

	Patients' Rights Act	Patients' Rights Charter	Patients' Rights provided for in other laws	Legislation on genetics (genetic testing/ prohibition of discrimination on the basis of genetic heritage)
Austria		<p>Agreements on the Protection of Patient Rights (Patients' Charters) have been concluded between the Federal Government and the following federal states (<i>Länder</i>):</p> <ul style="list-style-type: none"> • Carinthia (BGB1. I Nr. 195/1999) • Burgenland (BGB1. I Nr. 89/2001) • Upper Austria (BGB1. I Nr. 116/2001) • Lower Austria (BGB1. Nr. 36/2002) • Styria (BGB1. I Nr. 153/2002) • Tyrol (BGB1. I Nr. 88/2003) 	<p>Federal Physician's Law (Ärztegesetz 1998 - BGB1. I Nr. 169/1998) - § 54 (relates to confidentiality)</p> <p>Criminal Code (Strafgesetzbuch) - § 110 relates to medical treatment without consent and § 121 relates to confidentiality</p> <p>Federal Hospitals Act (Krankenanstalten- und Kuranstaltengesetz – BGB1. Nr. 1/1957 and amended several times) - containing a list of patients' rights</p> <p>Federal Act concerning the Protection of</p>	<p>Gene Technology Act (Gentechnikgesetz – BGB1 Nr. 510/1994) – Part IV relates to the issue of genetic testing (§§ 65 – 79) and regulates among other things: allowed purpose of a genetic test, (written) informed consent, persons and premises allowed to perform genetic tests, genetic counselling) which is only allowed for research or medical purposes.</p> <p>The act has been amended several times, for the last time in November 2005, where it was stated among other things that genetic testing for medical purposes is only allowed if performed in accordance with the state of science</p>

		<ul style="list-style-type: none"> • Vorarlberg (BGBI. I Nr. 127/2003) <p>(On 1 February 2006, the Federal Government has sent a proposal to Parliament for the approval of a Patients' Charter concluded between the Federal Government and the federal state of Vienna)</p>	<p>Personal Data (Datenschutzgesetz 2000 – DSG 2000, BGBI. I Nr. 165/1999)</p>	<p>and techniques.</p> <p>The Constitution – art. 7 (1) stipulates among other things that “All federal nationals are equal before the law [...] No one shall be discriminated against because of his disability.”</p>
Belgium	<p>The Act on Patients' Rights of 22 August 2002, amended by the Act on the right of each individual to pain suppressing care of 24 November 2004</p> <p>The Act on Palliative Care of 14 June 2002 – containing several patients' rights which partly overlap with patients' rights contained within the general Act on Patients' Rights</p>		<p>Law of 8 December 1992 on Privacy Protection in relation to the Processing of Personal Data as modified by the Law of 11 December 1998 implementing Directive 95/46/EC</p> <p>Criminal Code – art. 458 relates to confidentiality</p> <p>The Constitution – art. 22 (1): “Everyone has the right to the respect of his private and family life, except in the</p>	<p>The Constitution – art. 10 (2): “Belgians are equal before the law”; art. 11: “Enjoyment of the rights and freedoms recognized for Belgians should be ensured without discrimination.”</p> <p>Anti-Discrimination Law of 25 February 2003 – prohibits discrimination (whether direct or indirect) on the basis of among other things current or future health status, a handicap or a physical characteristic.</p>

			cases and conditions determined by law.”; art. 23 (1): “Everyone has the right to lead a life in conformity with human dignity.”; art. 23 (3) 3): the right to among other things health care and medical aid should be guaranteed	Discrimination is prohibited in case of: the provision of services and goods to the public, labour relations, (official) publications or other messages or signs and the access to and participation in any economic, social, cultural or politic activity accessible to the public
Cyprus	The Safeguarding and Protection of the Patients' Rights Law (Law 1(I)/2005)	Patients' Rights Charter (2001)	The Processing of Personal Data (Protection of Individuals) Law 138 (I) 2001 The Constitution – art. 7.1 relates to the right to life and corporal integrity; art. 8: “No person shall be subjected to torture or to inhuman or degrading punishment or treatment.”	The Constitution – Art. 28 1.: “All persons are <i>equal</i> before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby. 2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class,

				<i>or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.”</i>
Czech Republic		Code of Patients’ Rights in Health Institutions (drafted by the Central Ethical Committee in 1992)	<p>Act No. 20/1966 Coll. On Health Care of 17 March 1966 (and amended many times) – contains several basic patients’ rights (e.g. the right to information and informed consent)</p> <p>Charter of Fundamental Rights and Freedoms (1992), promulgated as Law No. 2/1993 Coll. (having the legal force of a Constitutional Act as the Charter is an integral part of the Czech Constitutional Order → art. 3 of the Czech Constitution: “The Charter of Fundamental Rights and Freedoms is a part of the constitutional order of the Czech Republic.”) – art. 6 1): “Everybody has</p>	<p>Charter of Fundamental Rights and Freedoms (1992), promulgated as Law No. 2/1993 Coll. – art. 1 stipulates among other things that all people are free and equal in their dignity and in their rights; art. 3.1: “Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex , race, colour of skin, language, faith, religion, political or other conviction, ethic or social origin, membership in a national or ethnic minority, property, birth, <i>or other status.</i>”</p>

			<p>the right to live [...]”;</p> <p>art. 7: 1) “Inviolability of the person and of privacy is guaranteed. It may be limited only in cases specified by law.</p> <p>2) Nobody may be subjected to torture or to inhuman or degrading treatment or punishment.”;</p> <p>art. 10: 1) “Everybody is entitled to protection of his or her human dignity, personal integrity, good reputation, and his or her name.</p> <p>2) Everybody is entitled to protection against unauthorized interference in his or her personal and family life.</p> <p>3) Everybody is entitled to protection against unauthorized gathering, publication or other misuse of his or her personal data.”</p> <p>The Act on the Protection of Personal Data and on Amendments to Some</p>	
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			Related Acts (Act No. 101/2000 Coll. of 4 April 2000)	
Denmark	Patients' Rights Act (Law No. 482 of 1 July 1998)		<p>The Health Act (Law No. 546 of 24 June 2005): will come into force on 1 January 2007 (puts together a number of acts regarding patients' rights and will consequently repeal, amongst other things, the Patients' Rights Act of 1998)</p> <p>The Law on the practice of medicine (promulgated by Order No. 272 of 19 April 2001) - medical confidentiality.</p> <p>Government Order No. 665 of 14 September 1998 on information and consent and the communication of information relating to health</p> <p>Government Order No. 846 of 13 October 2003</p>	Order No. 286 of 23 April 2004 on the use of pre-implantation diagnosis in specific cases, made in pursuance of Law No. 460 of 10 June 1997 on artificial fertilization in connection with medical treatment, diagnosis and research, etc., as amended by Law No. 240 of 5 April 2004: Under Sec. 1 pre-implantation diagnosis may be authorized when certain conditions have been met (1-6). Thorough information and counselling are a prerequisite for treatment (7)

			<p>on the duty of physicians to keep organized records and Guidelines No. 118 of 13 October 2003 on the keeping of files by physicians (clarifying Order No. 846)</p> <p>Criminal Code (§§ 152-152f relate to confidentiality)</p> <p>The Act on Processing of Personal Data (Act No. 429 of 31 May 2000)</p>	
Estonia			<p>Law of Obligations Act (RT I 2001, 81, 487) - Chapter 41: “Contract for Provision of Health Care Services” (relates to rights and obligations of patients and providers of health care services)</p> <p>The Personal Data Protection Act of 12 February 2003 (RT I 2003, 26, 158)</p> <p>Criminal Code of 6 June 2001 (RT I 2001, 61,</p>	<p>Human Genes Research Act of 13 December 2000 (RT I 2000, 104, 685) – regulates genetic research, but not genetic testing: only applicable to the establishment of a gene bank and the position of a gene donor and therefore not applicable to diagnostic and predictive genetic testing (§ 25 contains a provision related to the prohibition of discrimination on the ground of genetic heritage)</p>

			<p>364) - § 157 (relates to confidentiality)</p> <p>The Constitution – art. 16 – relates to the right to life; art. 18 - (1) “No one may be subjected to torture or to cruel or degrading treatment or punishment. (2) No one may be subjected to medical or scientific experiments without his or her freely given consent.”; art. 26: relates to the right to inviolability of private and family life; art. 28: “Everyone has the right to the protection of health”</p>	<p>Criminal Code of 6 June 2001 (RT I 2001, 61, 364) - § 153: prohibition of discrimination based on genetic risks</p> <p>The Constitution of 28 June 1992 – art. 12.1: “All persons shall be equal before the law. No one may be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, financial or social status, <i>or other grounds.</i>”</p>
Finland	Law No. 785 of 17 August 1992 on the Status and Rights of Patients		<p>The Constitution – art. 7: (1) “Everyone has the right to life, personal liberty, integrity and security. (2) No one shall be [...] treated in a manner violating human dignity. (3) The personal integrity of the individual shall not</p>	<p>Act on the Medical Use of Human Organs and Tissues of 2 February 2001 (No. 101/2001): art. 20.4 relates to the use of a person’s tissue samples to detect a genetic connection with another person</p> <p>The Constitution of 11</p>

			<p>be violated [...]”; art. 10.1 relates to the right to private life</p> <p>Law on National Public Health (66/1972) – amended in 2004 by amendment 855/2004: introducing a “guarantee to treatment in the public sector”-system</p> <p>Personal Data Act (No. 523/1999)</p> <p>Act on the Openness of Government Activities (No. 621/99) – section 28 (relates to access to patient records for e.g. research purposes)</p> <p>Criminal Code - Chapter 38, section 1 and 2 (relate to confidentiality)</p>	<p>June 1999 – art. 6 prohibits discrimination on the basis of e.g. health, disability or other reason that concerns his or her person</p> <p>Criminal Code – chapter 11, section 9 penalises discrimination e.g. on the basis of health status</p>
France	<p>Law No. 2002-303 of 4 March 2002 concerning the rights of patients and the quality of the health system (amending among other</p>		<p>Law No. 94-653 of 29 July 1994 on respect for the human body (modifying the French Civil Code: art. 16/16-9) – contains provisions</p>	<p>Law No. 94-653 (29 July 1994) on respect for the human body (modifying the French Civil Code: art. 16-10/16-12) – genetic examinations only allowed</p>

	<p>things the Public Health Code and the Civil Code)</p> <p>Law No. 2005-370 of 22 April 2005 concerning the rights of sick people and the end of life (amending among other things the Public Health Code)</p>		<p>intended to safeguard the dignity of the body</p> <p>Civil Code – art. 16-1 (respect for and inviolability of the human body) and 16-3 (infringements on the integrity of the human body only allowed in case of medical necessity or in the therapeutic interest of someone else)</p> <p>Public Health Code (amended by Law No. 2002-303 of 4 March 2002 concerning the rights of patients and the quality of the health system and Law No. 2005-370 of 22 April 2005 concerning the rights of sick people and the end of life): rights of sick persons and users of the health system - art. L1110-1/L1110-11; L1111-1/L1111-9 and art. L1111-10/L1111-13 (respect for private life/right to</p>	<p>for medical purposes of scientific research and after written consent</p> <p>Law No. 2004-800 of 6 August 2004 (modifying Law No. 94-653 of 29 July 1994, the Civil Code art. 16-10/16-13 and the Public Health Code art.L 1131-1/L1131-7; art. L1132-1/L1132-2; art. L1133-1/L1133-10) - relates to the rights of patients with respect to genetic tests (written informed consent, right to withdraw consent at any time in any form, no genetic test post-mortem unless express consent, the procedure for the provision of genetic information to family members, etc.)</p> <p>Criminal Code, article 226-25/30 (infringements upon the human person as a result of the examination of his genetic characteristics or the identification by his genetic fingerprints)</p>
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			<p>confidentiality, informed consent, the right not to be informed, the therapeutic exception, access to medical records, etc)</p> <p>Law No. 78-17 of 6 January 1978 on Data processing, data files and individual liberties, complemented by Law no. 94-548 of 1 July 1994</p> <p>Law No. 2004-801 of 6 August 2004 (modifying Law No. 78-17 of 6 January 1978) – relating to the protection of data subjects as regards the processing of personal data</p> <p>Decree No. 92-329 (30 March 1992) relating to the Medical File and Information regarding People who are being cared for in Public and Private Health Establishments</p>	<p>Law No. 94-654 of 29 July 1994 dealing amongst other things with prenatal diagnosis (only allowed in certain circumstances, written consent of the couple required, genetic counselling, etc.)</p> <p>Law No. 2002-303 of 4 March 2002 concerning the rights of patients and the quality of the health system: art. 1 recognizes the right to non-discrimination which is also applied to discrimination based on genetic characteristics by the completion of the Civil Code with art.16-13: the principle of non-discrimination is applied to genetic characteristics</p> <p>Criminal Code art. 225-1: discrimination consists of making a distinction between persons on the grounds of amongst other things their genetic characteristics; and art.</p>
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			<p>Criminal Code, article 226-13 (relates to confidentiality)</p> <p>The Preamble of the Constitution of France (1958) refers explicitly and directly to among other things the Preamble of the Constitution of 1946 in which is stated that the protection of health is guaranteed to all (11)</p>	<p>225-3: discriminations are punishable if they are based on predictive genetic tests</p> <p>Labour code - art. 122-45 relate to the prohibition of discrimination on amongst other things genetic characteristics</p> <p>The Preamble of the Constitution of France (1958) refers explicitly and directly to the “Déclaration des Droits de l’Homme et du Citoyen” of 26 March 1789 and the Preamble of the Constitution of 1946. These fundamental texts contain norms about among other things the equality of humans</p>
Germany		<p>Charta der Patientenrechte (February 2003) – provides an overview of the existing basic rights of patients (informed consent, the right not to know, the right to confidentiality,</p>	<p>Constitution – art. 1: relates to the respect for human dignity art. 2: 1) relates to the right to free development of his personality, 2) everyone has the right to life and to physical integrity</p>	<p>A Bill regarding genetic examinations involving human beings has been elaborated and is still under discussion in Parliament</p> <p>The Constitution – art. 3: relates to the equality of humans</p>

		etc.)	<p>Civil Code - § 810: access to medical records; § 823: relates to the protection of personal rights and § 1904: relates to informed consent by a legal representative in case of persons unable to consent</p> <p>Criminal Code - § 203: relates to confidentiality</p> <p>Federal Data Protection Act of 20 December 1990, amended for the last time by law of 23 May 2001, implementing Directive 95/46/EC</p>	
Greece			<p>Act on Modernization and Organization of the Health System (No. 2071/92, art. 47) – containing provisions on the rights of hospital patients (the right to informed consent, the right to information, etc.)</p>	<p>Constitution – art. 4.1 stipulates that “All Greeks are equal before the law.”</p> <p>art. 5.5: “All persons are entitled to the protection of [...] their <i>genetic identity</i>”</p> <p>Act No 3418 of 28</p>

			<p>Health care reform legislation of 17 July 1997 (Law 2519/21-8-97) – extending the rights of hospital patients to all citizens seeking primary care services</p> <p>The Constitution – art. 2 § 1: respect for and protection of human dignity; art. 5 § 1: the right to personal freedom, § 2: relates to the full protection of one’s life, honor, and freedom, § 5: “All persons are entitled to the protection of their health [...]. All persons shall be protected with regard to biomedical interventions as provided by law”, art. 7 § 2: prohibition of offences to human dignity; art. 9A: relates to the right to the protection of personal data; art. 21 § 3: “The State shall care for the health of citizens [...].”</p>	<p>November 2005 on the Code of Medical Ethics – art. 34 relates to the protection of the genetic identity: 1. “Interventions which modify human genes are only permitted for preventive, diagnostic or therapeutic purposes. In no case this modification may be transmitted to future generations.”, 2.: “Gene technology may not be used for political or military purposes.”</p>
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			<p>Civil Code – art. 57, 914 and 932 relate to confidentiality; art. 1510: informed consent by a minors’ legal representative and art. 1534: the right of a doctor to act against the patients’ parents</p> <p>Criminal Code – art. 371: relates to confidentiality</p> <p>Law No. 1329 (1983): amending the Civil Code by introducing a new article (art. 1534) related to the right of doctors to act against the patients’ parents</p> <p>Act 1599/1986 on Citizen/State relations - article 16: access to medical records</p> <p>Law 2472/1997 on the Protection of Individuals with regard to the Processing of Personal Data</p>	
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			<p>(as amended by Laws 2819/20001 and 2915/2001)</p> <p>Act No 3418 of 28 November 2005 on the Code of Medical Ethics – the new Code regulates for the first time issues such as life-long education on medical ethics, mental health, medically assisted reproduction, protection of the genetic identity, abortion, end-of-life decisions</p>	
Hungary			<p>Act on Public Health (Act No. CLIV of 1997): the “Rights and Obligations of Patients” are incorporated in this Act (art. 6-25) – containing provisions on among other things informed consent, the right to information, the right not to know, the rights regarding a medical file, the right to</p>	<p>A draft Bill on the protection of human genetic data and the rules for genetic tests and research has been proposed to the government in January 2005</p> <p>Act CXXV of 2003 on Equal treatment and the promotion of equal</p>

			<p>medical secrecy and the right to privacy; as well as the “Rights and Obligations of Health Care Workers” (art. 125-140) – containing provisions related to among other things the care provision obligation of healthcare workers, the obligation to provide information, the obligation to document and the obligation to maintain confidentiality</p> <p>Act LXIII of 1992 on the Protection of Personal Data and the Publicity of Data of Public Interest amended by Act No. XLVIII 2003</p> <p>Law No. XLVII of 1997 on Processing and Protection of Health Care Data and Health Related Personal Data (includes detailed regulations related to the processing and protection of health care data and health care</p>	<p>opportunities – subsections 7 and 8 h) (relate to direct discrimination by reason of one’s real or supposed health status)</p> <p>The Constitution – art. 70A relates to the prohibition of discrimination on the basis of among other things “any other grounds whatsoever”</p>
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			<p>related personal data)</p> <p>The Constitution – art. 54 (relates to the right to life, human dignity and the protection against inhuman treatment); art. 59 (1) (relates to the right to privacy)</p> <p>Criminal Code – art. 177 relates to confidentiality; art. 173/H and 173/I relate to the violation of the right of autonomy concerning medical procedures</p>	
Ireland		<p>Charter of Rights for Hospital Patients (1995)</p>	<p>The Constitution – art. 40 (3.2) which refers to the state obligation to protect among other things the life and person of each citizen</p> <p>Freedom of Information Act (1997) – applies to all public health authorities and major non-governmental health service providers (creates a statutory right of access</p>	<p>Disability Act, No. 14 of 2005 - part 4 deals with genetic testing: only allowed if not prohibited by law and consent for the processing of genetic data must be obtained</p> <p>The Constitution – art. 40.1: all citizens are equal before the law. However, in its enactments the State may have due regard to differences of capacity,</p>

			<p>to records, a right to amend information, etc.)</p> <p>Freedom of Information (Amendment) Act 2003</p> <p>Data Protection Act (1988)</p> <p>Data Protection (Amendment) Act 2003 – transposing Directive 95/46/EC into Irish law</p>	<p>physical and moral, and of social function</p> <p>Employment Equality Act 1998 and the Equal Status Act 2000: both outlaw discrimination in certain area’s (e.g. employment, advertising, etc.) on the basis of among other things “disability”</p>
Italy			<p>The Constitution – art. 13 (1): personal liberty is inviolable; art. 32 (2): no one may be forced to undergo any medical treatment</p> <p>Personal Data Protection Code (Legislative degree no. 196 of 30 June 2003, entry into force on 1 January 2004)</p>	<p>Personal Data Protection Code (Legislative degree no. 196 of 30 June 2003) – art. 90: relates to the processing of genetic data (only permitted when authorized by the <i>Guarantor</i> and subject to agreement of the Ministry of Health who requested the opinion of the Higher Health Council)</p> <p>The Constitution – art. 3 which stipulates that “All citizens have equal social status and are equal before the law, without regard to</p>

				their sex, race, language, religion, political opinions, and personal or social conditions”
Latvia	A draft Law on Patients’ Rights has passed a first reading in Parliament. Since the spring of 2005 the first draft is being revised.		<p>The Medical Treatment Law of 12 June 1997 – Chapter IV relates to “Rights and Responsibilities of Persons with respect to Health Care” (the right to information, the right to refuse treatment); Chapter VI relates to “Profession of Doctor” (obligation to obtain informed consent); Chapter VIII relates to “Duties and Rights of Medical Practitioners in Medical Treatment (medical confidentiality)</p> <p>The Law on the Physicians of Practice of 24 April 1997 – contains some provisions related to patients’ rights (e.g. informed consent)</p> <p>The Constitution – art.</p>	<p>Latvian Human Genome Research Act (13/06/2002) – regulates the rights of gene <i>donors</i> in the context of the establishment and maintenance of a genome database and related research: section 10 (written informed consent prior to becoming a gene donor), section 11 (access to own data stored in the genome database, right to withdraw consent to become a gene donor). Section 3 of the Act relates to the prohibition of discrimination on the basis of genetic birth, genetic data and being or not being a gene donor.</p> <p>The Constitution – art. 91: “All human beings in Latvia shall be equal before the law and the courts. Human Rights shall</p>

			<p>95: relates to the protection of human honour and dignity; art. 96: right to inviolability of private life and art. 111: protection of human health and guarantee of a basic level of medical assistance for everyone)</p> <p>Personal Data Protection Law (23 March 2000)</p>	<p>be realised without discrimination of any kind.”</p>
Lithuania	<p>Law on the Rights of Patients and Compensation of the Damage to their Health of 3 October 1996, No. I - 1562</p>		<p>Law on Medical Practice of Physicians of 25 September 1996, No. I – 1555 – Chapter III, art. 18: a physician must among other things respect patients’ rights and protect medical confidentiality (3) and maintain medical documents properly (6)</p> <p>Civil Code (18 July 2000), including health law provisions related to patients’ rights: Book 6, Chapter XXXV, Section 2 - Provision of personal health care services - art.</p>	<p>The Law on Ethics of Biomedical Research of 11 May 2000, No. VIII – 1679 – only relates to genetic tests performed in the context of biomedical research: art. 3 stipulates that biomedical research may be carried out with among other things genetic material. It contains provisions related to the rights of the research subject (e.g. informed written consent: art. 4.3, 6.2 and 8.1; confidentiality: art. 8.1.4 and art. 9)</p> <p>Law on the Rights of Patients and Compensation</p>

		<p>6.725-6.746 (e.g. provision of information to the patient – art. 6.727; the right not to know - art. 6.728; no treatment without consent - art. 6.729; right of access to medical files – art. 6.735)</p> <p>Book 2, Section 5, Part 2: art. 2.23 – the right to privacy and secrecy; art. 2.25 - the right to the inviolability and integrity of the person: no medical test or examination without free and written consent</p> <p>The Constitution – art. 19: “The right to life of individuals shall be protected by law” art. 21: 1) “Security of person shall be inviolable. (2) Human dignity shall be protected by law. (3) It shall be prohibited to subject anyone to torture, injury, degrading and inhuman treatment or punishment.</p>	<p>of the Damage to their Health of 3 October 1996, No. I – 1562 – art. 3.1 stipulates that the rights of patients may not be restricted in health care institutions because of among other things genetics</p> <p>The Constitution – art. 29: “All persons shall be equal before the law. No one’s rights may be restricted [...] <i>on any ground</i> such as sex, race, nationality, language, origin, social status, religion, convictions, or opinions”</p>
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			<p>(4) No person may be subjected to scientific research or medical testing without his free and informed consent”; art. 22: (1) “The private life of an individual shall be inviolable.” (4) “The law and the court shall protect individuals from arbitrary or unlawful interference in their private or family life, and from encroachment upon their honor and dignity.” art. 53: (1) “The State shall take care of people's health and shall guarantee medical aid and services in the event of sickness. The procedure for providing medical aid to citizens free of charge at State medical facilities shall be established by law.”</p> <p>The Law on the Health System of 1 December 1998, No. VIII-946 – art. 52: restrictions on the</p>	
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			<p>accessibility of information related to individual health (right to privacy and confidentiality); art. 84: relates among other things to the right to obtain information concerning one's health and the right to confidentiality of that information</p> <p>Law on Legal Protection of Personal Data of 21 January 2003, No. IX-1296</p>	
Luxembourg			<p>The Law on Hospital Establishments of 28 August 1998 – contains some important rights of patients of which some are only related to patients who stay in a hospital while others are applicable to all patients (e.g. right to informed consent – art. 40; right of access to one's medical file - art. 36; the right to confidentiality and the</p>	<p>Criminal Code – art. 454-457-4 relate to the prohibition of discrimination on the basis of among other things <i>state of health</i></p> <p>The Constitution – art. 11 (2): “Luxembourgers are equal before the law [...]”</p>

			<p>right to privacy – art. 38</p> <p>The Law on the Medical Profession of 29 April 1983 – art. 6 (2) stipulates that a physician is bound to medical secrecy</p> <p>Criminal Code – art. 458 relates to confidentiality</p> <p>Law on the Protection of Persons with regard to the Processing of Personal Data of 2 August 2002</p> <p>The Constitution (as amended on 19 November 2004) – art. 14: on the basis of the provisions in this article a Medical Chamber can issue binding rules for its members thereby providing a stronger legal base to the Code of Medical Ethics</p>	
Malta		Patients' Charter of	Data Protection Act (Act	

		<p>Malta's national hospital St. Luke's (2002)</p> <p>Patients' Rights Charter issued by the Maltese College of Family Doctors (March 1998)</p>	<p>XXVI of 2001)</p> <p>Criminal Code – art. 257 relates to confidentiality</p>	
Netherlands, the	<p>Medical Treatment Act (1994): this act incorporates general patients' rights in the Civil Code</p>		<p>Civil Code – art. 7:446-7:468 (these articles relate to general patients' rights e.g. informed consent, the right not to know, the right of access to medical file, etc.)</p> <p>The Individual Health Care Professions Law of 11 November 1993 – this law has enlarged the patients' right to choose a health care provider as the right to practice medicine is no longer an exclusive right of certain health care professionals</p> <p>The Law on the Quality of Health Care</p>	<p>The Constitution – art. 1: “All persons are equal. Discrimination on any grounds whatsoever is prohibited.”</p> <p>The Law on Equal Treatment on the Basis of a Handicap or Chronic Illness of 3 April 2003 – relates to the prohibition of making a distinction between persons on the basis of a handicap or chronic illness in relation to work and education</p> <p>The Personal Data Protection Act of 6 July 2000 – art. 21.4 which stipulates that personal data</p>

			<p>Establishments of 18 January 1996 – relates to the right of a patient to receive good quality care by providing the necessary framework for the provision of good quality care (e.g. the obligation of a care provider to provide responsible care which means care of good standard - art. 2; the obligation of the care provider to organize health care in such a way that it leads to responsible care – art. 3)</p> <p>The Law on the Right of Complaint of Clients in the Health Care Sector of 29 May 1995 – relates to the obligation of care providers to establish a complaint procedure</p> <p>The Personal Data Protection Act of 6 July 2000</p> <p>Criminal Code – art. 272</p>	<p>concerning genetic heritage may only be processed with regard to (<i>or: for the purpose of</i>) the person who's data have been obtained, unless a) a considerable medical interest prevails or b) processing is necessary for the purpose of scientific research or statistics</p>
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			<p>relates to confidentiality</p> <p>The Constitution – Art. 10: (1) “Everyone shall have the right to respect for his privacy, without prejudice to restrictions laid down by or pursuant to Act of Parliament. (2) Rules to protect privacy shall be laid down by Act of Parliament in connection with the recording and dissemination of personal data. (3) Rules concerning the rights of persons to be informed of data recorded concerning them and of the use that is made thereof, and to have such data corrected shall be laid down by Act of Parliament.”; art. 11: “Everyone shall have the right to inviolability of his person, without prejudice to restrictions laid down by or pursuant to Act of</p>	
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			Parliament.”; art. 22: (1) “The authorities shall take steps to promote the health of the population.”	
Poland		Patients’ Rights Charter (1998) – it provides an overview of patients’ rights with reference to the corresponding legal base (although regulatory developments after 1998 have not been reflected within the Charter)	Law on Health Care Institutions of 30 August 1991 – contains fundamental rights of patients: e.g. the right to informed consent – art. 19.1.3; the right to information – art. 19.1.2; the right of access to one’s health record - art. 18.3.1; the right to confidentiality - art. 18.1; the right to privacy and intimacy - art. 19.1.4; art. 19.6 stipulates that a patient, as a user of health establishments, has the right to be informed about his/her patient rights Law on the Physicians’ Profession of 5 December 1996 – contains specific	The Constitution – art. 32 contains a general anti- discriminatory clause: all persons are equal; no one shall be discriminated for any reason whatsoever

			<p>patients' rights e.g. the right to informed consent (art. 31, 32 and 34) and its exceptions (art. 33 and 35); the right to information (art. 31); the right not to be informed (art. 31.3); the obligation to keep health records (art. 41.1); the right to confidentiality (art. 40); the right to privacy and intimacy (art. 36)</p> <p>Law on the Professions of Nurse and Midwife of 5 July 1996 – contains several patients' rights (e.g. the right to information - art. 20.1.2; the right to confidentiality – art. 21.1)</p> <p>The Constitution (1997): art. 68.1 provides for a right to health care; art. 51.3 provides for a general right to access databases concerning oneself; art. 47 relates to the right to legal</p>	
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			<p>protection of private and family life, honour and good reputation and the right to make decisions about one's personal life; art. 49 relates to the right to freedom and privacy of communication</p> <p>Civil Code – art. 266 relates to confidentiality; art. 23 relates to the protection of privacy</p> <p>Criminal Code – art. 192 penalizes medical intervention without informed consent</p> <p>Act on the Protection of Personal Data (29 August 1997) amended in 2002 and 2004</p>	
Portugal		<p>Patients' Rights Charter (1997) – the majority of the rights listed are also promoted by civil, criminal and traditional health care legislation</p>	<p>Law on Health no. 48/90 (of 24 August 1990): art. 14.1 b) – right to informed consent; art. 14.1 d) – confidentiality of medical information; art. 14.1 e) relates to the</p>	<p>Law No. 12/2005 (26 January 2005) on Personal Genetic Information and Health Information – the main topics covered by this law: <u>health information</u> – any information directly or</p>

			<p>duty of disclosure of medical results</p> <p>The Act on the Protection of Personal Data, Law no. 67/98 (26 October 1998), implementing Directive 95/46/EC</p> <p>The Constitution: art. 25 – the right to personal integrity; art. 26.1 – the right to personal identity and development, the right to privacy and the protection against discrimination; art. 26.2 – protection from use contrary to human dignity of information concerning individuals or families; art. 26.3 – the guarantee of personal dignity and genetic identity of the human being; art. 35 relates to the right of access to any computerized data and data kept on manual files concerning oneself and the correction and use thereof; art. 64 - relates</p>	<p>indirectly linked to the present or <i>future</i> health status of a person either living or deceased including <i>clinical</i> and <i>family</i> history. Health information is property of the person to whom it pertains and may only be used for health care and research aims or other defined by law; <u>medical information</u> – health information used for medical intervention; <u>genetic information</u> – health information linked to genetic characteristics of one or more related persons, obtained through any means (incl. pedigree information); <u>genetic information = medical information</u> only when used for clinical diagnosis (confirmation or exclusion), prenatal or preimplantation diagnosis or pharmacogenetics purposes, excluding presymptomatic or susceptibility testing. Only</p>
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			<p>to the right to the protection of one's health/the right to health care</p> <p>Penal Code – art. 38.3 relates to <i>medical majority</i>: a minor between 14 and 18 years of age can give valid consent to medical treatment; art. 156 - no intervention or treatment without consent; art. 157 – consent is only effective if diagnosis, treatment, etc. are duly explained (unless in case of therapeutic exception)</p> <p>Civil Code – art. 70 relates to the defence of individuals against any kind of offence to the basic aspects of their personality; art. 80 relates to the protection of privacy; art. 81 and 340 relate to consent to treatment</p>	<p>diagnostic and pharmacogenetic information can be entered in general hospital records. Other genetic information can only be registered in separate files with limited accessibility; <u>diagnostic and pharmacogenetic testing</u>: general principles of health care interventions are applicable; <u>carrier, presymptomatic and susceptibility testing</u>: genetic counselling, written informed consent required; <u>insurance companies/employers/adoption</u>: not allowed to ask for or use genetic tests/-information; <u>minors</u>: genetic testing only in their benefit, written consent from parents, procuring minors consent. No predictive testing allowed for severe and untreatable diseases with onset in adult life; rules for the collection, conservation and use of biological samples for genetic testing</p>
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				<p>The Act on the Protection of Personal Data, Law no. 67/98 (26 October 1998), implementing Directive 95/46/EC – art. 7.1 prohibits the processing of among other things genetic data. Art. 7.4 specifically indicates that (apart from the other exceptions mentioned in art. 7.2-7.3) processing of genetic data is permitted if necessary for the purpose of preventive medicine, medical diagnosis, the provision of care or treatment, or the management of health care services (provided that the professional secrecy rule is applicable); art. 11.5 relates to the right of access to genetic data (and health data in general) which can be exercised by means of a doctor chosen by the data subject</p> <p>The Constitution: art. 26.3 – the guarantee of personal</p>
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				<p>dignity and genetic identity of the human being; art. 13 relates to the principle of equality</p> <p>Regulations of the Ministry of Health related to genetic testing:</p> <ul style="list-style-type: none"> Decree no. 9108/97 (18 September 1997): contains the principles that underline the use of genetic tests: physicians can use genetic tests for the purpose of clinical diagnostic testing, carrier diagnostic testing, presymptomatic diagnostic testing or prenatal diagnostic testing; a test for a genetic disease is to be considered a medical act done in the interest of the patient; tests may only be performed
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				<p>under the responsibility of a physician; information preceding consent shall be provided by genetic counselling in a neutral, non-directive way; genetic testing of children which is not of immediate benefit to them should normally be deferred until they can give valid consent (except where testing of minors is essential for offering advice about the reproductive options open to them</p> <ul style="list-style-type: none"> • DR no. 237 (13 October 1997) • Portaria 189/98 • DR no. 68 (21 March 1997)
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				<p>Regulations of the Ministry of Health related to prenatal diagnosis:</p> <ul style="list-style-type: none"> • Decree 5411/97 • DR no. 180 (6 August 1997) • Decree no. 10325/99 • DR no. 122 (26 May 1999) <p>Law no. 3/84 of 24 March 1984 on Sexual Education and Family Planning – art. 4 and 9 determine that the State shall provide genetic counselling in order to prevent the transmission of genetic diseases</p> <p>The Constitution – art. 13:</p> <ol style="list-style-type: none"> 1. All citizens have the same social rank and are <i>equal</i> before the law 2. No one shall be privileged or favoured, or <i>discriminated</i> against, or
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				deprived of any right or exempted from any duty, by reason of among other things his <i>ancestry</i> or <i>race</i>
Slovakia		Charter on the Patients' Rights in the Slovak Republic (2001)	<p>Act No. 576/2004 Coll. of 22 September 2004 on health care, health care-related services and on the amendment and supplementing of certain laws – contains several patient rights provisions e.g. the right to informed consent (§ 4.4 and § 6 and § 11.8 (c) ; the right to information (§ 11.8 (b); the right not to know (§ 6.3), the right to confidentiality (§ 11.8 (g), § 18.3 and § 22 which relates to the securing of medical records); the right of access to one's medical record (§ 25)</p> <p>Act No. 578/2004 Coll. (22 September 2004) on health care providers, medical workers,</p>	<p>The Constitution – art. 12.:</p> <p>1. people are free and equal in dignity and their rights [...]</p> <p>2. Basic rights and liberties on the territory of the Slovak Republic are guaranteed to everyone regardless of sex, race, color of skin, language, creed and religion, political or other beliefs, national or social origin, affiliation to a nation or ethnic group, property, descent, <i>or another status</i>. No one must be harmed, preferred, or <i>discriminated</i> against on these grounds</p>

			<p>professional organisations in the health service and on the amendment and supplementing of certain laws</p> <p>Constitution – art. 40: Everyone has a right to the protection of his health. [...]; art. 16: 1. The inviolability of the person and its privacy is guaranteed 2. No one must be tortured or subjected to cruel, inhuman, or humiliating treatment or punishment; art. 17.1: personal freedom is guaranteed; art. 19: the right to human dignity (1), the right to private and family life (2), the right to protection of personal data (3); art. 22: relates to the secrecy and protection of among other things written documents and personal data</p>	
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Slovenia	Draft Law on Patients Rights (some of the provisions contained in the draft are based on the European Convention on Human Rights and Biomedicine which is legally binding in Slovenia – since 1 December 1999 - and the basis for the draft law)		<p>Law on Health Services (No. 98/99 and 67/02) – art. 47: every medical intervention must be covered by an informed consent of the patient or, in case of a child or an incompetent adult, the patients’ parents or guardians; art. 47/II: children are considered legally competent beyond the age of 15</p> <p>The Constitution – art. 17 relates to the inviolability of human life; art. 34: the right to personal dignity and safety; art. 35: the inviolability of the physical and mental integrity of every person, his privacy and personality rights shall be guaranteed; art. 38 relates to the protection and access of personal data; art. 51: 1. Everyone has the right to health care under</p>	<p>The Constitution – art. 14: 1. In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political or other conviction, material standing, birth, education, social status <i>or any other personal circumstance</i>. 2. All are equal before the law</p>

			<p>conditions provided by law</p> <p>2. No one may be compelled to undergo medical treatment except in cases provided by law</p> <p>Criminal Code – art. 190: every negligent medical malpractice resulting in the serious damage to a persons’ health is punishable [...]</p> <p>Personal Data Protection Act of 1999 (No. 59/99)</p>	
Spain	<p>The Spanish Basic Law 41/2002 on the Autonomy of the Patient and the Rights and Obligations with regard to Clinical Information and Documentation of 14 November 2002</p>		<p>The Constitution – Art. 1:</p> <p>1. Spain constitutes itself into a social and democratic state of law which advocates <u>liberty</u>, justice, equality, and political pluralism as the superior values of its legal order;</p> <p>art. 10:</p> <p>1. The dignity of the person, the inviolable rights which are inherent, the free development of</p>	<p>The Constitution – Art. 1:</p> <p>1. Spain constitutes itself into a social and democratic state of law which advocates liberty, justice, <u>equality</u>, and political pluralism as the superior values of its legal order;</p> <p>art. 14: Spaniards are equal before the law, without any discrimination for reasons of birth, race, sex, religion, opinion, <i>or any other</i></p>

			<p>the personality, respect for the law and the rights of others, are the foundation of political order and social peace.</p> <p>2. The norms relative to basic rights and liberties which are recognized by the Constitution shall be interpreted in conformity with the Universal Declaration of Human Rights and the international treaties and agreements on those matters ratified by Spain; art. 15:</p> <p>Everyone has the right to life and physical and moral integrity and in no case may be subjected to torture or inhuman or degrading punishment or treatment;</p> <p>art. 18:</p> <p>1. The right of honor, personal, and family privacy and identity is guaranteed</p> <p>4. The law shall limit the use of information, to guarantee personal and</p>	<p><i>personal or social condition or circumstance</i></p>
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			<p>family honor, the privacy of citizens, and the full exercise of their rights; art. 43: 1. The right to health protection is recognized 2. It is incumbent upon the public authorities to organize and watch over public health and hygiene through preventive measures and through necessary care and services. The law shall establish the rights and duties of all in this respect</p> <p>Criminal Code – art. 199.2 relates to confidentiality;</p> <p>Organic Law on the civil protection of the right to honor, personal and family privacy and to one’s reputation of 5 May 1982 – art. 7.4 classifies as unlawful intrusion of privacy the disclosure of private information concerning a</p>	
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			<p>person or family , knowledge of which is obtained in the course of professional or official activities</p> <p>Organic Law 15/1999 of 13 December on the Protection of Personal Data</p>	
Sweden			<p>Health and Medical Services Act (1982:763) – contains among other things provisions on the requirements to be met by health and medical services in order to provide good health care e.g.: good quality, ready available, self- determination and privacy should be respected, care and treatment as far as possible in consultation with the patient, patients should be given a prompt medical assessment of his state of health (§ 2a); patients should be given individualized</p>	<p>Act Concerning the Use of Certain Genetic Technology in Medical Screening (March 1991) – only applicable in case of general health examination (medical screening). Section 5: written consent of the person involved is required</p>

			<p>information concerning their state of health and the treatment methods available (§ 2b)</p> <p>The Act on Professional Activities in Health and Medical Services (1998:531) – Chapter 2, § 1 relates to the physicians' duty to advise and treat the patient in accordance with scientific knowledge and professional experience; § 2: the care provider must provide the patient with information about his state of health and possible treatments</p> <p>The Constitution – Chapter 2, § 6 contains the ground for the requirement of consent: all citizens are protected against physical measures against their will; Chapter 2, § 3.2: Citizens shall be protected to the</p>	
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			<p>extent determined in detail by law against any infringement of their personal integrity resulting from the registration of information about them by means of electronic data processing</p> <p>Health and Medical Services (Supervision) Act (1996:786) – contains provisions on confidentiality in relation to private care</p> <p>Personal Data Act (1998:204)</p> <p>Case Record Act (1985:562) - § 3: a case sheet must contain information necessary for good care of the patient; § 4: all information concerning the patient should be kept in order to respect the personal integrity of the patient</p> <p>Criminal Code – Chapter</p>	
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			<p>20, § 3 relates to confidentiality</p> <p>Secrecy Act (1980:100) – regulations of secrecy in the public medical health care sector are found in Chapter 7, §§ 1-3 and 6: information about an individuals’ state of health or other personal conditions is confidential (§ 1); § 2 contains certain exceptions (disclosure will not cause harm); § 3 and 6 relate to rules about concealing information from the patient (therapeutic exception and information provided by third parties)</p>	
United Kingdom, the		<p>Patients’ Charter (1991) – still applicable in Wales, Scotland and Northern Ireland</p> <p>Patients’ Charter “Your Guide to the NHS” (1 April 2001): has replaced the Patients’</p>	<p>Human Rights Act (1998) – an act which gives further effect to the rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) by requiring that all ‘public authorities’ (e.g.</p>	<p>Human Tissue Act 2004 – this act regulates the removal, storage and use of human organs and other tissue for scheduled purposes. Consent is required before the storage or use of tissues for health care or research (Part 1,</p>

		<p>Charter 1991 in England</p>	<p>courts, tribunals, the General Medical Council, the NHS, likely including health professionals in relation to their NHS functions) act in compliance with the Convention unless they are prevented from doing so by statute (Convention provisions of interest in this context: art. 2 – right to life; art. 3 – prohibition of torture or degrading treatment; art. 8 – right to respect for private and family life) → the Act is set to have (and is already having) a major impact on medical law</p> <p>Mental Capacity Act (2005) – will come into force in April 2007: provides among other things the possibility to assign a representative in advance who will be capable of taking health care decisions on behalf of adults who lack</p>	<p>section 1 – authorisation of activities for scheduled purposes). Part 3, Section 45 of the act makes a new offence of among other things obtaining biological material with the intention to analyze the DNA in it without qualifying consent</p> <p>Human Rights Act (1998) – its reference to art. 14 of the ECHR which states: “The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination <i>on any ground</i> such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth <i>or other status</i></p> <p>Disability Discrimination Act (1995) – applies in the fields of employment, the provision of goods, facilities and services, the sale and letting of property,</p>
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			<p>capacity (section 9-14 of the act)</p> <p>Adults with Incapacity (Scotland Act) 2000 – on the basis of this act a guardian or person with a power of attorney (a written document) may give consent to medical treatment on behalf of adults unable to consent for themselves</p> <p>The Access to Medical Reports Act (1988) – gives patients the right to see medical reports prepared about them for employment or insurance purposes</p> <p>The Access to Health Records Act (1990) - applies to health records from which an individual can be identified created after November 1, 1991, although it also applies to records created before that date if in the opinion of the record holder the</p>	<p>education and public transport, prohibits discrimination on the basis of ‘disability’ defined as ‘physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities’ (Part 1, section 1). This could apply to genetic conditions manifesting in impairment ie.people already affected. An expansive interpretation of the Act suggest that it might also apply to individuals who had begun to develop a condition but where that condition had not at that stage developed into one having a ‘substantial adverse effect</p>
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			<p>giving of access is necessary to make intelligible any records created after that date. However, since the Data Protection Act 1998 has come into force on 1 March 2000, it now only applies to the records of dead patients and to any application for access to health records made before 1 March 2000</p> <p>Data Protection Act (1998) – implements Directive EC/95/46</p> <p>The Data Protection (Subject Access Modification) (Health) Order 2000 – stipulates that the right of access does not apply to a health record where disclosure would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person. Moreover, in respect of research</p>	
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			<p>purposes, section 33 of the 1998 Act states that data which are processed only for research are exempt from the subject-access provisions as long as certain conditions are fulfilled</p> <p>Freedom of Information Act (2000) – (amends the Data Protection Act 1998) provides in Part 1, section 1 for a general right of access to information held by public authorities (in Schedule 1 an overview is provided of what is meant by public authorities, among other things health authorities and health professionals in relation to their NHS functions)</p>	
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