APPENDIX A:

MEMBER STATES + NORWAY (EEA MEMBER)	When data are considered as personal data?	Does Medical Research fall under the scope of Article 8.3 of the Directive?	Does Medical Research fall under the scope of Article 8.4 of the Directive?	Are there specific exemptions for Medical Research?	Does the data subject's consent have priority over other conditions that may legitimate the processing of sensitive data?	Is the expression of consent to have a specific form?	Are there some exemptions from the duty to inform the data subject for research purposes?	Are there specific rules for notification and prior checking relating to Medical Research?	Are there special rules for the transfer of personal data to third countries?
Austria	When anybody can identify the data subject. Notion of "data indirectly personal".	No	Not according to the Datenschutzgesetz 2000	Yes for research purposes if certain requirements are met.	No	No	No	The processing of sensitive requires a prior authorization from the Supervisory Authority	No.
Belgium	When anybody can identify the data subject.	The screening of the population is included.	Yes as scientific research but at the conditions established in a Royal Decree	No	Consent seems to have priority.	Written consent for sensitive data.	Only where the data are not collected from the data subject if: the processing of the data is for historical, statistical or scientific-research purposes and the provision of the information proves to be impossible or would involve disproportionate effort.	No	No
Bulgaria	When anybody can identify the data subject	No	Article 8.4 has not been implemented.	No	Consent does not seem to have priority	Written consent for sensitive data.	Only where the data are not collected from the data subject if: the processing of the data is for historical, statistical or scientific-research purposes and the provision of the information proves to be impossible or would involve disproportionate effort.	No	No
Cyprus	When anybody can identify the data subject	No	No	Yes as scientific research.	Consent does not seem to have priority.	Written consent for sensitive data.	Only where the data are not collected from the data subject if: it is impossible to inform the data subject or where disproportionate effort is necessary. A license issued by the Commissioner is required.	No	No
Czech Republic	When anybody can identify the data subject with an adequate quantity of time, effort and resources.	Article 8.3 has not been implemented	Article 8.4 has not been implemented	No	Consent does not seem to have priority.	Written consent for sensitive data	Only where data are not collected from the data subject if: the processing is exclusively for statistical, scientific, or archival purposes	No	No
Denmark	When anybody can identify the data subject	No	Not clear if medical research may fall under this exemption	Yes as scientific research at certain conditions	Consent does not seem to have priority.	Not specified	Only when data are not collected from the data subject if: the provision of the information to the data subject proves impossible or would involve a disproportionate effort	If medical research is carried out in the public sector the prior authorization is replaced by a simple opinion of the Datatilsynet.	No
Estonia	When anybody can identify the data subject	Article 8.3 has not been implemented	Article 8.4 has not been implemented	No	Consent seems to have priority	No	No	No	No
Finland	When anybody can identify the data subject with reasonable effort.	No	No	Yes as scientific research if certain conditions are met.	Consent does not seem to have priority	Not specified	Only where the data are not collected from the data subject if the provision of the information to the data subject is impossible or unreasonably difficult	The duty to notify is removed if the processing is for scientific purposes and sensitive data are not involved.	No
France	When anybody can identify the data subject with reasonable means.	No	No	Yes (scientific research in the health sector) if certain conditions are met.	Consent does not seem to have priority	Written consent for sensitive data, according to the Supervisory Authority	Only where the data are not collected from the data subject if: the processing is necessary for the storage of data for historical, statistical or scientific purposes and the data were initially collected for another purpose	The processing of data for medical research does not require notification if an Official has been appointed by the controller.	No
Germany	Relative notion of	No	No	Yes as scientific	Consent does not seem to	Written consent for	Only where the data are not collected from the data	The processing of sensitive data	No

	personal data. What is considered personal data for a controller may be anonymous data for another subject.			research if certain requirements are met.	have priority	personal data (both sensitive and non-sensitive). There is an exception for scientific research.	subject if: notification of the data subject would require disproportionate effort.	requires a prior checking unless the data subject has given his/her consent.	
Greece	When anybody can identify the data subject.	No	Yes as scientific research if certain conditions are met.	No	Consent seems to have priority	Not specified	No	No	No
Hungary	When anybody can identify the data subject	Article 8.3 has not been implemented	No	No	Consent seems to have priority	Written consent for sensitive data	No	If the processing is for scientific purposes the duty to notify is removed	No
Ireland	When anybody can identify the data subject.	Yes	Yes	No	No	Not specified	Only in case of further processing for the purpose of scientific research when the information reveals impossible or would involve a disproportionate effort.	No	No
Italy	When anybody can identify the data subject.	No	No	No	Consent does not seem to have priority	Written consent for sensitive data	Only when data are not collected from the data subject if: the provision of the information to the data subject involves an effort that is declared by the Garante to be manifestly disproportionate compared with the right to be protected	No	No
Latvia	When anybody can identify the data subject.	No	No	No	Consent does not seem to have priority	Not specified	If the processed data are used only for the needs of scientific and statistical research	Not under the Personal Data Protection Law	No
Lithuania	When anybody can identify the data subject.	No	No	No	Written consent when sensitive data are processed for medical or scientific research.	Not specified	Only where the data are not collected from the data subject if: the processing of the data is for historical, statistical or scientific-research purposes and the provision of the information proves to be impossible or would involve disproportionate effort.	Prior check is not required when the data are processed for health care or medical research purposes.	No
Luxembourg	When anybody can identify the data subject.	Yes	Yes as scientific research. National Commission authorisation is needed.	No	No	Not specified	Only where the data are not collected from the data subject if: the processing of the data is for historical, statistical or scientific-research purposes and the provision of the information proves to be impossible or would involve disproportionate effort.	No duty to notify in case of further processing for scientific research purpose but the prior authorization is required.	No
Malta	When anybody can identify the data subject	No	Yes as scientific research	No	No	Not specified	Only where data are not collected from the data subject if the processing of the data is for historical, statistical or scientific-research purposes and the provision of the information proves to be impossible or would involve disproportionate effort.	No	No
Netherlands	If anybody can identify the data subject with reasonable means.	No	No	No	Not under the WBP.	Not necessary a written form for sensitive data. Affirmative action is enough.	Only where the data has not been collected from the data subject if the provision of information proves to be impossible or would involve a disproportionate effort	Duty to notify is removed when the processing of the data is needed for certain researches or statistics according to the Exemption Decree 2001.	No
Norway	If anybody can identify the data subject.	Article 8.3 has not been implemented.	Research can be considered in the public interest when certain conditions are met.	No	Consent seems to have priority	Not specified.	Only where the data are not collected from the data subject if to inform the data subject is impossible or disproportionately difficult,	Notification is not required since the Data Protection Official for the Research has been created in 2003. However, if the research involves sensitive data the prior authorisation by the Supervisory Authority is needed.	No

Poland	If anybody can identify the data subject.	No	Article 8.4 has not been implemented	Yes as scientific research if certain conditions are met	Consent does not seem to have priority	Written consent for sensitive data	Only when the data are not collected from the data subject if: the data are necessary for scientific, didactic, historical, statistic or public opinion research, the processing of such data does not violate the rights or freedoms of the data subject, and the provision of the information would involve disproportionate efforts or endanger the success of the research.	No	No
Portugal	If anybody can identify the data subject.	No	No	No	Consent does not seem to have priority	Not specified	Only where the data are not collected from the data subject if: data are processed for the purposes of historical or scientific research, when the provision of the information proves impossible or would involve a disproportionate effort.	The processing of sensitive data such as medical data is subject to the prior authorization by the Portuguese Supervisory Authority	No
Romania	When anybody can identify the data subject.	No	No	No	No	Not specified	Only where the data are not collected from the data subject if: the processing of data is carried out for statistical, historical or scientific research, or in any other situations if providing such information proves impossible or would involve a disproportional effort versus the legitimate interest that might be damaged	No	No
Slovakia	When anybody can identify the data subject.	No	No	No	No	Written consent for sensitive data	Only where data are not collected from the data subject if: the processing of the data is for historical, statistical or scientific-research purposes and the provision of the information proves to be impossible or would involve disproportionate costs and effort.	The processing of sensitive data requires a special registration.	No
Slovenia	When anybody can identify the data subject.	No.	No	No.	Consent does not seem to have priority.	Written consent for sensitive data.	Only where the data are not collected from the data subject if: the processing of the data is for historical, statistical or scientific-research purposes and the provision of the information proves to be impossible or would incur large costs or disproportionate effort or would require a large amount of time.	No	No
Spain	When anybody can identify the data subject.	No.	No	No	Consent seems to have priority	Written consent for sensitive data.	Only where the data are not collected from the data subject and the further processing is for statistical, historical or scientific purposes.	No	No
Sweden	When anybody can identify the data subject.	Not in the wording of the Swedish Data Protection Act.	Yes as scientific research if certain conditions are met	No	Consent does not seem to have priority	A specific form is not required but the controller has to prove that consent has been obtained.	Only where personal data has not been collected from the data subject if the provision of the information proves to be impossible or would involve a disproportionate effort	The processing of data for the purpose of research without the data subject's consent or the approval of an ethical committee requires the prior checking by the Supervisory Authority.	No
United Kingdom	Only if the data controller can identify the data subject.	Yes. .	Yes research may fall in the "substantial public interest" exemption.	Not in the DPA.	Consent does not seem to have priority. Possible problem of compatibility with the HRA	Not specified	Whereas the information reveals impossible or would involve disproportionate effort	The duty to notify is removed only when the data used for medical research are "non-automated accessible records"	No