

# **Criminal law aspects of data electronization in healthcare**

## **Abstract**

Continuous spread of information and communication technologies into all aspects of everyday life goes hand in hand with importance of data and information. This trend can be also observed in the healthcare sector which has recently experienced massive electronization. However, along with electronization, respective criminal law aspects are developing as well. Relevancy of this issue can be clearly demonstrated on the recent cyber-attacks on healthcare providers, which seriously jeopardize valuable data in healthcare.

The aim of this work is to set forth comprehensive summary of criminal aspects of data electronization in healthcare with emphasis on the importance of electronization phenomenon, the issue of cybercrime and selected crimes that may be committed in connection with data electronization. This work also aims at highlighting negative impact of electronization in the global information society.

In terms of content, the work consists of five structured chapters, in which the author defined relevant theory behind the issue and subsequently performed her own analysis thereof. The first chapter defines the term “data” as well as its categories and legislative framework with emphasis on area of criminal law and related protection of rights. The second chapter is devoted to the electronization of healthcare and its impact in practice, including evaluation of selected advantages and risks thereof. The evaluation also includes author's survey that reflects the level of awareness of healthcare electronization among the respective professionals. The third chapter focuses on general issues of criminal law such as criminal liability, the characteristics of criminal offenses and also on the specific area of cybercrime. The fourth chapter then discusses selected crimes that can be committed within the electronic health care system while mentioning real cases from practice.

Finally, the fifth chapter evaluates the criminal law framework of data protection related to the healthcare electronization and assesses the adequacy of this type of legal protection. In this regard, the chapter also proposes concrete remedies, including, but not limited to, amendments to the Criminal Code. In order to make the assessment complete from an international point of view, the evaluation also includes a comparison of selected aspects of healthcare electronization in Czech Republic with Sweden, which is country that is very advanced in this area.

**Keywords:** Data protection, eHealth, cybercrime.