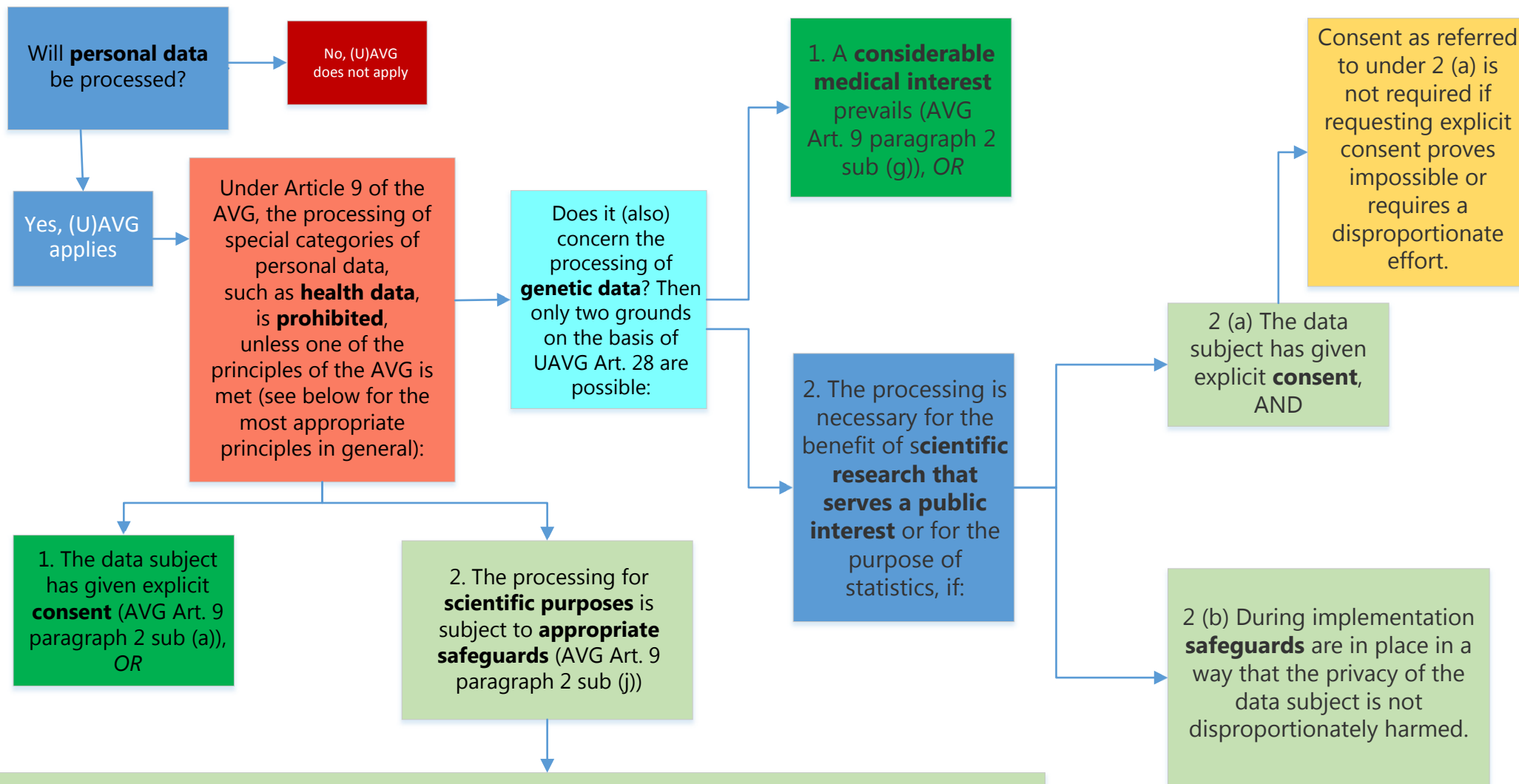


Decision tree data processing (U)AVG-WGBO for the purpose of TCBio review



Additional requirements apply under UAVG Art. 24 and WGBO Art. 7:458, namely:

- 2.1. the processing is necessary for scientific research and **cannot be carried out without** the respective data;
- 2.2. the study serves the **public interest**;
- 2.3. requesting explicit **consent is impossible or involves a disproportionate effort**;
- 2.4. **safeguards** (such as pseudonymization and data minimization) are in place in a way that the data subject's privacy is not disproportionately harmed;
- 2.5. the data subject **has not explicitly objected**.

Definitions and additional information

AVG (in Dutch: **A**lgemene **V**erordening **G**egevensbescherming) = General Data Protection Regulation (GDPR)

UAVG (in Dutch: **U**itvoeringswet **AVG**) = Dutch GDPR Implementation Act

WGBO = Dutch Medical Treatment Contracts Act

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

Special categories of personal data are: personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, **genetic data**, biometric data for the purpose of uniquely identifying a natural person, data concerning a natural person's sex life or sexual orientation, or **data concerning health** (personal data related to the physical or mental health of a natural person, including the provision of health care services, which reveal information about his or her health status).

In general, there are also other grounds for the processing of personal data (including vital interests of the data subject, a public interest in the field of public health or necessary for a legal claim), but these have not been taken into account in the context of this decision tree.

Safeguards include, but are not limited to, pseudonymization and data minimization.

Genetic data means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person. According to AVG recital 34, genetic data are personal data relating to the inherited or acquired genetic characteristics of a natural person which result from the analysis of a biological sample from the natural person in question, in particular chromosomal, deoxyribonucleic acid (DNA) or ribonucleic acid (RNA) analysis, or from the analysis of another element enabling equivalent information to be obtained.

The **Code of Conduct for Health Research** provides further background on the inability to ask consent (when unreasonable or impossible).