

THE PRIVACY PROTECTION OF HEALTH DATA IN TAIWAN: CHALLENGES IN THE GENETIC ERA

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It is a well-established legislation that the legal protection of personal data is based on and covered by the rules of privacy in most countries; therefore, health data, classified and explained as one form of personal data, is accordingly protected under the same legislation.

For example, the protection of personal data, including health data is provided by multiple Acts in the United States, notably by the Health Insurance Portability Act, and, on the contrary, regulated by the sole Directive 95/46/EC on the Protection of Individuals with Regard to the Processing of Personal Data and on the Free Movement of Such Data in the European Community.

In order to strengthen and secure individuals' medical data and files, Taiwan has proceeded with a proposal for amending the Personal Data protection Act. However, the content of draft Act is continuously open to strictly public review, and had received comments.

This paper is aimed to examine whether the provisions of this draft Act are properly designed for ensuring confidentiality of health data. The issues include the scope of health data and limited exceptions of protection for medical, sexual, generic and other health-related data. Moreover, facing many ethical, legal and social impact coming after the great advancement of genome technology, the emerging prevalence of genetic test or the Bio-bank initiative, it is highly concerned that if the existing Act can substantially apply to or extent to the necessary protections of health data and privacy relating to genetic information.