

Abstract

Health care services is an area, in which is, with regard to specific nature of processed information, needed to pay special attention to personal data protection of patients. Act that used to regulate this kind of relations for more than 40 years was the Act on Care and Health of Nation. Taking into consideration its historic time of origin and paternalistic theory, on which it was based upon, and despite passage of Convention on Human Rights and Biomedicine meaning significant deviation from up to now paternalistic theory, this Act was not able stand under the Czech republic international obligations, principles of democratic legal state and last but not least rapid technological progress,. Therefore it was replaced by Medical Services Act, which is in full compliance with approach that sees relation between physician and patient as equal. One of cornerstones in area of personal data protection in health care services is concept of rule of secrecy, to which is obliged mainly provider of health care, but also other persons stated in the Act. Violation of rule of secrecy is punished. Threat of penal sancion for violation of rule of secrecy highlights the importance of protection of presonal data in health care area. Although under circumstances specified by the law is possible to unveil rule of secrecy and some of classified information communicate to specified person. Another very important concept of personal data protection in health care area is Medical record. Medical record, compact set of all known information about medical state of a patient, is protected and strict rules apply in regard to acces to Medical record, possibility of making abstracts, transcripts and copies, its storing and discarding. New Medical Services Act, besides introducing several new terms, deviates from paternalistic theory and also significantly affects and clarifies concepts of Rule of secrecy and Medical record, thus removing ambiguity rising from unsatisfying legal regulation provided by Act on Care and Health of Nation. Purpose of this thesis, with regard to aforementioned, is to describe most important aspects of personal data protection in health care area and to interpret changes to whole area and to particular concepts brought by the Medical Services Act.