Medical treatment is based on trust. Patients coming to the medical facility often share details about their personal lives that could potentially embarrass or dishonour them and eventually discourage them from getting medical treatment at all. That is why patients seeking medical help need to know that those to whom they confide in are willing to keep the information private and discreet. This thesis will address the protection of personal data in the healthcare area and its main purpose is to provide complex analysis of the relevant legal framework, especially in the light of the recently passed legislation.

Protection of personal data in the healthcare area is governed by two pieces of legislation – The Data Protection Act and The Healthcare Act. These statutes present main instruments by which the protection of patients’ information is provided. The first part of the thesis examines the general principles of the data protection as they are outlined by the Data Protection Act. It also looks at the key terms of data protection, such as personal data, sensitive data, data subjects and processing and examines the role of the Data Protection Office. Second part the thesis deals with the duty of confidentiality and its personal, temporal and subject matter jurisdiction. Duty of confidentiality is not absolute and is subject to a few exceptions, which are explored in the last section of this chapter. Subsequently, the thesis looks at the medical records and legal requirements for its content, form, storage and disposal. This chapter also deals with the National Health Care System and illustrates the processing of sensitive patients’ data in the health registries. The fourth part of my thesis is concerned with the case of permitted disclosures of medical information – both with the patient’s consent and in the situation where the disclosure of patient’s medical records is required by law. In the final chapter, a comparison of the Czech legislation with the legal framework of England and Wales is offered.

It is argued that despite some inefficiencies, personal data of patients are well secured and guarded within the current legal framework. In the future however, both law and medicine shall face the challenges resulting from the omnipresent computerisation of the health care and meet the increased requirements for the personal data security.