

ARTICLE 29 Data Protection Working Party



Brussels, 05 February 2015

Paul Timmers
Director of Sustainable and Secure Society
Directorate
DG CONNECT
By E-mail: Paul.Timmers@ec.europa.eu

Dear Mr. Timmers,

The European Commission has requested the Article 29 Working Party to clarify the scope of the definition of data concerning health in relation to lifestyle and wellbeing apps. In the Annex to this letter, the Working Party provides criteria to determine when data processed by such apps and devices are health data.

The Working Party appreciates the work done by the European Commission staff in describing the applicable EU legislation with regard to mHealth in its April 2014 Commission Staff Working Document, as well as the concise description in the accompanying Green Paper of the potentials and the risks of the collection and processing of health related data through mobile devices and other types of wearable technology. The recently published results of the public consultation on mHealth show that there is a great interest in strong privacy and security tools, and strengthened enforcement of data protection rules¹.

In light of the discussions about the draft Data Protection Regulation, the Working Party additionally addresses the current rules and the proposed exception for further processing of health data for historical, statistical or scientific research purposes, and calls on the European Commission to ensure that in the future General Data Protection Regulation, the further processing of health data should only be permitted after having obtained the explicit consent of the data subjects, or if the narrow exceptions defined by the European Parliament apply.

Yours sincerely,

On behalf of the Article 29 Working Party,

Isabelle FALQUE-PIERROTIN
Chairwoman

¹ Press release European Commission: mHealth in Europe: Preparing the ground – consultation results published, 12 January 2015, URL: <https://ec.europa.eu/digital-agenda/en/news/mhealth-europe-preparing-ground-consultation-results-published-today>

This Working Party was set up under Article 29 of Directive 95/46/EC. It is an independent European advisory body on data protection and privacy. Its tasks are described in Article 30 of Directive 95/46/EC and Article 15 of Directive 2002/58/EC.

The secretariat is provided by Directorate C (Fundamental rights and Union citizenship) of the European Commission, Directorate General Justice, Freedom and Security, B-1049 Brussels, Belgium, Office No MO59 02/34

Website: http://ec.europa.eu/justice_home/fsj/privacy/index_en.htm