



Agència Catalana de Protecció de Dades

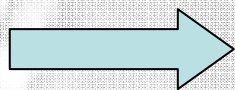
OUTSOURCING CATALAN PUBLIC SERVICES: PRIVACY IMPACT ASSESSMENT

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Background

Spanish law:

- **Private filing system**
- **Public filing system**



Different legal regulation: exceptions to consent, conditions to notify, enforcement, legitimacy of personal communication/ disclosure/ processing

Catalonia: health service management

Outsourcing to private sector



Wide outsourcing



Processing sensible data

Sensible data treatment (health, religion, race)

Need to diferenciate obligations and responsibilities:

- **Data controller**
- **Processor**

Public administration , is the data controller of the treatment of patients?

Private organisation, is the controller or the processor of the treatment?

Who determines if it is a public filing system or a private filing system?



Is the public administration who determines it? Why?



If nothing has been established when contracting the service, it is automatically the private organisation the controller of the treatment?

Which principles regulate public administration?

Purpose of public interest

Principle of efficiency, impartiality and legality

It is necessary a privacy impact assessment when deciding the way that the public service is going to be managed?

How to ensure privacy?

Which legal system is better to apply?

The freedom of information is going to be affected?

Is transparency going to be limited?

Which data protection control should public administration have over the private organisation that manage public services?

In any case,

- **The own externalisation process needs to be transparent**
- **The data protection right should be not affected**

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THANK YOU

ESTHER MITJANS