E-HEALTH AND DATA CONTROL IN LATVIA

Aigars Ceplitis, M.F.A.
Assistant Professor
School of Business, Arts, and Technology
RISEBA University
acglobalfilms@gmail.com
+371 25620270

Vice-Chair
AGIHAS, Latvia
Steering Committee
AIDS Action Europe

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COUNTRY REPORT LATVIA 2018
COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN
PARLIAMENT, THE COUNCIL, THE EUROPEAN CENTRAL BANK
AND THE EUROGROUP

EU General Data Protection Regulation ("GDPR")

Regulation (EU) 2016/679 on the protection of personal data.

General Data Protection Regulation (GDPR)

Quick Links

How the General Data Protection Regulation (GDPR) Will Specifically Affect Healthcare
https://www.csoonline.com/article/3269453/security/how-the-general-data-protection-regulation-gdpr-will-specifically-affect-healthcare.html

General Data Protection Regulation (GDPR)
https://ico.org.uk/media/for-organisations/data-protection-reform/overview-of-the-gdpr-1-13.pdf

https://www.eugdpr.org/

At its core

Personal data of European Union residents is the individual's property
- Informed Consent: The right to be clearly informed why the data is needed and how it will be used. Consent must be explicitly granted and can be withdrawn at any time.
- Access: The right to access, free of charge, all data collected, and to obtain confirmation of how it is being processed.
- Correction: The right to correct data if inaccurate.
- Erasure and the Right to Be Forgotten (RTBF): The right to request erasure of one's data.
- Data Portability: The right to retrieve and reuse personal data, for own purposes, across different services.

Article 5 the GDPR posits that:

- Collected for specified, legitimate and explicit purposes and not processed in a way which is incompatible with them.
- Processed lawfully, fairly and in a transparent manner.
- Processed to ensure appropriate security of data.
- Accurate and kept up to date.
- Controlled by a controller who is responsible for the data and able to demonstrate compliance.

Exclusions
- Data has been given with explicit consent from the owner
- **Processing data is necessary to the "vital interests" of the patient/provider**
- Processing is needed for the purposes of preventative or occupational medicine
- **Data is necessary for the good of the public health**

The new EU Regulation on the protection of personal data: what does it mean for patients?

A guide for patients and patients' organisations

A STRONG PATIENTS' VOICE TO DRIVE BETTER HEALTH IN EUROPE

EPF European Patients Forum

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The new EU Regulation on the protection of personal data: what does it mean for patients?

3. What are the rights provided by EU law to patients regarding their data?

The new Regulation seeks to empower citizens with rights to be informed and puts them more in control of their personal data. These rights apply to patients in healthcare. They also apply in research, though in this case there may be some proportionate exemptions defined by the European Union or Member States, as for example withdrawing a patients' data could have consequences on the research results and quality.

What right?	Article n°	What does it mean for patients?	What to watch out for? (limits to this right)
To access one's own personal data	Recital 63 Article 15	• The right to access your own personal data is part of your fundamental right to data protection • The right to access your medical record is explicitly mentioned in the new Regulation • If you request a copy of the personal data being processed by a data controller about you, they have to provide it to you • The Regulation encourages the establishment of remote ways to provide you with access, such as electronic health records • The controller has the right to check your identity before providing you with the data	• The controller can charge a fee for the administrative cost of providing the data when you request it more than once. Article 12 also explains that a fee can be charged when the request for data is "unfounded" or repetitive. • If you provided your data in the context of a scientific research, there may be exemptions to this right (see part 4.1 of this document)
Right to data portability/to transfer your data from one data controller to another	Article 20	• When you have consented to provide your health data, and that it is in a machine readable format (e.g. in electronic form), you can request to receive a copy in order to transfer it to another entity or person, and you can also demand that it is transferred directly for you	• When the processing of your health data happens on another ground than your explicit consent (see part 2.2), this right doesn't apply, which limits it in an important way

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The increase in healthcare financing is expected to satisfy some of the critical needs but newly adopted access restrictions risk worsening health outcomes.

•public spending plans for 2020 remain well below the EU average.
•State- funded health services are set to be linked to the payment of social contributions from 2019.
•Population groups excluded from the full access to public services can opt-in by making voluntary health contributions. As a result, part of population stand to lose access to the full basket of healthcare services.

•Latvia's business environment is generally favorable, although the judicial system and public procurement continue to pose challenges.

•trust in the judiciary remains relatively low. Furthermore, there are challenges with respect to competitiveness and transparency of the public procurement process.

(nepotism as a form of corruption)

Corruption remains a challenge for the business environment, **the delay in legislating on whistle-blower protection is detrimental to improving the accountability and efficiency of public administration**

Interest group impact on E-health implementation in Latvia

SHS Web of Conferences **40**, 02001 (2018)

I. Bikava and I. Kreituse
Rīga Stradiŋš University, Riga, Latvia

- **Patients** – patient organizations and the Patients' Ombudsman Office **_(little support)_**
- **Medical staff** – professional organizations of doctors which are widely known Association of Doctors, two Associations of General Practitioners, The Union of Health and Social Care Employees of Latvia *(no support)*
- **Healthcare institutions** – Latvia Hospital Association, Hospitals **_(neutral)_**
- **Pharmacy** – Pharmacy Owners' Association and Pharmacists' Society of Latvia. **_(strong support)_**
- **Health insurance companies** are represented by Latvian Insurers Association **_(strongest support)_** **_(HIV. Hep C clauses; coverage vs denial, good elf effect)_**
- **GP Association** **_(strong rejection with indication to data breach)_**

Implementation of the eHealth Project in Latvia: Project audit perspective
Emils Pulmanis
University of Latvia, Professional association of project managers (2017)

The planning documents prepared - Guidelines „E-health in Latvia" and the implementation plan for years 2008 – 2010 - do not reflect the actual current situation; not all of the activities planned in the guidelines are being developed; the financing does not comply with the planned scope or the time frames; and priorities for implementation of the e-health have changed.

•Up to 17% of health care professionals have no access to an internet connected computer at their workplaces;
•computer and internet literacy of up to 41% of health care professionals are average or weak;
•only 11% of health care professionals and pharmacists are duly informed about the project;

Safety audits of the e-health information system have been undertaken only in the test environment with the system not being fully functioning and without involvement of the safety manager of the information systems. Also the National Health Service has not summarized nor assessed at the top level the results of external safety audits

In the e-Health information system all patients medical records are freely accessible for all medical professionals without any consideration of their actual daily work requirements. Such wide access to so much information is contradictory to the recommendations given by European advisory institutions, and thus it will initially lead to unsubstantiated cases of data processing, damaging public trust in the system *(GP support)*

Brīvības street 72, Riga,
LV 1011, Latvia
Phone : (+371) 67876000
Fax: (+371) 67876002
Email: vm@vm.gov.lv

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Veselības ministrija

MINISTRY

HEALTH CARE

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You are here: Health Care

E-health

Print

E-health is a health program for more efficient use of information and communication technology tools. In European Union e-health is identified as a key tool for a health care quality, access and safety promotion.

The main objectives of e-health development are to: improve health, promote individual control of their health; reduce wasted time spend on patients contacts with medical institutions; increase the effectiveness of the health care, providing health care specialists with a quick access to necessary patient health data; reduce the amount of information that health care specialists need to enter into the documents; increase the amount and usability of a structured information; increase effectiveness of medical institutions; increase health care data reliability and security.

E-health in Latvia today

Patients can easily access care records using state e-services' portal (authenticated with ibank information, electronic signature). These e-services are: "My state paid healthcare services"; "My general practitioner"; "My newborn children data"; "My data within the diabetes mellitus patients' register".

E-health solution architecture.

E-health solution architecture is developed as modular system, which consists of three layers:

The first layer - for bussiness users, who integrate with systems using their business systems;

The seceond layer - is our system which includes all core models;

The third layer - is national e-governance infrastrature for data exchange with registries.

What is available to a resident on the E-health?

22.01.2018.

■ **Personal information**

- specify your contact information for communication with your physician;
- designate your emergency contact;
- delegate another person to access your health information;
- view Audit records - who and when has checked the resident's health information on the E-health site.

■ **Information about the family doctor**

- view information about your family doctor;
- re-register with another family doctor, if the specific doctor has started using E-health.

■ **Information about the EHIC** (European Health Insurance Card)

- view current and historical EHIC data;
- electronically apply for a new card.

■ **Basic health information**

- view basic health information - diagnosis and allergies, most commonly used medicines and medical items (basic patient data can only be entered by the family doctor, thus ensuring better quality of healthcare).

■ **Issued e-prescriptions**

- view information on all medicines prescribed on E-health.

■ **Issued and closed sick-leave e-certificates**

- view information on all sick-leave e-certificates opened and closed on E-health;
- send information about the opened sick-leave e-certificate to the employer's or other email.

■ **Referrals to consultations and examinations**

- view data on referrals to medical consultations and diagnostic examinations.

■ **Physician opinions (results)**

- view the results of the consultations.

■ **Examination results**

- view test results, for example, results of visual diagnostic tests.

■ **Vaccination data**

- apply for vaccination (or refuse);
- view information on the suffered infectious diseases, received vaccinations and related complications etc.

E-prescription

22.01.2018.

How to use e-prescription?

1) The doctor gives the patient an e-prescription on E-health site.

2) The patient goes to a pharmacy to buy the medicine.

3) At the pharmacy, the patient presents a passport or identity card (eID).

4) The pharmacist issues the medicine and records it.

How to purchase e-prescription medicines for another person?

In order to purchase e-prescription medicines for another person:

- provide the e-prescription identification number (this is visible on the E-health site for the doctor, the patient and the delegated persons);

- provide the name and surname of the patient for whom the e-prescription has been issued (if the identification number and the name is a match, the pharmacist will issue the medicines);

- present an identification document (it is necessary to present the buyer's document so that the pharmacist could record the receiver of the medicines in the E-health system).

If you are delegated in the E-health system to buy an e-prescription medicine for another person, the e-prescription identification number in the pharmacy do not have to be named.

How to buy an e-prescription medicines for a child?

If you need to buy an e-prescription medicines for your minor child (also if you are a child's guardian), then at the pharmacy:

- give the child's name and surname;

- present your identity document.

In which pharmacies e-prescriptions can be used?

E-prescription medicines that are prescribed in the E-health system can be purchased at pharmacies that have signed an agreement on the use of the E-health system. View pharmacies on an interactive map.

Can e-prescription medicines be purchased in parts?

Medicines that are prescribed on the E-health site with a regular prescription can be purchased in parts, as the system holds the information about the remaining volume. Importantly, this can be done in different pharmacies without being attached to one pharmacy as before.

E-health data protection

22.01.2018.

E-health data protection

The state ensures the security of the resident medical records accumulated on the E-health site. There are regular system safety inspections carried out.

Authorization only via secure access

Residents may log in on E-health only via secure access:

- online banking access data;
- electronic signature;
- identity card (eID).

Who can see the patient's medical information?

The medical information on E-health can be viewed only by the patient and the attending doctors. Likewise, the resident can see who and when has checked his data on E-health and determine who can access his information.

LIMBO EFFECT in E-HEALTH *(potential data breach)*

Latvian Infectology Center-A-Clinic *(old pipeline)*

HIV

Hep C

TB

General Pool

4 digit number assigned

Latvian Infectology Center-A-Clinic *(New Pipeline)*
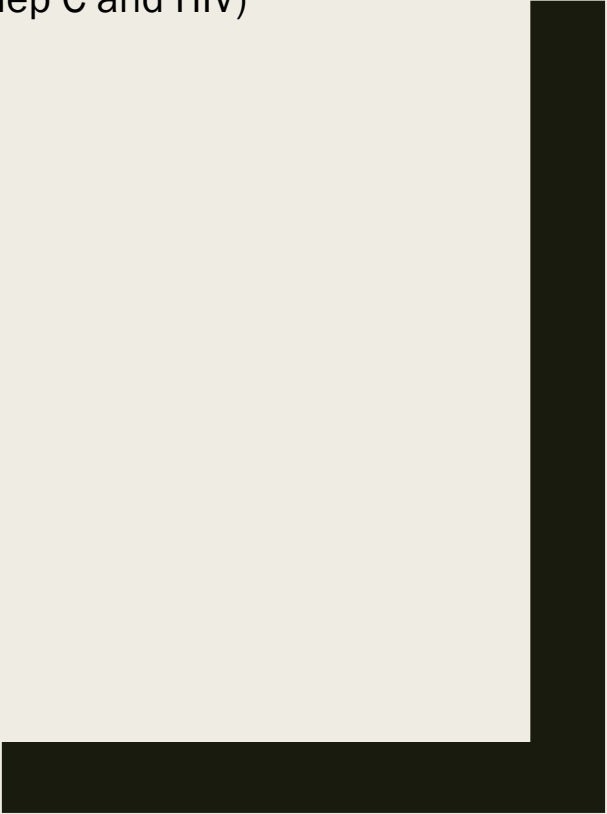
General Pool

TB   HIV   Hep C

4 digit number used along
with Social Security number

Non-HIV medical staff now has access
to records

LIMBO EFFECT

Pharmacies have now full record of prescription drugs used (including Hep C and HIV)

RECOMMENDATIONS TO EC

Keep Issuing Reports, particularly on E-Health performance and any potential data breach

Have a Look and Issue Reports on Insurance Industry performance in Latvia
(subsidiary companies with base in Germany, Switzerland, Finland, and Austria)
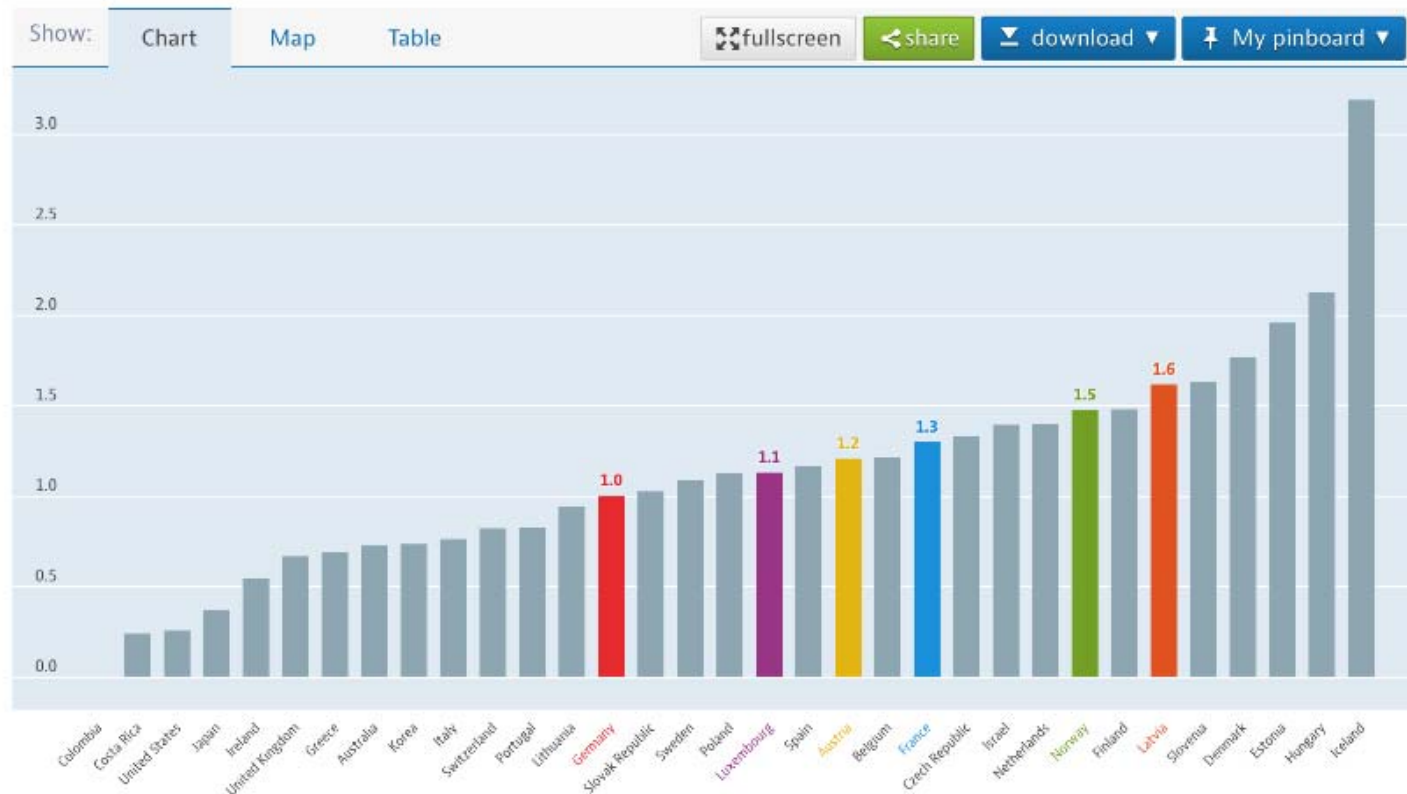(Latvia is the second highest across OECD countries, at 39% out – of- pocket)

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