthcare, health law

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