

Question for written answer E-004761/2025
to the Commission
Rule 144
Gerald Hauser (PfE)

Subject: Personal health data

Under the General Data Protection Regulation (GDPR), the processing of personal health data is strictly prohibited unless the data subjects have expressly consented to the processing of their personal data for one or more specified purposes. In Austria, from 1 January 2026, all doctors will be required to digitally transfer all personal health data, including the ICD-10 code, into the country's electronic health record system (ELGA). The Austrian Ministry of Health has mandated that every patient treated or cared for in the Austrian health system must participate in ELGA, although this participation can be revoked at any time. The German Ministry of Health states that patients in Germany are entitled to refuse to be included in the electronic patient record in Germany if they wish their data and diagnoses to remain secret. Nevertheless, press articles have claimed that not all patients in the EU may prevent their health data from being forwarded.

1. Do patients in the EU have the right to prohibit the doctors treating them from forwarding their health data, including diagnoses?
2. Has the right of patients in the EU to opt out of the processing and transfer of their health data been revoked or is it to be revoked in the near future?
3. What exactly happens to the health data collected in all EU Member States which is subsequently transferred to the EU's European Health Data Space (EHDS)?

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