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Technology, innovation
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Imagine 2029: Our data, our health, our care – 20th anniversary of EHTEL

EHTEL 2019 Symposium

13:30 – 14:45 [S9]



Aula 1
First Floor

Sharing in an AI-Friendly Environment: Data Donation and more

As addressed by initiatives of the Finnish EU-Presidency and the European Commission, secondary data use and data donation may contribute to an AI-friendly European Health Data Space.

Session Chair: Josuè Sallent, Director, Tic Salut Social Foundation, Barcelona, Spain

Ethics of Data Sharing and AI

Itziar de Lecuona, Bioethics & Law Observatory, UNESCO Chair Bioethics, Barcelona, Spain

Finland Legislation on Secondary Data Use

Joni Komulainen, Ministry for Social Affairs and Health, Helsinki, Finland

Salut Coop - Citizen Cooperative of Health Data

Joan Guanyabens, Salut Coop, Barcelona, Spain

Q&A and Conclusions by the Session Chair

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Ethics of Data Sharing and Artificial Intelligence

Itziar de Lecuona, PhD

Associate Professor, Dept. of Medicine

Bioethics and Law Observatory

UNESCO Chair in Bioethics

University of Barcelona



UNIVERSITAT DE
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Observatori de
Bioètica i Dret
Universitat de Barcelona

Ethics of Data Sharing in AI

To reflect on:

- The ethics of automated decision making
- The justice of algorithms and fairness of data gathered
- The responsibility of all actors involved
- The quality of datasets and personal data
- The price and **value of personal data**
 - Personal interest and gain vs. Common good
- Autonomy and informed consent
 - opt in vs. opt out systems for data treatments



What can big data do for you ?

Big data presents great opportunities as they help us develop new creative products and services, for example apps on mobile phones or business intelligence products for companies. It can boost growth and jobs in Europe, but also improve the quality of life of Europeans.

About Big data

[Policies](#)

[Blog posts](#)

The European AI Alliance

You can now officially join the European AI Alliance - a forum engaged in a broad and open discussion of all aspects of Artificial Intelligence development and its impacts.



We are in a hurry
we are ten years late ...

- M. Vestager will have 100 days to draw up a strategy for the development of **artificial intelligence, which should also provide for the use of big data in innovations**

El País, “Europa ultima un plan para dar la batalla de los datos”, domingo, 24 de noviembre de 2019.

https://elpais.com/economia/2019/11/16/actualidad/1573926886_318836.html

Ethics of Data Sharing and AI

- Ethics is about happiness;
 - Freedom;
 - Free development of personality;
 - Equality;
 - Non discrimination (algorithmic discrimination)
-
- Society must set the limits
 - Facts; values; principles; norms and procedures
-
- Ethics; politics and regulation
 - Understanding the paradigm shift: we are not anonymous anymore
-
- Assure that data sharing to develop AI Systems is aligned with societal expectations

Healthcare: enhancing diagnosis and treatment while preserving privacy

Big data offers solutions for improved efficiency in healthcare information processing which in turn creates value for businesses, public sector and citizens. The analysis of large clinical datasets can result in the optimisation of the clinical and cost effectiveness of new drugs and treatments and patients can benefit from more timely and appropriate care. Data interoperability is of utmost importance since the data is derived from diverse and heterogeneous sources such as bio-signal streams, health records, genomics and clinical lab tests. Privacy-preserving technologies aim at providing access to health data for patients, healthcare professionals and clinical researchers in a uniform way and in an anonymized and aggregated form to develop better prevention or treatment options.

Projects:

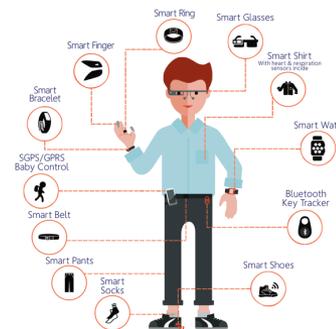
- Clinical decision support and integrated care: [AEGLE](#)
- Anonymisation and blockchain technology solution for healthcare: [My](#)

Data Markets

Information technology has driven, directly or indirectly, much of Europe's economic growth during the last decades as the role of data transitioned from the support of business decisions to becoming a good in itself. An open approach towards data value creation has become critical in the new networked economy, with Europe well placed to nurture this new revolution.

Projects:

- Automotive Big Data Marketplace for Innovative Cross-sectorial Vehicle Data Services: [AutoMat](#)





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NESTORE

Your pathway to wellbeing

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HORIZON
2020

Novel Empowering Solutions and Technologies for Older people to Retain Everyday life activities

Find information

Results

We must be concerned about the value of privacy

- We cannot remain indifferent to the use of our data
- We are important for the public & private
- Personal data feed business initiatives and models in
 - personalized medicine, ageing & wellbeing , and for developing more efficient healthcare systems.
- Turning our backs on the power of properly managed data would be detrimental. We would deprive ourselves of advantages for our health, quality of life and for the coming generations.

Responsible Research and Innovation (RRI) : transversal agenda of the European Union



– Ethics

- Research Ethics Committees reviewing **research and innovation** processes
- Ethics label of AI, standardization and certification Systems to make AI trustworthy

– Public engagement

- Empowering citizens and societies; integrate their needs and expectations
- From anonymisation to pseudonymisation

– Open access

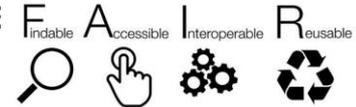
- Transparency and accountability
- FAIR principles: Findable, Accessible, Interoperable, Reusable

– Scientific education

- Digital literacy in the digital society; education, training

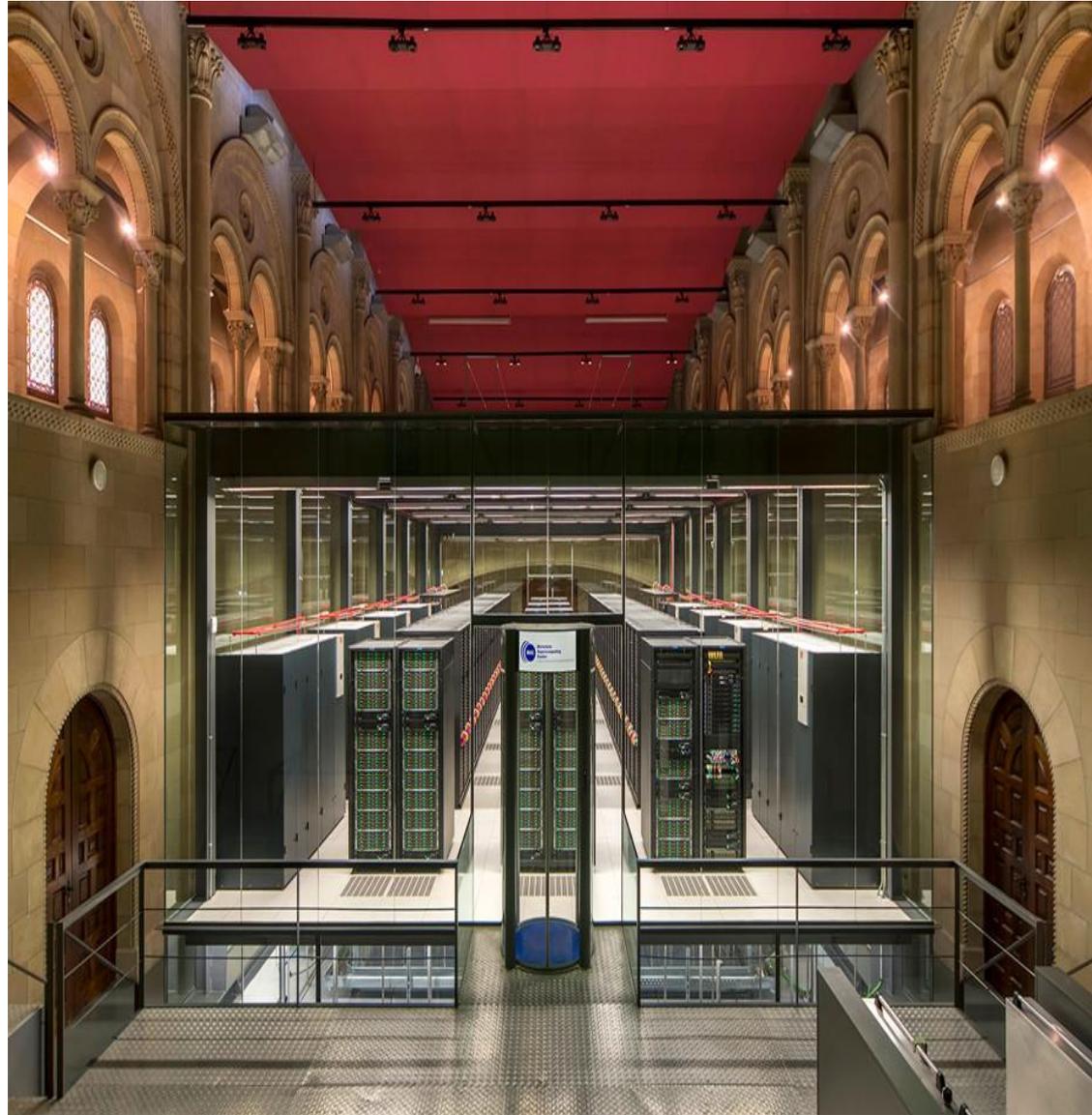
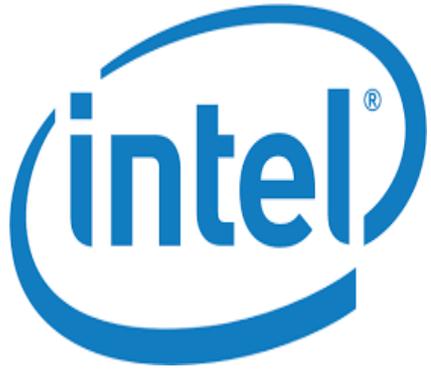
– Gender equality

- Algorithmic discrimination perpetuate gender or racial biases



It is all about data (& personal data) the main asset

- **Biomedicine and biotechnology**
- **Research should be reviewed by independent and interdisciplinary research ethics committees**
- **Lack of guidelines and procedures to properly review Big Data & AI research projects**
- **It is useless to use old solutions to new challenges posed by the convergence of technologies**
 - **Anonymisation as a guarantee is not applicable**



Personal data



- What is personal data today?
- **Special categories of data: Health related; genetic data, biometric data, etc.**
 - name, address, identification number, pseudonym, occupation, e-mail, CV, location data, Internet Protocol (IP) address, cookie ID, phone number, data provided by smart meters, data held by a hospital or doctor.
 - **Pseudonymisation: assuring non attribution**

L. Sweeney, Simple Demographics Often Identify People Uniquely. Carnegie Mellon University, Data Privacy Working Paper 3. Pittsburgh 2000.

Simple Demographics Often Identify People Uniquely

Processing of personal data:

- **‘pseudonymisation’ means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person;**

To reflect on:

- The value of personal data in the digital society
 - We should take care of our data to protect ourselves and the coming generations
 - Avoiding data markets disguised as research
- Informed consent is not enough
- Transparency and accountability
 - Commodification of privacy vs. Common good
 - Creation of value instead of extraction of value
 - Tech companies and the role of governments

Newsroom

New Guidelines on Artificial Intelligence and Data Protection

STRASBOURG | 30/01/2019

www.coe.int/AI

Towards an ethical and responsible AI
for human rights, rule of law
and democracy

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 Agenda Videos Contact us

Guidelines on the protection of individuals with regard to the processing of personal data in a world of Big Data





The **High-level Expert Group** on **Artificial Intelligence** will:

-  Advise on AI-related challenges & opportunities
-  Propose draft AI ethics guidelines
-  Engage with members of the European AI Alliance

#AI |




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Digital Single Market

REPORT / STUDY | 8 April 2019

Ethics guidelines for trustworthy AI

On 8 April 2019, the [High-Level Expert Group on AI](#) presented Ethics Guidelines for Trustworthy Artificial Intelligence. This followed the publication of the guidelines' first draft in December 2018 on which more than 500 comments were received through an open consultation.

According to the Guidelines, trustworthy AI should be:

- (1) lawful - respecting all applicable laws and regulations
- (2) ethical - respecting ethical principles and values
- (3) robust - both from a technical perspective while taking into account its social environment

About Artificial intelligence

[Blog posts](#)[News](#)[Events](#)[Projects](#)[Funding](#)

Guidelines for **Trustworthy** AI

Key Guidance for Ensuring Ethical Purpose

- Ensure that AI is **human-centric**
- Grounded in and reflective of **fundamental rights** and **societal values**
- **Principles of:**
 - **Beneficence and Non Maleficence**
 - **Autonomy of humans**
 - **Justice**
 - **Explicability**

Key Guidance for Ensuring Ethical Purpose

- **Evaluate possible effects of AI on human beings and the common good**
- **Pay particular attention to situations:**
 - **involving more vulnerable**
 - children, persons with disabilities or minorities
 - **with asymmetries of power or information**
 - i.e. between employers and employees, or businesses and consumers
- **Remain vigilant for areas of critical concern**

Key Guidance for realising Trustworthy AI

- Incorporate the requirements for Trustworthy AI **from the earliest design phase:**
- Accountability,
- Data Governance,
- Design for all,
- Governance of AI Autonomy (Human oversight),
- Non-Discrimination,
- Respect for Human Autonomy,
- Respect for Privacy,
- Robustness,
- Safety,
- Transparency

Key Guidance for Assessing Trustworthy AI

- Adopt an **assessment list** for Trustworthy AI when developing, deploying or using AI,
- and adapt it to the specific use case in which the system is being used

- ensuring Trustworthy AI is not about ticking boxes
- but about a continuous process of identifying requirements, evaluating solutions and ensuring improved outcomes
 - throughout the entire lifecycle of the AI system

- To enable Europe to become a globally leading innovator in ethical, secure and cutting-edge AI
- enhance the well-being of European citizens

Assessment list

example: 2. Data governance:

- Is proper governance of data and process ensured?
- What process and procedures were followed to ensure proper data governance?
- **Is an oversight mechanism put in place?**
- **Who is ultimately responsible?**
- What data governance regulation and legislation are applicable to the AI system?
- <https://ec.europa.eu/digital-single-market/en/news/draft-ethics-guidelines-trustworthy-ai>



- **Data Portability**
- **Right to be forgotten**
- **Right to object and automated individual decision-making**

- **Data Protection Impact Assessment**
- **Data Protection Officer**

- **‘profiling’ means any form of automated processing of personal data** consisting of the use of personal data to evaluate certain personal aspects relating to a natural person,
- in particular **to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements;**

Principles relating to processing of personal data

- **Lawfulness, fairness and transparency in relation to the data subject**
- **Collected for specified, explicit and legitimate purposes** and not further processed in a manner that is incompatible with those purposes
- **Data minimization:** adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed
- **Accuracy:** accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay
- **storage limitation:** kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed
- **Integrity and confidentiality:** processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures

- (article 5.1 GDPR)

- **Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information**
- “Public sector information represents an extraordinary source of data that can contribute to improving the internal market and to the development of new applications for consumers and legal entities. **Intelligent data usage, including their processing through artificial intelligence** applications, can have a transformative effect on all sectors of the economy”

Value creation vs. Value extraction and societal impact

- **Rethink the governance of data and develop new institutions**
- **new vocabulary**
 - “For example, calling platform companies ‘**tech giants**’ implies they have invested in the technologies from which they are profiting, when it was really taxpayers who funded the key underlying technologies—from the internet to the Global Positioning System”
- **Co-creation vs. Regulation**
 - “Governments can and should be shaping markets to ensure that collectively created value serves collective ends”
- **Avoiding the extraction of value or abuse of individual rights**
- **Creating an environment that rewards genuine value creation and punishes value extraction**

“Tech companies” use and abuse?

- "Many companies have outsourced [the management, storage and processing of] their data to US companies," Angela Merkel warned this week to dozens of entrepreneurs in direct reference to the dependency on Amazon, Google or Microsoft. "I am not saying that it is bad, I just want to say that the value-added products that come from there, with the help of artificial intelligence, will create dependencies that I am not sure will be good"

El País, “Europa ultima un plan para dar la batalla de los datos”, domingo, 24 de noviembre de 2019.
https://elpais.com/economia/2019/11/16/actualidad/1573926886_318836.html

Autonomy and informed consent

- Opt out systems
- Transparency and accountability
- Digital literacy
- Ethics training to avoid algorithmic discrimination

- Proportionate goals
- Set the priorities in the healthcare (RRI)

- Common good Vs. Personal interest
- Avoiding data markets disguised as research



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Observatori de
Bioètica i Dret
Universitat de Barcelona

Thank you!

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www.bioeticayderecho.ub.edu

As citizens we must be concerned about the value of privacy

- We cannot remain indifferent to the use of our data,
- We are important for the public authorities, private companies
- Personal data feed business initiatives and models in personalized medicine, ageing, and for developing more efficient healthcare systems.
- Turning our backs on the power of properly managed data would be detrimental. We would deprive ourselves of advantages for our health, quality of life and for the coming generations.



6.12.2019

Joni Komulainen
Ministrial adviser
Master of Laws



FINLAND LEGISLATION ON SECONDARY DATA USE

How to securely fully utilize the health and social data for research, statistics, development and innovation activities, education and knowledge management duties and steering and supervision of social and health care by authorities and planning and reporting duty of an authority





WORLD'S BEST DATABANKS

Health and social data is stored in various national and local databanks

- There is a large variety of different kind of patient record, well-being, social wellness and other data available
- The data has been collected for a long time. Time series are continual
- The quality of data is high
- Unique national person ID-number makes it possible to combine personnel records

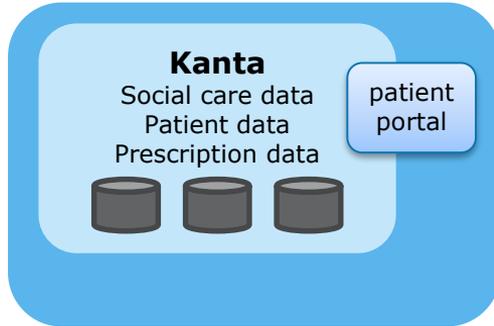


UNIQUE NATIONAL PERSON ID-NUMBER

- Remains unchanged throughout life
- Given to Finnish citizens by birth and to foreign citizens moving to Finland once they have been registered in the Population Information System
- Used in identifying a person in various registers by various register controllers
- A key to accessing and linking personal information from various registers



EXAMPLES OF DATABANKS – UNIQUE NATIONAL KANTA SERVICES



Kanta is an entity of digital services, which brings benefits for citizens, pharmacies and the social welfare and healthcare sector.

Patient, social care and prescription data gathered in a national databank

- Healthcare professionals can access the needed data nationwide, store patient records and make prescriptions.
- Citizens can browse own medical records and prescriptions and order repeat prescriptions in the online service.

User groups



Healthcare service providers

- Primary care organizations
- Hospital districts
- Private healthcare providers

Providers of social services

Pharmacies

Healthcare professionals

eHealth Digital Service Infrastructure

Receivers of medical certificates

Citizens
and apps used by them

Main standards

- HL7 V3: CDA R2 L3 and Medical Records
- HL7 FHIR (Kanta Personal Health Record)
- JSON, XHTML (PHR and social services)
- PDF/A (old patient data and social services)
- IHE IT-I Profiles (imaging and eHDSI)
- W3C XML DSig
- WS Addressing, WS-I
- TLS, X.509

Examples of databanks –
Unique national **KANTA** services

Kanta messaging layer

Kelain
Web-based prescription service

National Contact Point for eHealth

National service bus

My Kanta pages

Prescription centre		Pharmaceutical database	
Prescriptions	Dispensations	Medicinal products details	Prices
Renewals	Reservations	Substitution rules	Reimbursement rules

Patient data repository

Health records	Imaging infrastructure	Archive of old patient data
Encounter data	Imaging data	Old health records
Structured health records		

Data management service		Summary service	
Consent data	Will expressions	Problems	Vaccinations
Information notices	Living wills	Procedures	Imaging studies
Consents	Organ donation wills	Lab results	Physiological findings
Consent restrictions		Customer summary for social services	Risks

Data repository for social services

Customer relationships	Service items
Customer documents	Legacy data

Personal Health Record (PHR)

Observations	Questionnaire responses
Other data stored by citizens	



Other national services

Population register
Demographic data

Suomi.fi
Authentication
e-Authorizations
Message exchange

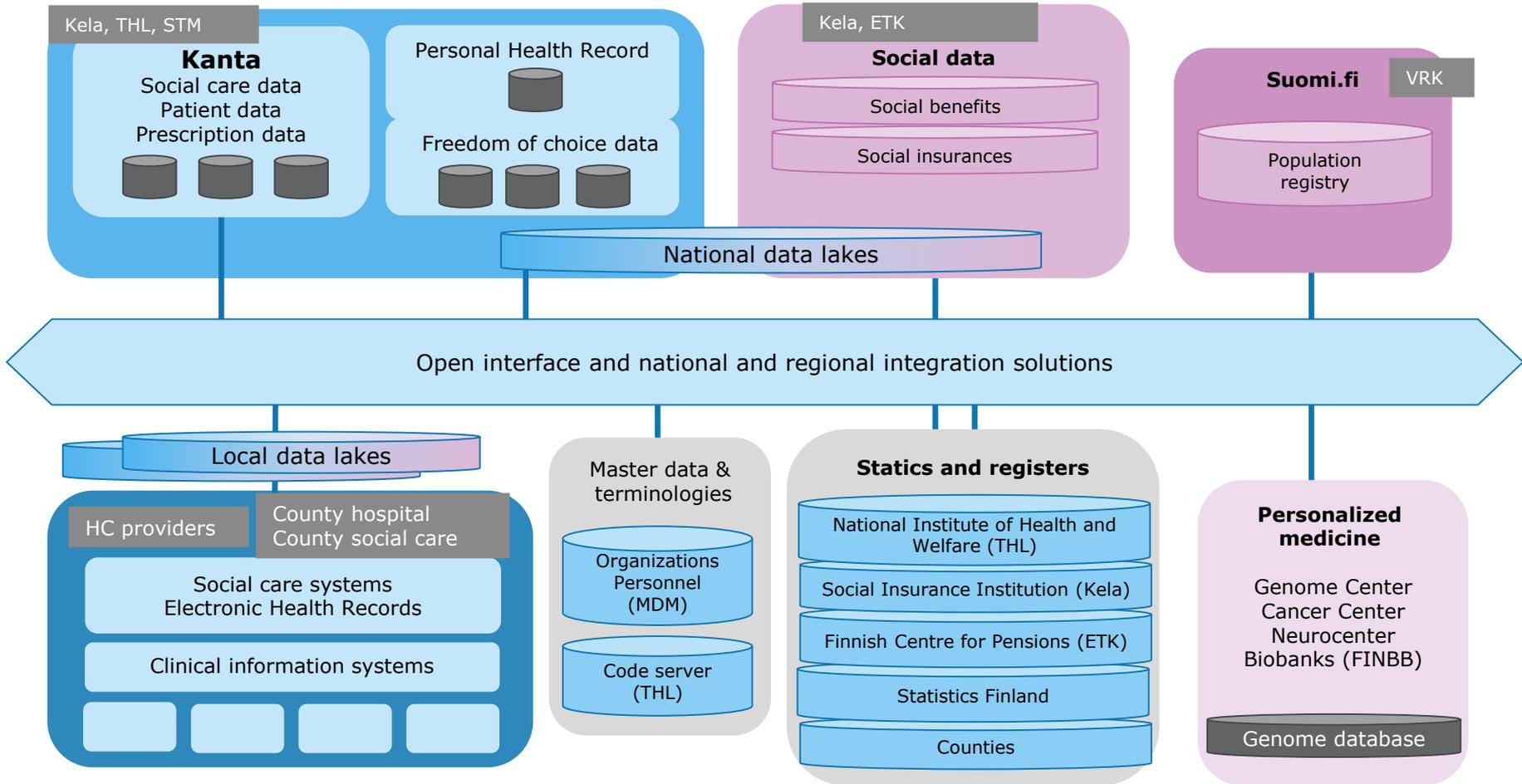
HCP and SCP register
Professional rights

Certification service
Certificates
Smart cards

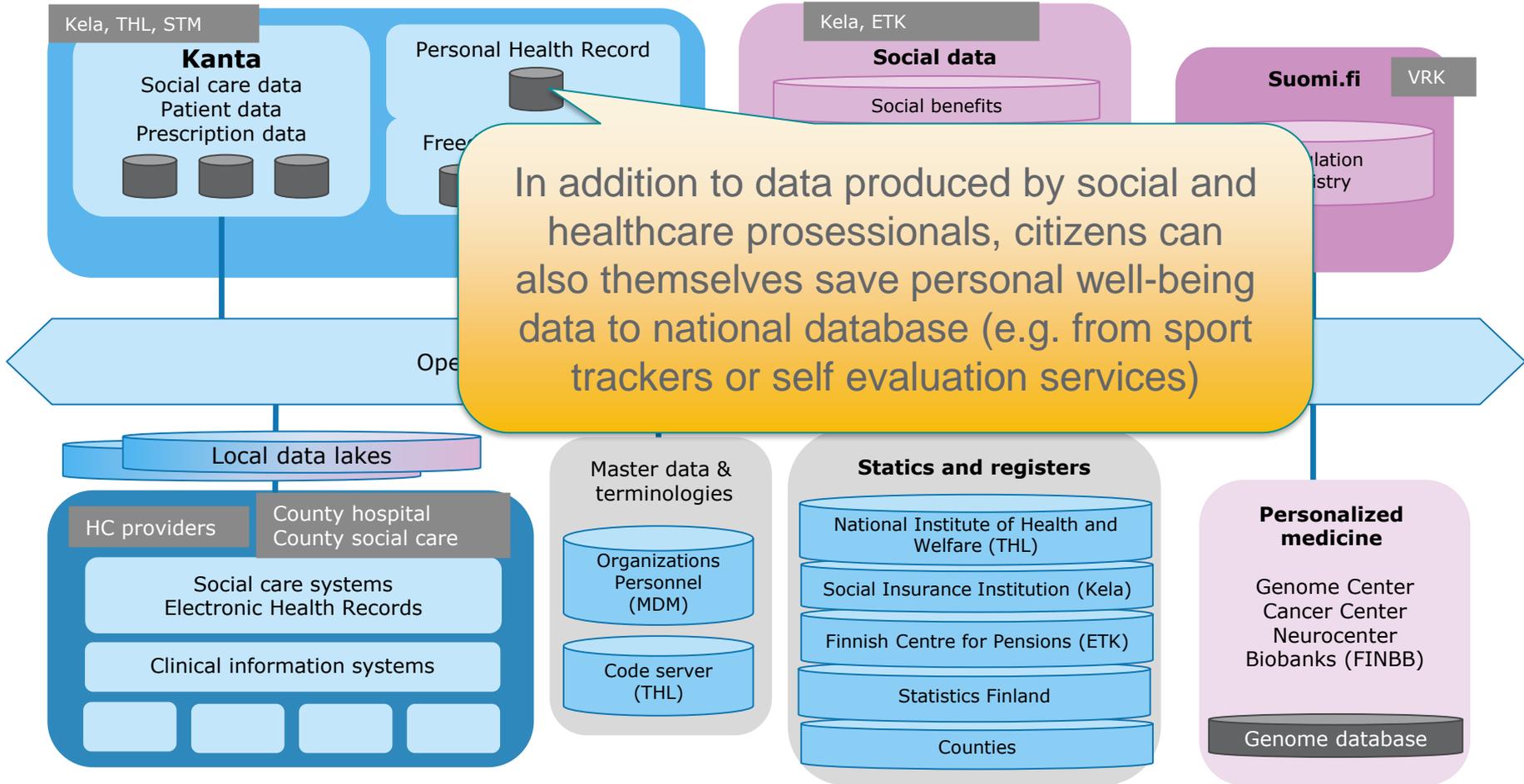
National code server

Code systems	Terminologies
Pharmacy register	Data structures
Organization register	

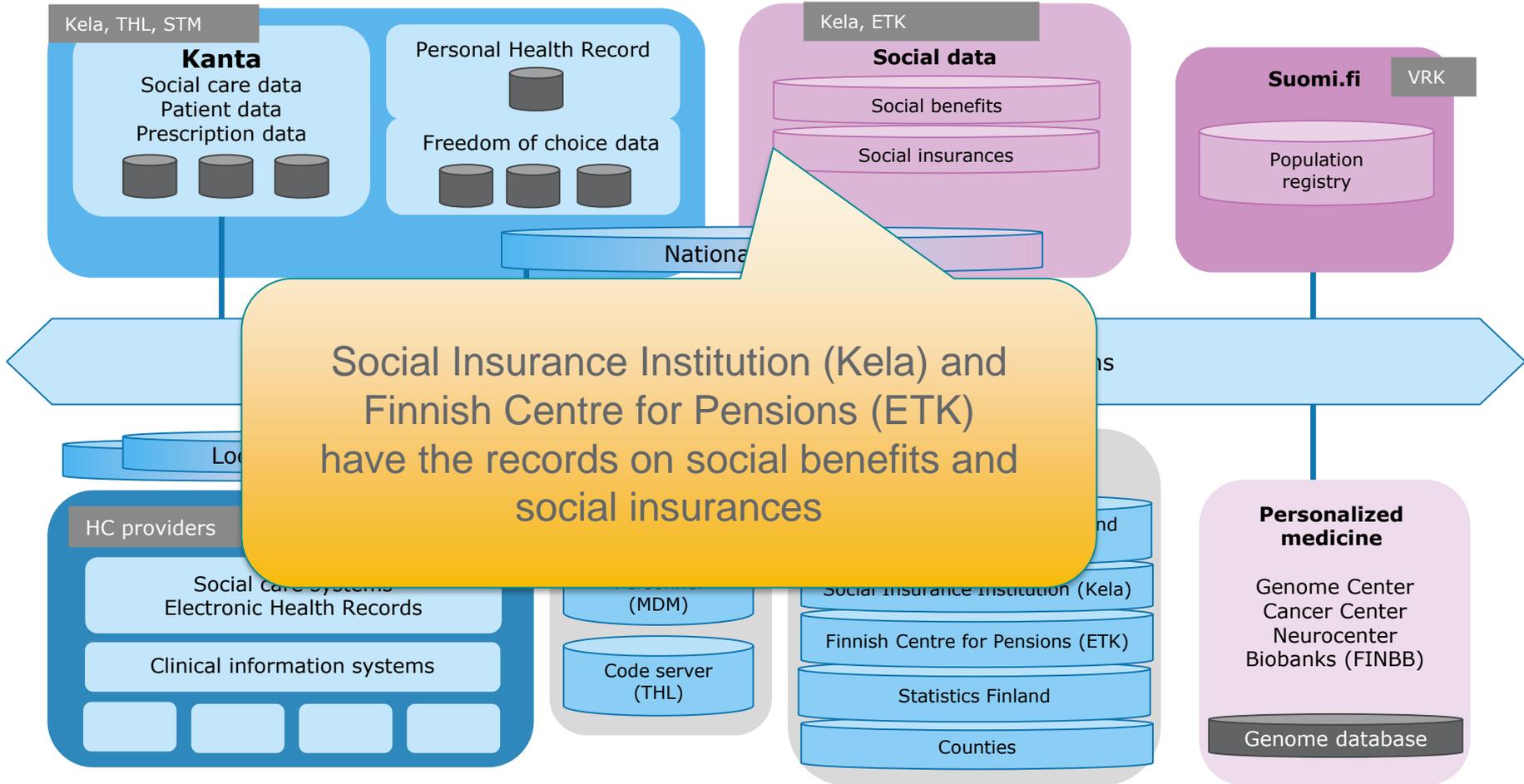
EXAMPLES OF DATABANKS – IN ADDITION TO KANTA THERE IS A LOT MORE



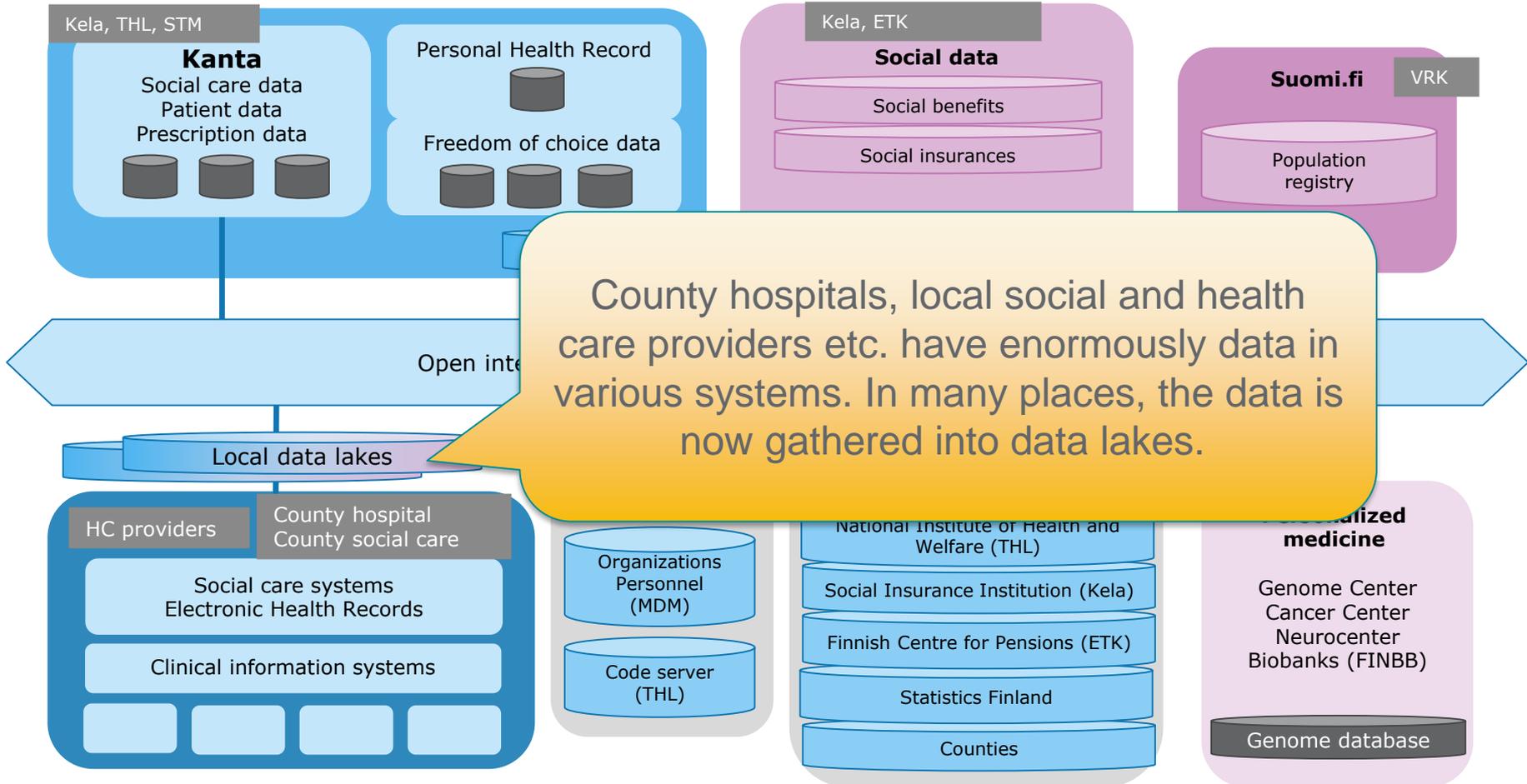
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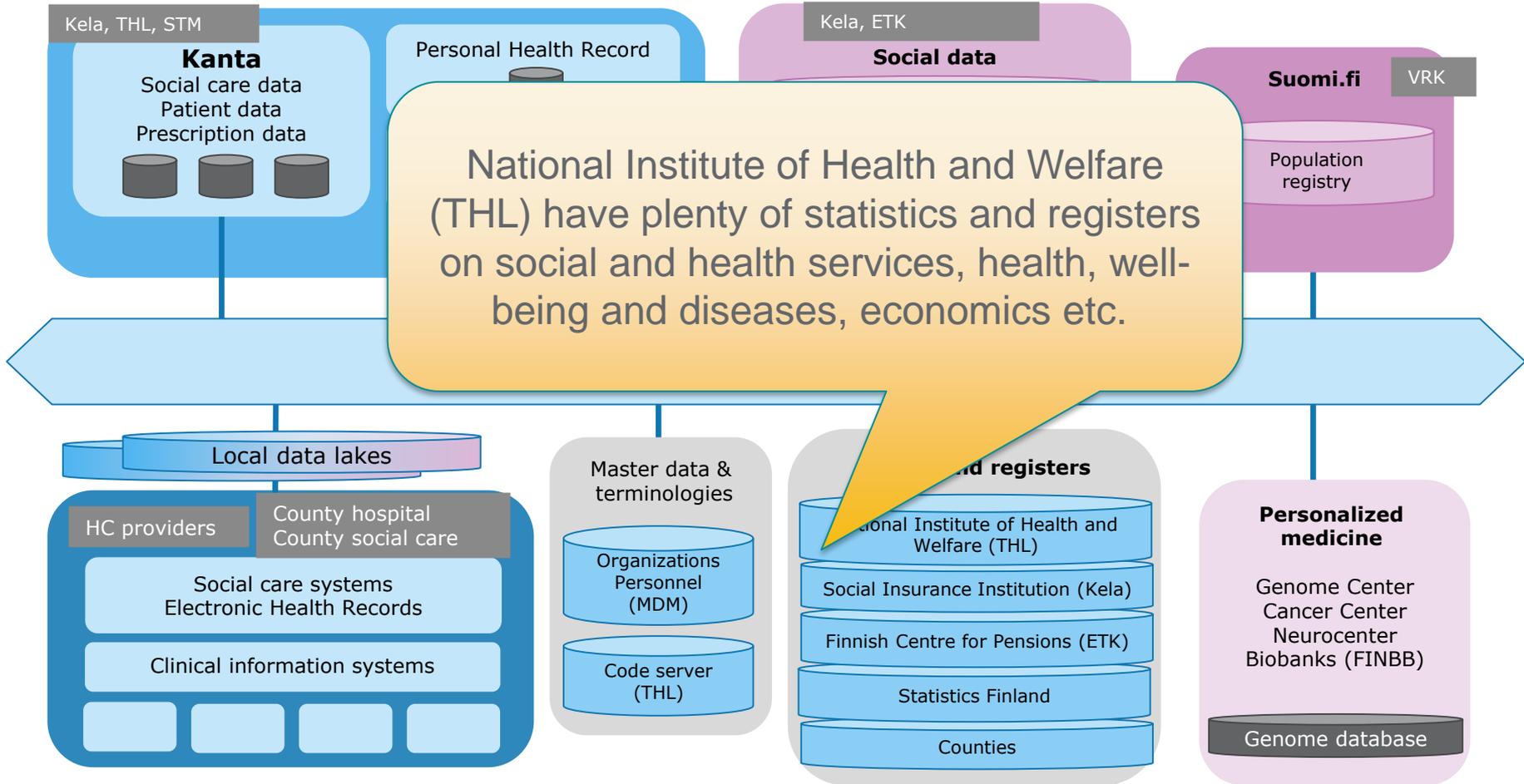
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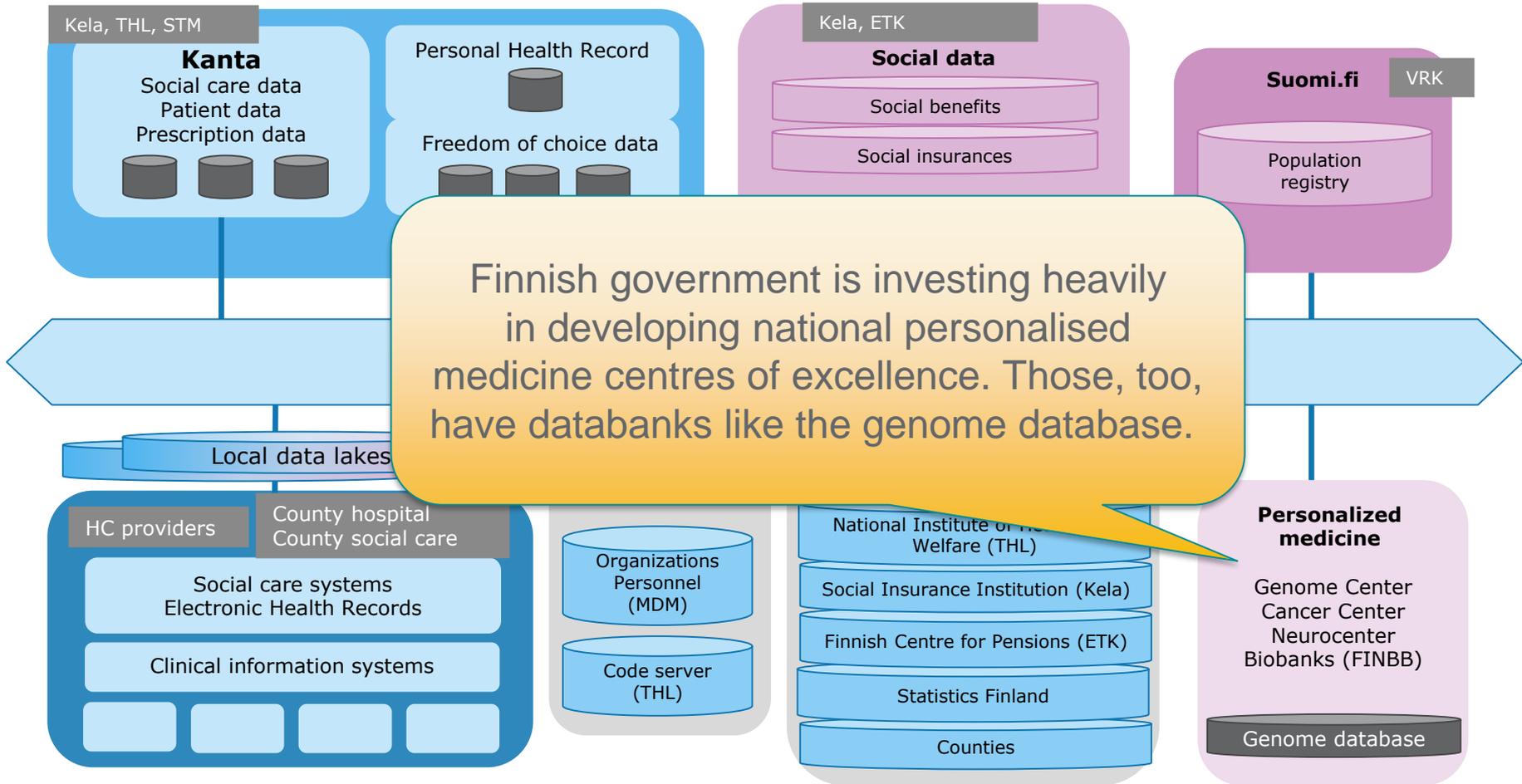
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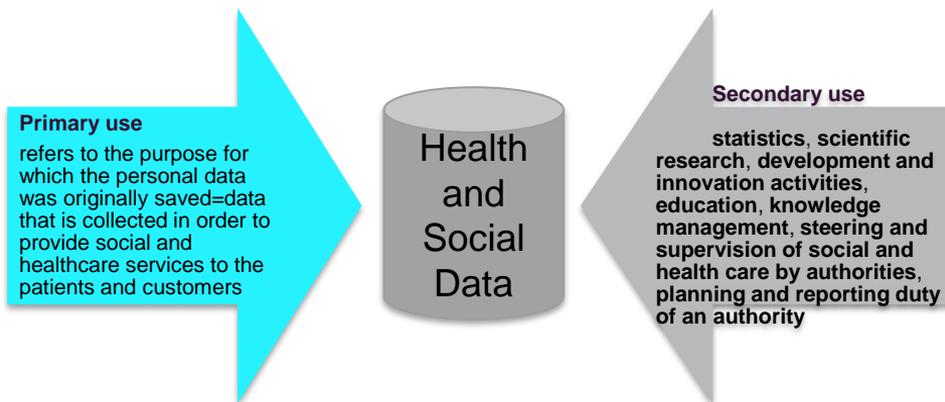


EXAMPLES OF DATABANKS – IN ADDITION TO KANTA THERE IS A LOT MORE





PRIMARY USE VS. SECONDARY USE





ENABLING LEGAL FRAMEWORK

Legislation to be reformed:

Act on Statistical Services of National Research and Development Centre for Welfare and Health Stakes

Act on National Personal Data Registers for Health Care

New acts:

Act on Secondary Use of Health and Social Data

Revised Act on National Institute for Health and Welfare

Related legislation to be amended:

Act on the Electronic Handling of Client Information in Healthcare and Social Welfare

Act on Organising Health and Social Services

EU:

General Data Protection Regulation

Regulation on Clinical Trials on Medicinal Products

**Other acts to be amended:
Personal Data Act, Act on the Openness of Government Activities, Biobank Act, Communicable Diseases Act, Act on the Status and Rights of Social Welfare Clients, Act on the Investigation of the Cause of Death, Act on Electronic Prescriptions**



AFTER THE REFORM

- Data permit authority gives the permit to use the registers and is responsible for the service: data management, combination and transfer
- Data permit authority shall ensure that the combined data is handled in conformity with data protection legislation
- Separate permits for combining registers will become unnecessary → smoother and simpler process
- Wider use of data: scientific research and statistics, development, innovations, education and information management
- Electronic permit portal for describing the data required (what, why, where) and for saving permit applications
- Data is handled in a secure use environment
- Data controllers give advice on how to use the data
- In conformity with EU Data Protection Regulation

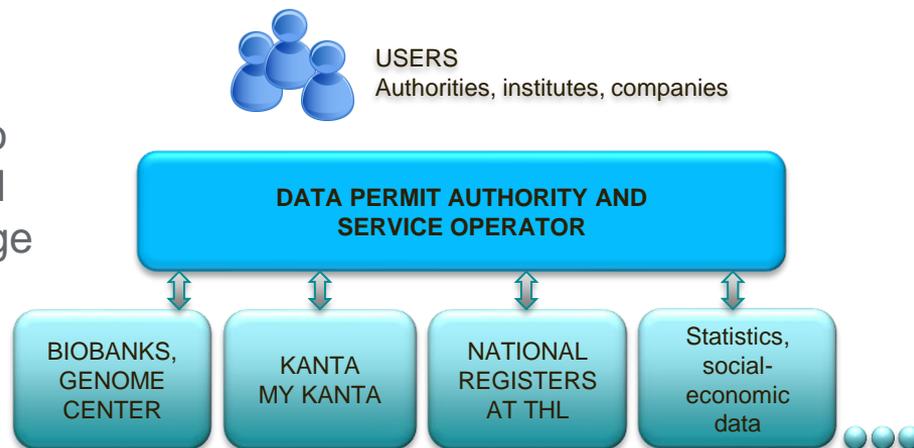


LEGISLATION THAT ENABLES

Act on **Secondary Use of Health and Social Data**

- To ensure authorities, institutes and companies access to the health and social data in Finland.
- To provide efficient and secure procedures to utilize the data in research, development and innovation activities, education and knowledge management duties.

Based on the Act a **Single point of contact** (data permit authority and service operator) will be established





OBJECTIVE OF THE ACT

1. Enable efficient and secure processing of personal data collected during the provision of **social and health care** as well as personal data collected for the purpose of **steering, supervision, researching and collecting statistics** on the social and health care sector.
2. Allow the collected personal data to be **combined with** the personal data held by **Social Insurance Institution of Finland, Population Register Centre, Statistics Finland and Finnish Centre for Pensions**.
3. Secure the legitimate expectations, **rights and freedoms** of individuals when processing personal data. **TRUST!**



SCOPE OF APPLICATION

Act supplements the GDPR when the personal data referred to in section 1 are used for the following purposes, even if the data were not originally stored for such a purpose:

- 1) statistics;
- 2) scientific research;
- 3) development and innovation activities;
- 4) education;
- 5) knowledge management;
- 6) steering and supervision of social and health care by authorities;
and
- 7) planning and reporting duty of an authority.



AUTHORITIES AND ORGANISATIONS RESPONSIBLE FOR THE SERVICES AND RESTRICTIONS ON DATA SETS

- 1) **Ministry of Social Affairs and Health;**
- 2) **National Institute for Health and Welfare**, notwithstanding the data it has collected for statistical purposes as a statistical authority.
- 3) **Social Insurance Institution of Finland** insofar as the data needed for the purposes stated in this Act is personal data stored during the processing of benefits in a customer relationship or concerns drug prescriptions and associated delivery information stored in a prescription centre referred to in section 3, paragraph 4 of the Act on Electronic Prescriptions (61/2007) and in a prescription archive referred to in paragraph 5 of the Act.
- 4) **National Supervisory Authority for Welfare and Health Valvira;**
- 5) **Regional State Administrative Agencies** insofar as they process matters related to social and health care;
- 6) **Finnish Institute of Occupational Health** insofar as the data needed for the purposes stated in this Act comes from occupational disease registers and exposure measurement registers and the Institute's patient registers;
- 7) **Finnish Medicines Agency Fimea;**
- 8) **Public service organisers of social and health care;**
- 9) **Statistics Finland** insofar as the data needed for the purposes stated in this Act is data referred to in the Act on Determining the Cause of Death (459/1973);
- 10) **Finnish Centre for Pensions** insofar as the data needed for the purposes stated in this Act is necessary personal data stored in the Finnish Centre for Pensions's registers and concerns employment and earnings information stored during the implementation of earnings-related pension, granted benefits and their justifications, including disability pension diagnoses; and
- 11) **Population Register Centre** insofar as the data needed for the purposes stated in this Act comes from the Population Information System and is basic data on individuals, their family relationships and places of residence as well as data on buildings.



COMPETENCE ASSOCIATED WITH THE PROCESSING OF A DATA PERMIT

- **The Data Permit Authority is always responsible** for making a decision on a data permit when the data permit application concerns the following:
 - Data of **several controllers**.
 - Data stored in the **Kanta services**; or
 - Data stored in the registers of one or more **private organisers** of social or health care services.
- If the data permit application only concerns **the data stored in the personal data registers of a single organisation**, the organisation will be responsible for making the decision on the data permit.
- However, if the organisation* has notified the Data Permit Authority that they will discontinue the maintenance of services the Data Permit Authority will be responsible for making decisions on data permits that concern personal data referred to in this Act held by the organisation.

*Ministry of Social Affairs and Health, National Institute for Health and Welfare, Social Insurance Institution of Finland, National Supervisory Authority for Welfare and Health Valvira, Regional State Administrative Agencies, Finnish Institute of Occupational Health, Finnish Medicines Agency Fimea, Public service organisers of social and health care

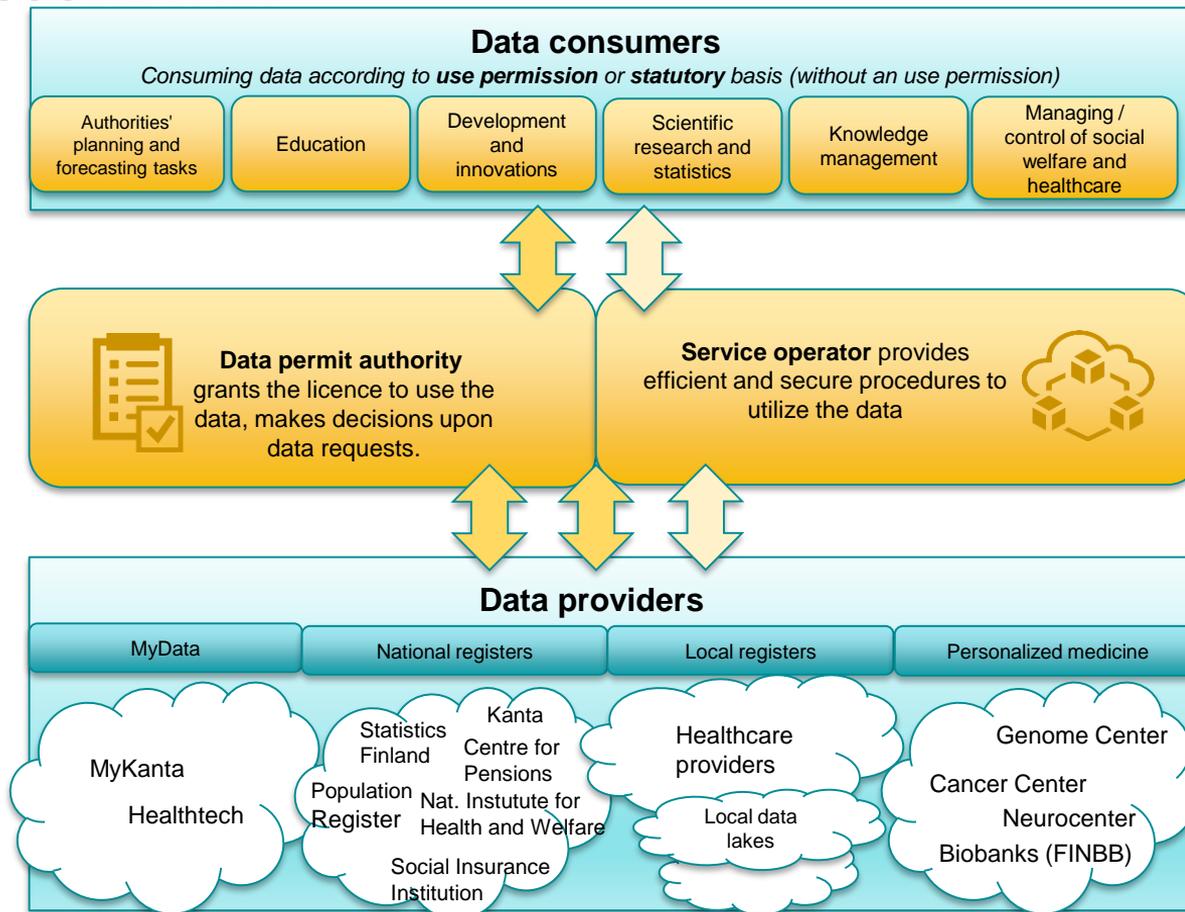


DATA CONTROLLERS

- If the data permit application **only concerns the data stored in the personal data registers of a single organisation**, the organisation will be responsible for making the decision on the data permit
- If the data permit application only concerns the data stored in the personal data registers of a single organisation that organisation will always be responsible data set **descriptions and advisory service**
- **The Data Permit Authority** maintains, either alone or jointly with other authorities, a **secure operating environment** in which the data disclosed by the Data Permit Authority or other authority can be processed securely and in accordance with the permit.
- The processing must be possible by several technical means and the operating environment must be accessible from different locations.
- If the data permit application requests that data sets be disclosed for processing in another operating environment than the one maintained by the Data permit authority

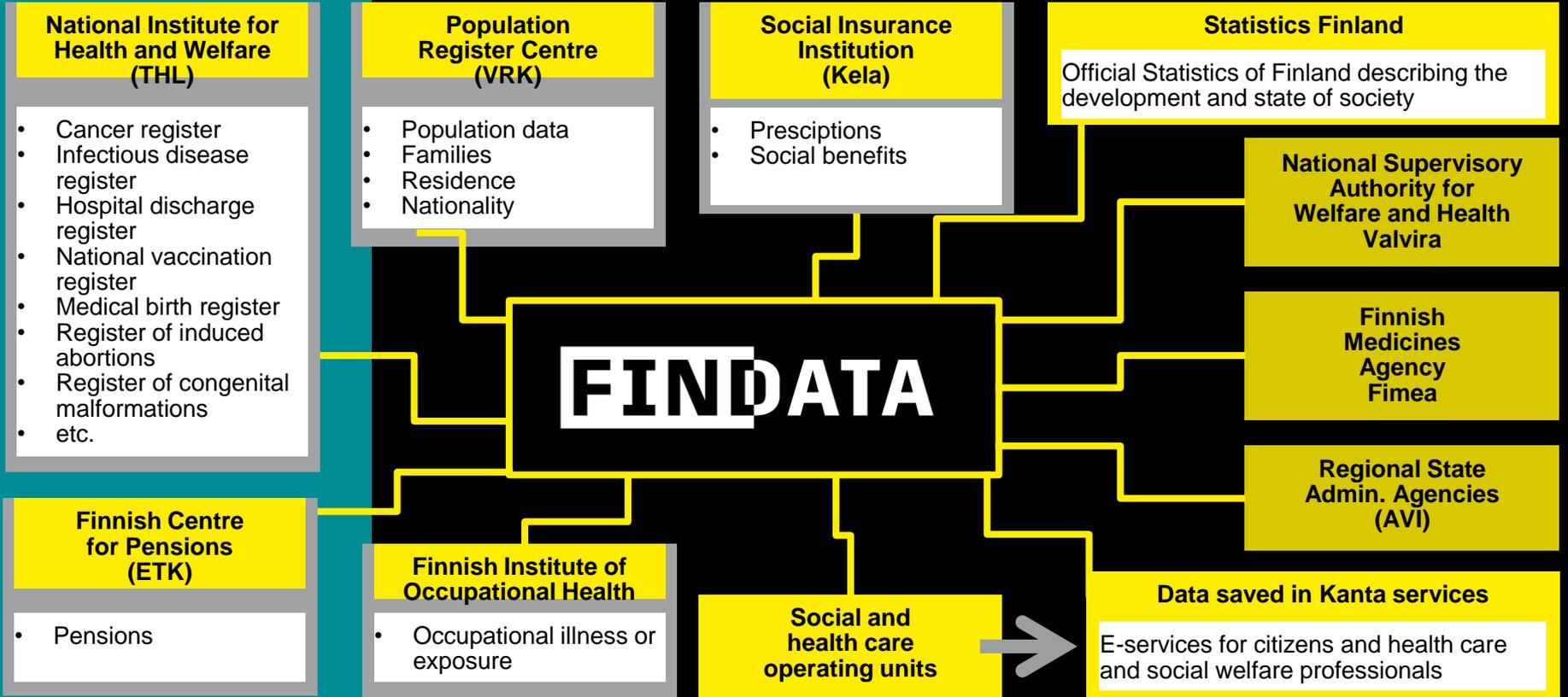


BIG PICTURE OF THE SECONDARY USE OF HEALTH AND SOCIAL DATA





THE DATA





HOW TO GET A LICENCE AND THE DATA?

Request for licence or data
via an electronic system



Release of data

- Anonymised data/ pseudonyms / identifiable data into a secure environment
- Aggregated data can be released as such

Data permit authority (Findata)

- grants the licence to use the material or accepts the data request (and gives an order to the service operator)
- notifies the decision to the person needing information

(Service operator)

- collects, combines, pseudonymises, anonymises the data and releases it to be used in a secure electronic environment maintained by the service operator or the recipient

Data controllers

- advice service, data resource descriptions and release of data for handling an application for licence or a data request, releases the licensed data to the service operator



GENERAL JUSTIFICATIONS FOR SECONDARY USE

Data permit 44 §

Decision maker:

The data permit authority or
The data controller/organisation/authority responsible for
a single organization

Data request 45 §

Decision maker:

The data permit authority

- Scientific research and statistics 38 §
- Development and innovation activities 37 § (**only by data requests**)
 - Education 39 §
- Planning and reporting duty of an authority 40 §

Processing data under law but without a
separate data permit

Data request 45 §

Decision maker:

The data permit authority

- Knowledge management 41 §
- Steering and supervision of social and health care by authorities 42 §



GENERAL JUSTIFICATIONS FOR SECONDARY USE

Data permit 44 §

Decision maker:

The data permit authority or
The data controller/organisation/authority
responsible for a single organization

Data request 45 §

Decision maker:

The data permit authority

DATA SETS, WHERE THERE IS A RISK THAT PERSONAL DATA CAN BE REVEALED/DATA SUBJECT IDENTIFIED

- Personal data (=data containing identifiers)
- Pseudonymised data
- Anonymised data, where there is theoretical risk of being identified.



Data can only be
processed in the
safe and secure
environment

NOT PERSONAL DATA aggregated statistics
(refers to reliably anonymised data in a statistical
format)



Can be freely
processed, even
published



PRINCIPLES ON HOW TO ENSURE ANONYMITY OF THE DATA SUBJECTS

- **The Data Permit Authority is always responsible for anonymising the data and has a high-level expert group for creating guidelines on anonymisation**, data protection and data security for the Data Permit Authority's operations.
- **Process for verifying that the data to be published is anonymised.**
- **Data request/permit –process** for aggregated statistics and Data permit -process for data where the data subject can be identified
- **Safe and secure environment(-s)**, and data request management system and secure hosting service (enables flexible central anonymisation)
- **Anonymisation process and the process for verifying, that the data, to be published, is anonymized**, was represented already in the Parliamentary Committee hearings



PROCESS FOR VERIFYING THAT THE DATA TO BE PUBLISHED IS ANONYMISED.

Conditions

- **Only the data sets that has been disclosed for processing in a secure operating environment and**
- **Concernes the results that are generated to be published based on those data sets**
- **Concernes all the different legal bases where you need a data permit**

Decision maker

- **The Data Permit Authority is responsible for verifying that the data to be published is anonymized**
- **This responsibility is centralised in order gaurantee the best resources, skills, processes for this work and in order to uniform data protection processes**



PROCESSES BY PURPOSES

- **Development and innovation activities**
- **Scientific research and statistics**
- **Education**
- **Planning and reporting duty of an authority**
- **Knowledge management**
- **Steering and supervision of social and health care by authorities**





DEVELOPMENT AND INNOVATION ACTIVITIES

Refers to the application and use of engineering and business data and other existing data together with the personal data referred to in this Act for the purpose of developing new or significantly improved products, processes or services

Definitions 3 § 4

Examples

- Development of new personalised medicines and personalised care
- Evaluation of new products, new processes, new tools
- Development of healthcare technologies, new products and new solutions
- Development of the social and health care services or the service system
- Use of modern tools: data-analytics, machine learning, algorithms

NOT for example

- Sales or marketing
- Insurances



THE CONDITION OF THE DEVELOPMENT AND INNOVATION ACTIVITIES*

The data request and the data utilisation plan attached to it states that the purpose of the activity is to:

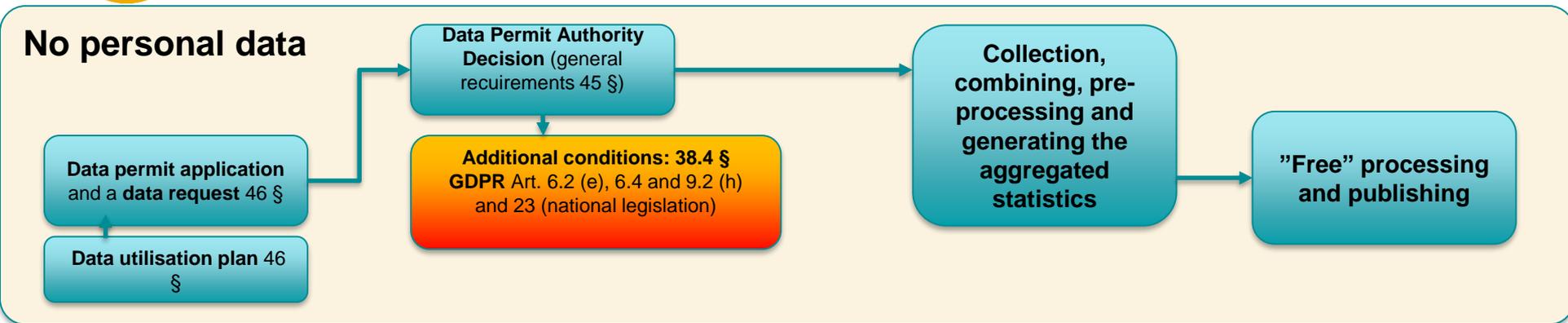
- promote public health or social security; or
- develop the social and health care services or the service system; or
- protect the health or wellbeing of individuals or secure their rights and liberties associated with health or wellbeing.

*these are derived from GDPR Art. 23



DEVELOPMENT AND INNOVATION ACTIVITIES

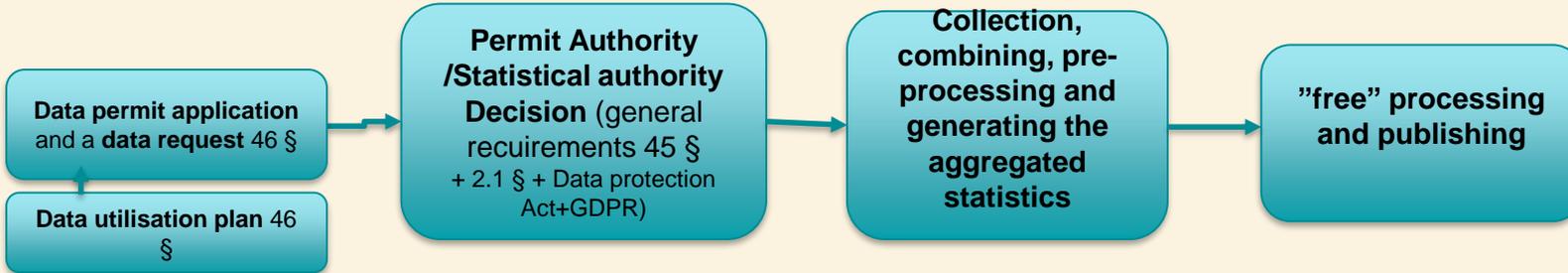
37 §



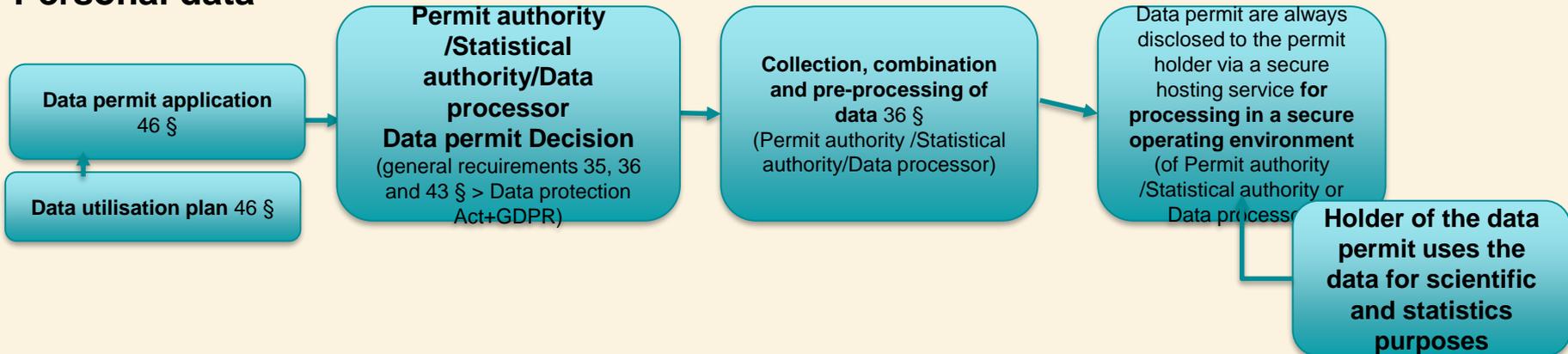


SCIENTIFIC RESEARCH AND STATISTICS 38 §

No personal data



Personal data





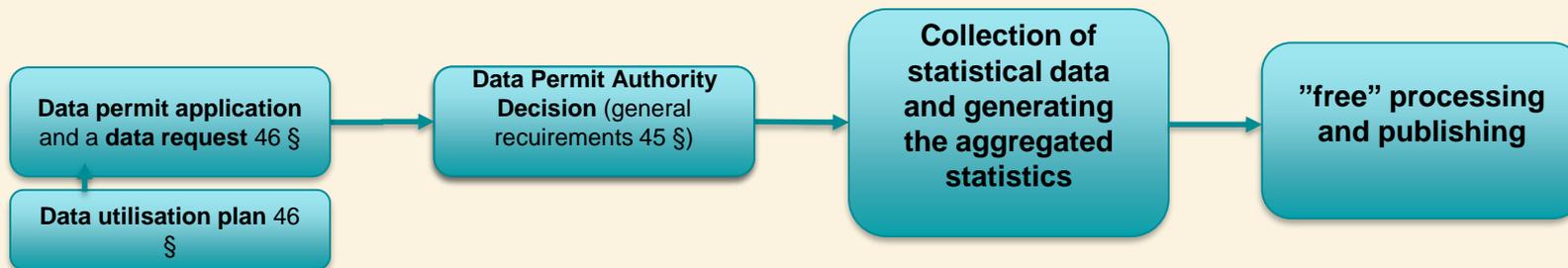
EDUCATION 39 §.

- **The client data** of a social or health care service provider may be processed without prejudice to secrecy obligations and pursuant to the Article 9 (2g) GDPR **in order to produce educational materials for people processing client data in social and health care and for people studying to become professionals in social and health care**, if the materials are necessary to fulfill the goals of the education.
- A further condition to processing is a granted **data permit**
- **Data containing identifiers** may be used for education **only when the education cannot be carried out using anonymous data due to the rarity of the case being taught, the nature of teaching or other such reason.**
- People undertaking the education needs to be **informed of the statutory secrecy obligation and the sanctions.**
- A data subject **does not** have **the right to object** to the processing of his or her personal data for educational purposes, if the processing of personal data is necessary due to the rarity of the case.
- The permit holder **must erase the separate data sets** collected for educational purposes **when the data sets are no longer needed for their intended purpose.**

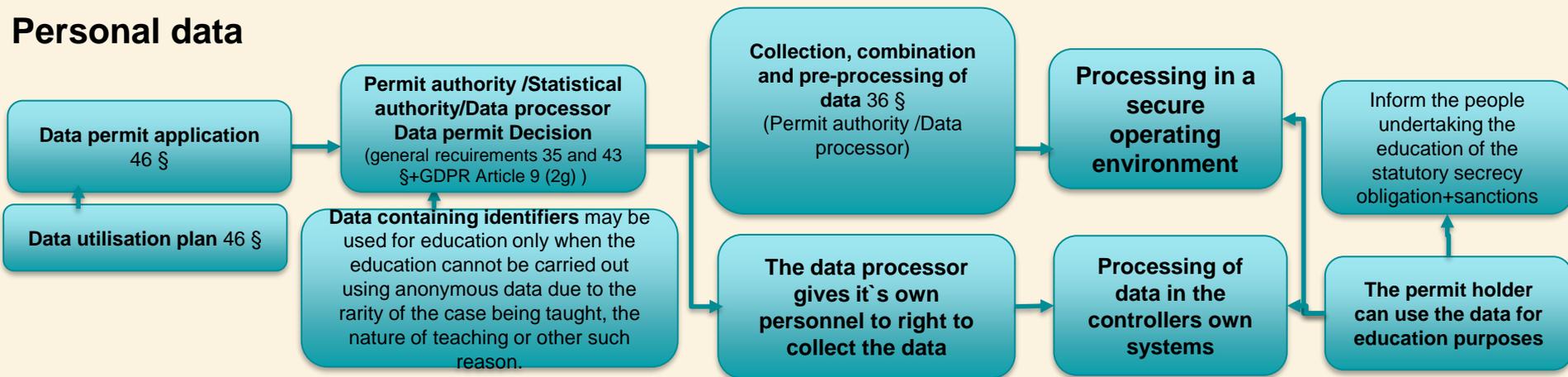


EDUCATION 39 §

No personal data



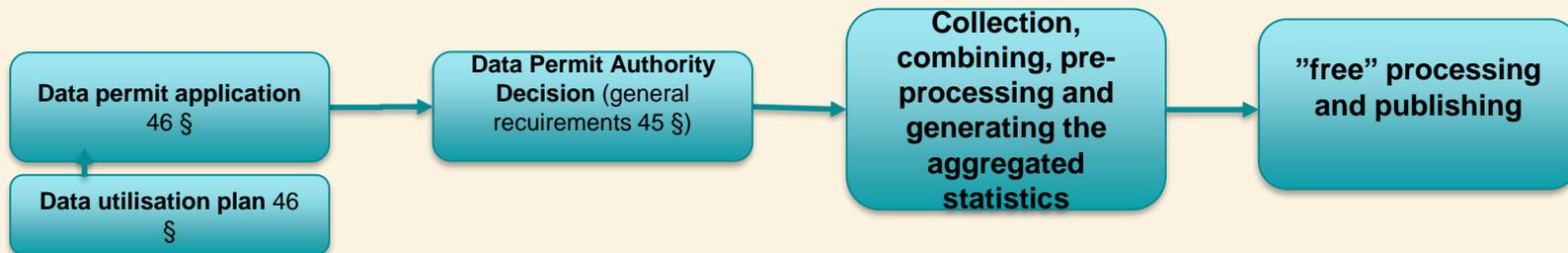
Personal data



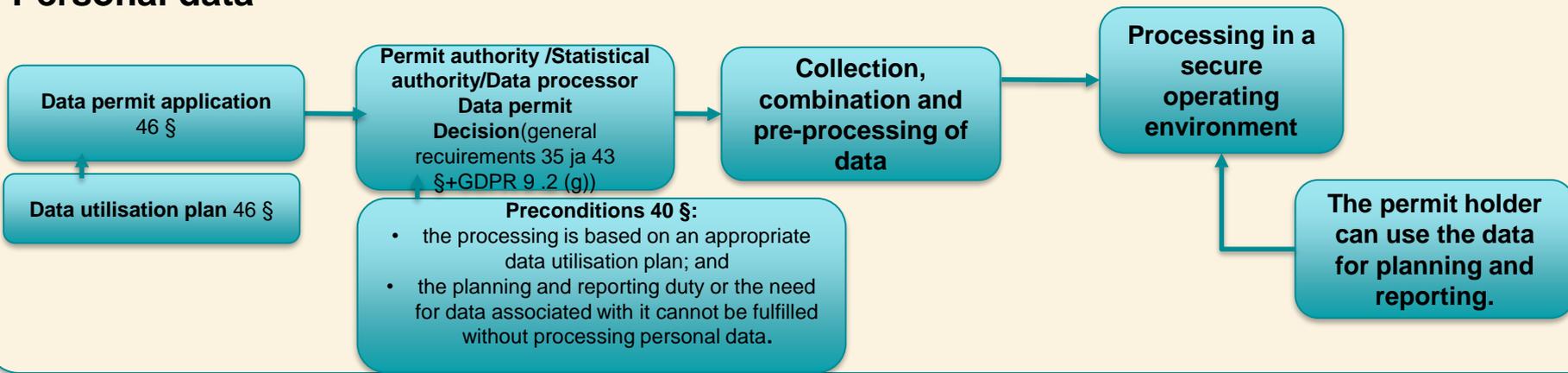


PLANNING AND REPORTING DUTY OF AN AUTHORITY 40 §

No personal data



Personal data





KNOWLEDGE MANAGEMENT BY A SOCIAL OR HEALTH CARE SERVICE PROVIDER

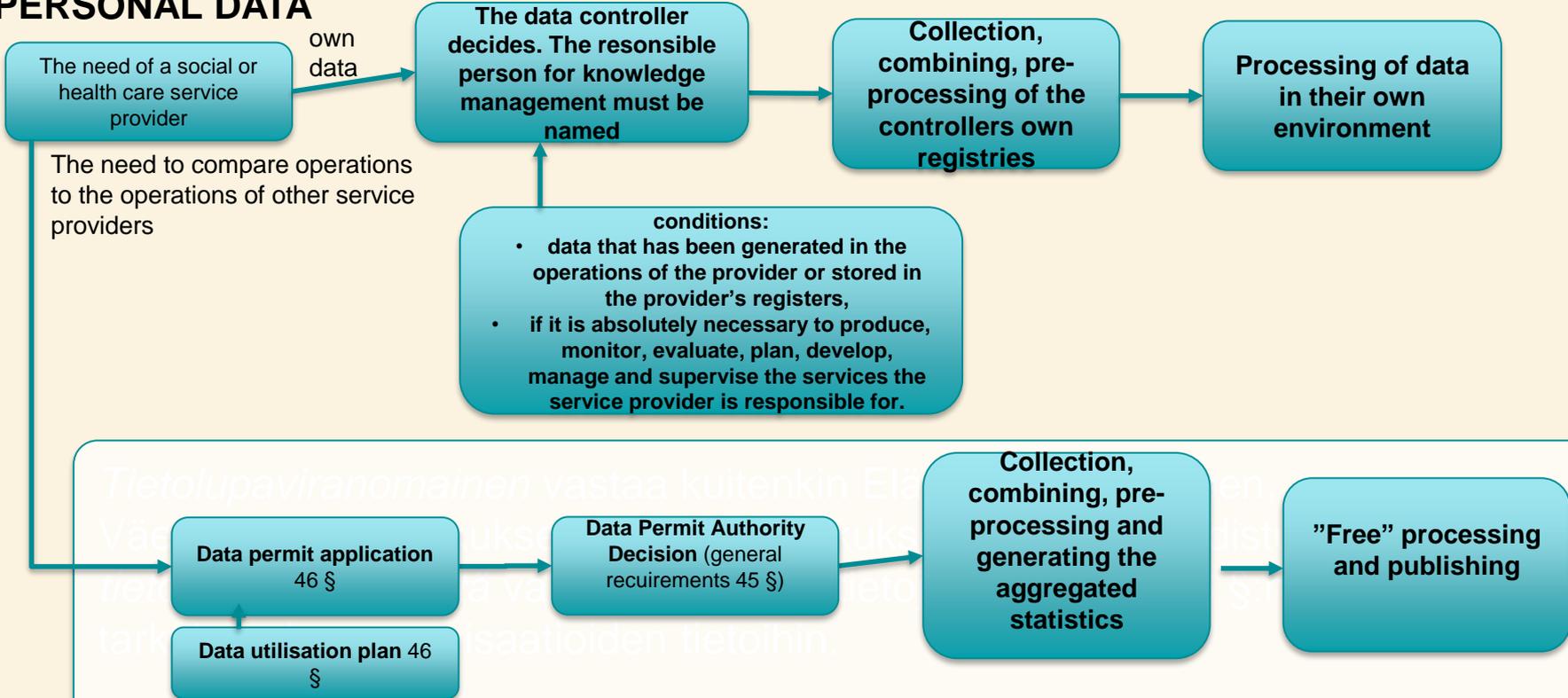
41 §

- A **social or health care service provider** has the right, without prejudice to secrecy obligations and pursuant to Article 9 (2h) GDPR, to **process and combine identifiable customer data that has been generated in the operations of the provider or stored in the provider's registers**, if absolutely necessary to **produce, monitor, evaluate, plan, develop, manage and supervise the services the service provider is responsible for**.
- If the service provider **needs to compare their operations to the operations of other service providers in order to evaluate, plan or develop the services or service chains they are responsible for**, the **Data Permit Authority** may generate the **data sets required for comparison as aggregated statistical data**
- In addition a **municipality** or a **joint municipal** authority has the right to process and combine **identifiable client data stored in a joint register** referred to in section 9(1) of the Health care Act (1326/2010), when the purpose of such processing and combination is knowledge management.



KNOWLEDGE MANAGEMENT BY A SOCIAL OR HEALTH CARE SERVICE PROVIDER 41 §

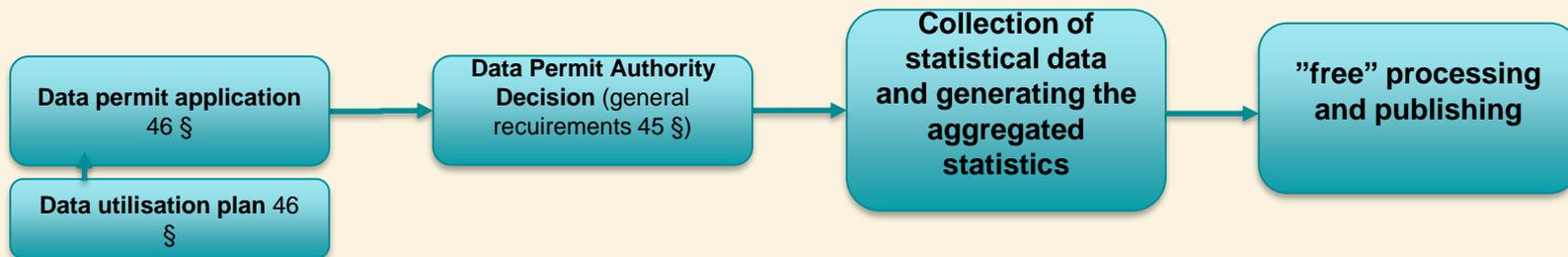
PERSONAL DATA



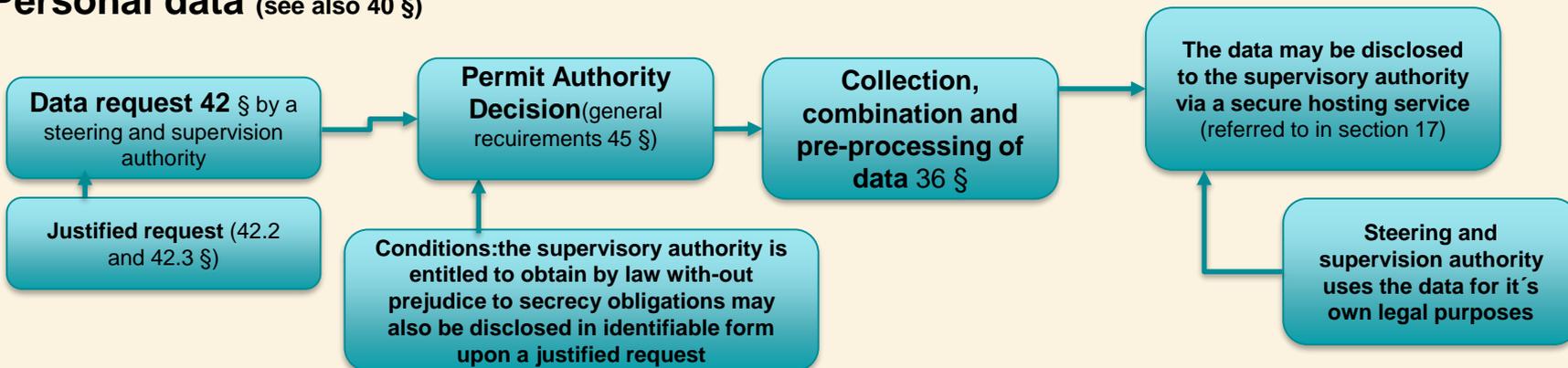


STEERING AND SUPERVISION OF SOCIAL AND HEALTH CARE BY AUTHORITIES 42 §

No personal data



Personal data (see also 40 §)



Who benefits from secondary use of health and social data



LEGISLATION ENABLES

People,
clients of
health and
social
services

Manage-
ment of
health and
social
services

Organisers
and
providers of
health and
social
services

Healthcare and
social welfare
professionals

ICT enter-
prises

Startups

Pharma-
ceutical
compa-
nies

Develop-
ment
organisa-
tions

National
economy

Research
institutions
and
universities



IMPACTS OF THE NEW ACT

**Centralised licensing and
secure electronic environment**



**Faster access to information,
wider range of purposes of data
use**

**Enables individual use and
combining of data**



**Effective treatments and new
medicines, e.g. for risk groups**

**Improved opportunities for
research and product
development**



**New business activities, products
and services**

BENEFITS FOR RESEARCHERS

- one single authority would decide on licences to use registers which contain client data from health and social services
- more extensive data, easier access
- shorter waiting times and simpler processes for accessing the data
- data is already compiled and homogenised
- stronger research and competence





BENEFITS FOR ENTERPRISES

- more research data
- more extensive data, access via one-stop shop
- better innovation opportunities
- new areas for applications
- better opportunities to develop services and business environments
- better opportunities for product development
- easier to operate as an enterprise offering health and social services



BENEFITS FOR PEOPLE

- more research data → better functioning services, more effective medicines
- better treatment and care when data is easier available to operators
- more effective health and social services
- data is handled in a secure environment and cannot fall in the wrong hands



ACT ON SECONDARY USE OF HEALTH AND SOCIAL DATA

Solid GDPR-compliant legal basis for
secondary use



LEGAL BASES ON THE ACT ON SECONDARY USE OF HEALTH AND SOCIAL DATA AND RELATED LEGISLATION

- **Research:** Act on Secondary Use of Health and Social Data, Permit authority gives the permit to use the registers and is responsible for the service. Permit authority shall ensure that the combined data is handled in conformity with data protection legislation. (GDPR recital 159, GDPR article 5 paragraph 1 b subparagraph, article 6 paragraph 1 a (consent), e and f subparagraphs and article 9 paragraph 2 j subparagraph and article 9 2 subparagraph)
- **Development and innovations:** Act on Secondary Use of Health and Social Data (anonymized data: (GDPR article 6 e subparagraph, GDPR article 23 1 and 2 subparagraphs).
- **Education:** Act on Secondary Use of Health and Social Data (GDPR article 6 e subparagraph and article 9 a g subparagraph, GDPR article 23 1 and 2 subparagraphs).
- **Knowledge management:** Act on Secondary Use of Health and Social Data (GDPR article 6 1 e subparagraph, article 23 1 subparagraph, article 9 2 h subparagraph and article 9 3 subparagraph).
- **Steering and supervision of social and health care by authorities:** Act on Secondary Use of Health and Social Data (GDPR article 9 2 i subparagraph).
- **Planning and reporting duty of an authority:** Act on Secondary Use of Health and Social Data (GDPR article 6 1 e subparagraph, article 23 1 subparagraph, article 9 2 g subparagraph and article 9 2 e subparagraph and article 23 e subparagraph and articles 28 and 29).
- **Statistics:** Act on Secondary Use of Health and Social Data, Permit authority gives the permit to use the registers and is responsible for the service. (GDPR recital 157 and 162, GDPR article 5 paragraph 1 b subparagraph, article 6 paragraph 1 a, e and f subparagraphs and article 9 paragraph 2 j subparagraph and article 9 2 subparagraph)



How to securely fully utilize the health and social data together

Further information:

The Ministry's web pages on the new law

<https://stm.fi/en/secondary-use-of-health-and-social-data>

Sitra's book about the new law

<https://www.sitra.fi/en/publications/a-finnish-model-for-the-secure-and-effective-use-of-data/>

Findata

<https://thl.fi/en/web/thlfi-en/statistics/data-and-services/data-permit-authority-findata>

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SALUS COOP

Citizen data cooperative for health research



#salusCoop

@saluscoop

www.saluscoop.org

Supported by



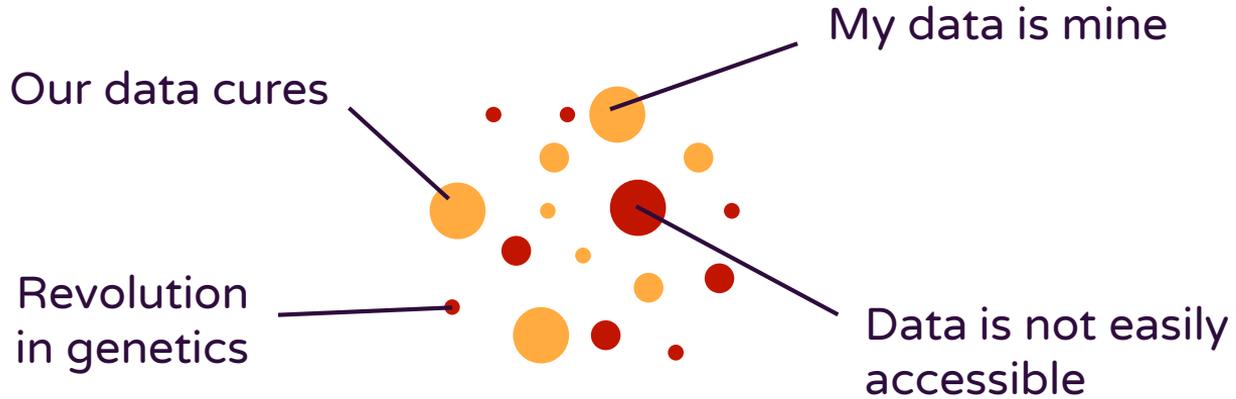
**MOBILE
WORLD CAPITAL™
BARCELONA**

"Data is the raw material of the 21st century, and the question 'Who owns that data?' will decide in the end whether democracy, a participatory social model, and economic prosperity can be combined."

ANGELA MERKEL



Current context



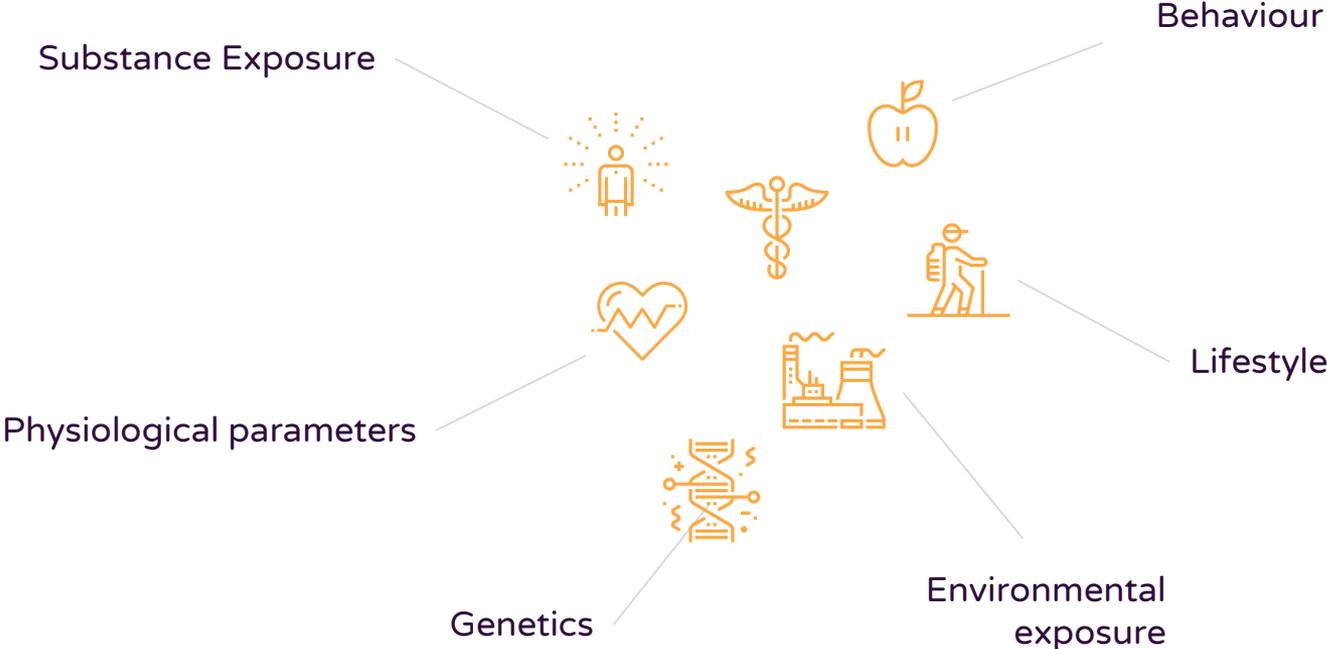
Changes in the capacity of citizens and social demands

Data-driven innovations in technological developments & research

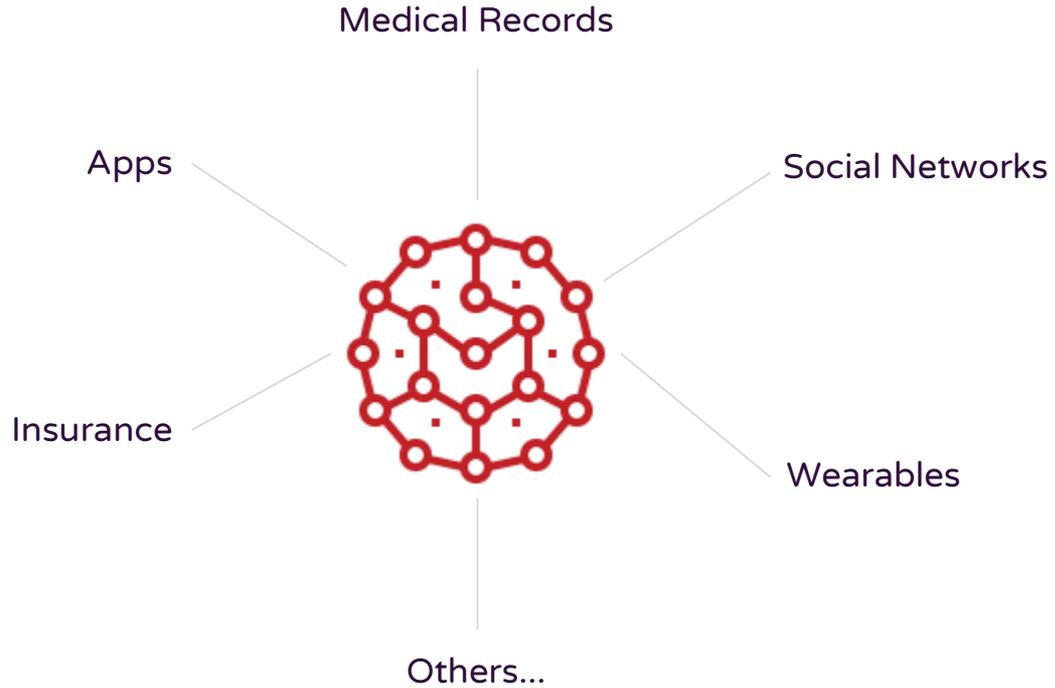
Economic pressure on public health systems

OUR DATA CURE

Understanding Diseases and Health



DATA IS NOT EASILY ACCESSIBLE



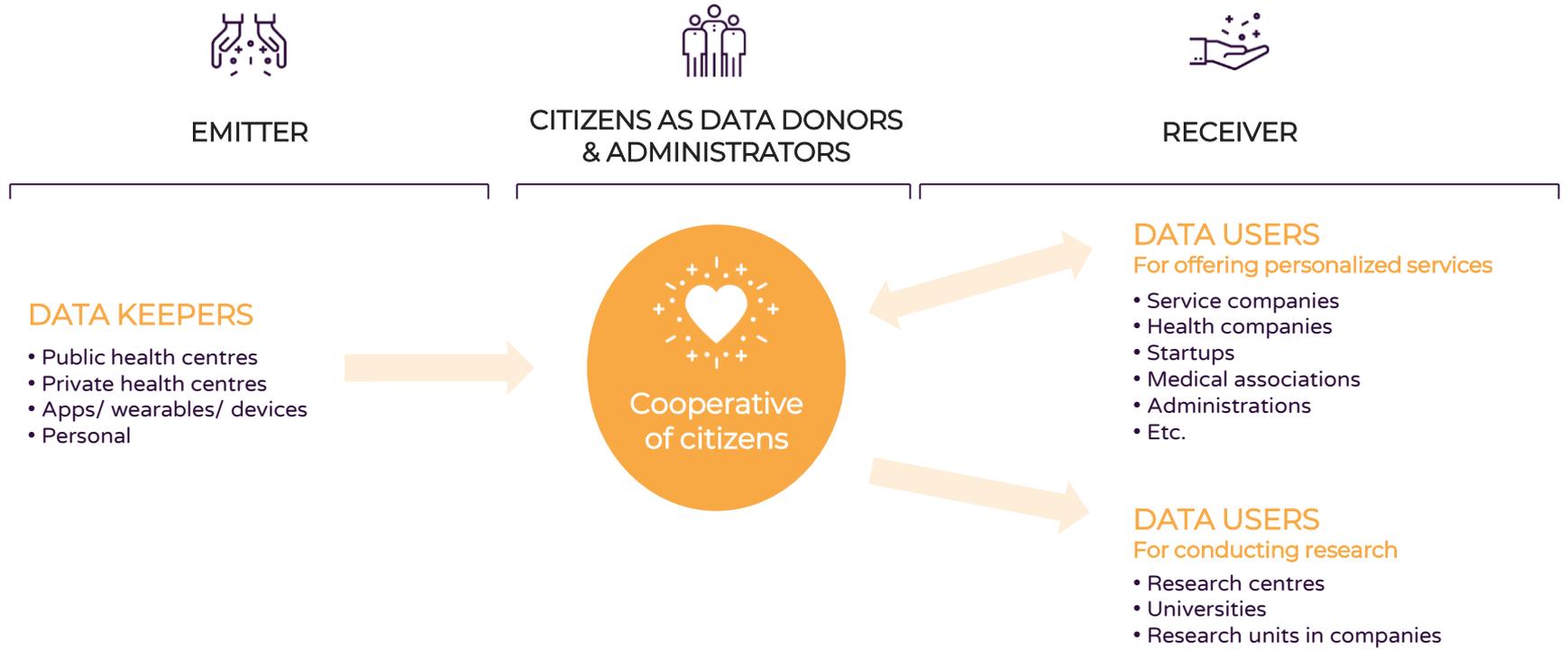
Objective



To explore a citizen-driven model of collaborative governance & management of health data.

This model should enable citizens to share their health data to accelerate research and innovation in healthcare, thus maximizing social and collective benefits.

Envisioned scenario



First feasibility study



Barcelona,
Spain



July to December,
2016



Focus: Breast
cancer

First feasibility study



OBJECTIVE

To explore, define and validate the hypothesis of creating a cooperative of citizens willing to govern the use of their health data, by analyzing the social, technological and legal viability.



+35 INTERVIEWS

Actors interviewed:

- Patient associations
- Researchers
- Physicians
- Bioethics experts
- Entrepreneurs in the health sector
- Open data promoters
- Blockchain experts
- Legal experts

Topics covered during the interviews:

- Perceived benefits and values
- Perceived risks
- Possible barriers
- Relationship between groups of agents



2 VALIDATION SESSIONS

34 participants

Representatives of the three main actors groups:

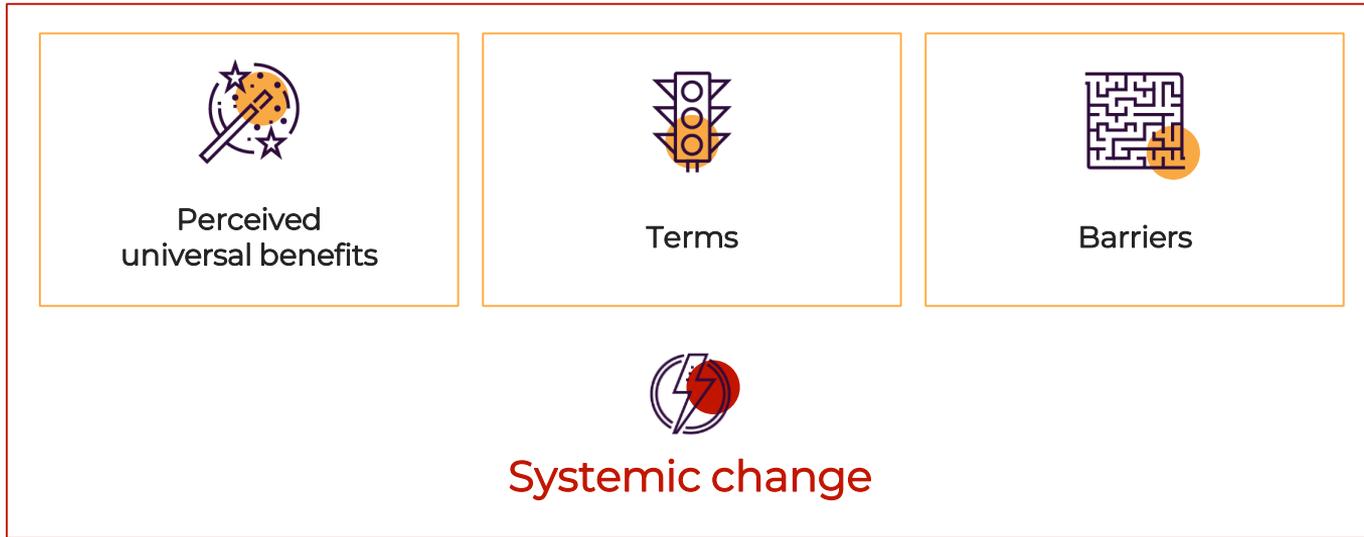
- Citizens
- Data keepers
- Data users

Main topics covered in the sessions:

Benefits and risks of four models of data governance:

- Individual
- Public
- Private
- Collective

Triggers for systemic change



Data: scarcity → abundance

Management: individual → collective

Channels: intermediaries → direct

Knowledge: asymmetry → symmetry of information

Publications: selective → integral

Actors: a certain number → multiplicity

Innovation: on products → on processes

Initial findings



PERCEIVED UNIVERSAL BENEFITS

Provision:

- Prevention & personalization
- Management of healthcare services

Innovation:

- Research
- New business models in healthcare



TERMS

Control & transparency:

- Clear and understandable information
- Who has access to data? What for?
- What are the results of data use?

Anonymity & Security:

- Prevent re-identification as much as possible
- Not central repository of data

Collective benefits:

- No individual return
- Citizen-driven research agenda



BARRIERS

Entry barriers to citizens:

- Motivate citizens to participate
- > Help citizens understand the health data ecosystem and the value of sharing data
- Consider possible technological / educational barriers that might prevent access to certain groups

Barriers among agents:

- Possible changes in the relationship between patient and physician
- Possible changes in the practices of physicians
- Distrust towards business-driven research

Data governance principles



CONDITIONAL DONATION

Citizens should have the right to decide under which conditions they want to donate their health data.



COLLECTIVE BENEFITS

The use of data by any agents should generate a clear and unequivocal benefit to society.



MOTIVATIONAL INCENTIVES

In order to reach a significant data sample for conducting research, it is key to motivate the greatest number of citizens to donate their data. Incentives to individuals shouldn't be put ahead of the common good. Incentives could be given in form of services.



RIGHTS MANAGEMENT

Mechanisms of collective governance that allow to guarantee the collective benefits from data use, and manage citizens' conditions on data donation

Conditions for data donation



Let's decide
the future
of our data

Participate here www.ideasforchange.com/triem

TRIEM
by SalusCoop & IdeasForChange

d-LAB

A programme of
MOBILE CAPITAL
BARCELONA

IDEAS
FOR
CHANGE

SALUS COOP

Ship2B
ASSOCIATION FOR A BETTER WORLD

R&J
A&A

UOC

CDE

Conditions for data donation

- Who requests data
- Which data is requested
- What is research conducted for
- How will results be shared

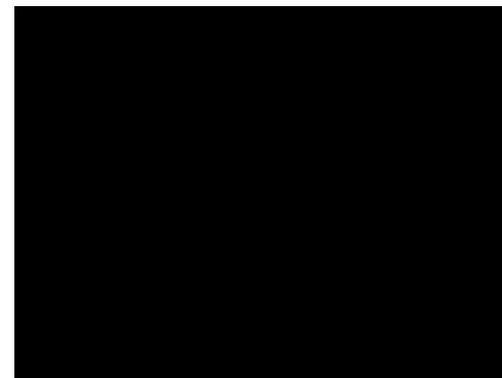
TRIEM

Conditions for data donation

TRIEM Web



Veure vídeo!



movistar 15:07 56%

<https://ideasforchange.com/triem>

TRIAM

by SolusCoop & IdeasForChange



¡Decidamos el futuro de nuestros datos!

Nuestros datos de salud son uno de los recursos más valiosos para generar conocimiento e innovación. Cómo gestionarlos es una decisión que depende de cada uno de nosotros. A través de esta aplicación, podrás contribuir a crear las primeras licencias de datos para el beneficio de todos. ¿Te sumas?

[Quiero participar](#)

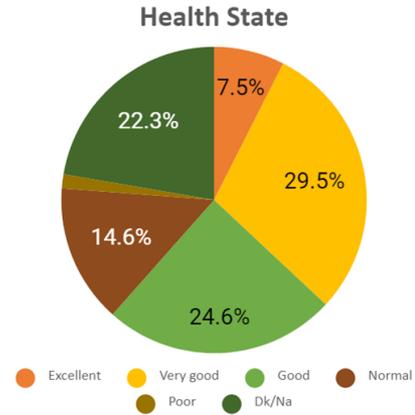
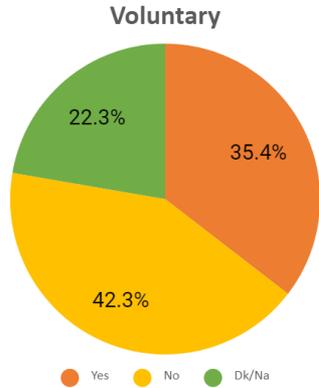
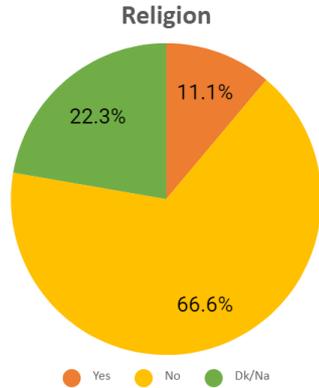
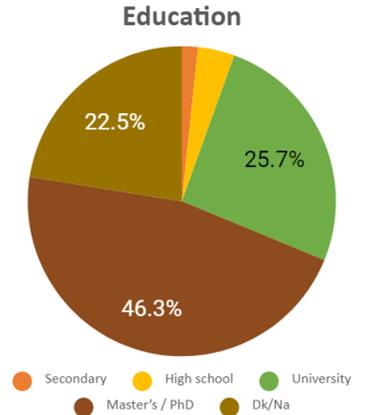
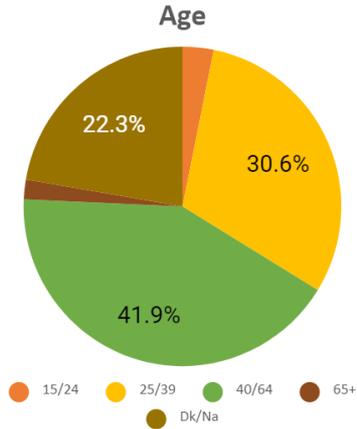
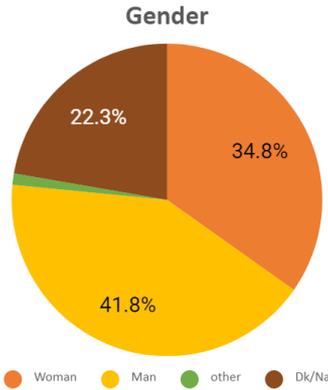
[Quiero saber más](#)



TRIAM



600 identified respondents to more than 8.000 scenarios



TRIAM

% Donation = "yes" ..

8.000 scenarios. TRIAM 2018. SalusCoop

SEGMENTO	PUBLICACIÓN	ENTIDAD	ENTIDAD	% DONACIÓN
Salus	Open	Pública & University	Chronic & rare	87%

+Private	Open	Private	Chronic & rare	72%
+Aesthetics	Open	Publica & university	Aesthetic	71%
+Closed	Closed	Public & university	Chronic & rare	64%

Rest of others	otras combinaciones	otras combinaciones	otras combinaciones	38%
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Main conclusions

% Donation drivers:

1st. Open/shared Results

2nd. Non-profit entities

3rd. Only critical diseases

- No risks
- No incentive changes donation (money included)



SALUS CG LICENSE

Salus Common Good Data License for Health Research

- 1 Only health:** your data will only be used for research of chronic and rare illnesses.
- 2 Non-commercial:** research projects will be promoted by entities who support general interest such as public institutions, universities and foundations.
- 3 Shared results:** results of the research will be accessible at no cost.
- 4 Maximum privacy:** all data will be anonymized prior to use.
- 5 Complete control:** you will be able to cancel or change the conditions under which your data can be accessed at any time.



SALUS CG LICENSE

Salus Common Good Data License for Health Research

100%

Chronic &
Rare diseases

100%

Non Commercial
entities

100%

Shared free results

100%

Privacy protection

100%

Change
preferences any
time

When you apply *Salus Data License for Health Research* to any data you are contributing to public interest, relevant issues, open knowledge discoveries to improve our collective health.

Supporting entities: SALUS CG license has been developed by SalusCoop a citizen cooperative of data for health research created in Barcelona, 2017. Learn more & join at: www.saluscoop.org

REGISTRATION OF DONATIONS



REGISTRATION OF DONATIONS

DONANT
DE DADES



Development vision



DATA KEEPERS & USERS

- License use in research
- Become license data operator
- Clinical & genetic data



SALUS COOP

Salus CG license
+
Aggregated data
inventory
+
Blockchain registry



CITIZENS

- License use for self Management
- Become data donor
- Lifestyle data
- Promote research open calls





THANK YOU!



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