

VideoLab: Patient Data Act

The Patient Data Act (PDA) is complementary to the General Data Protection Regulation and applies to the treatment of personal data by healthcare providers in health care. PDA also contains provisions on the obligation to keep patient records, however that falls outside the scope of VideoLab as we do not keep any patient records.

Purpose of personal data processing (Chapter 2, Section 4)

VideoLab processes personal data (patient recordings) for the purpose of systematically and continuously developing and ensuring the quality of business.

Personal data that may be processed (Chapter 2, Section 7)

VideoLab only processes patient recordings. No additional information nor metadata is processed. Trainees who make the recording have a strict set of instructions for NOT using any identifiable patient data (e.g., patient's name). Past that point supervisors and peers with whom recordings are shared can only view the recordings.

Search term (Chapter 2, Section 8)

VideoLab does not have any search mechanism relevant to patient data.

The obligation to keep patient records (Chapter 3)

Patient records are not relevant for VideoLab system and this section falls completely outside the scope for VideoLab.

Internal privacy (Chapter 4, Section 1)

VideoLab is designed with privacy and security by design and by default. Only the recording owner has access to the patient information. He can then share this information with relevant people (e.g., peers or supervisors). Sharing is only possible if the relevant people are known in VideoLab. No sharing outside VideoLab users is possible. Codific Secure Vault provides cryptographic guarantees for access to patient data at all times.

Electronic access control (Chapter 4, Section 2 & 3)

Access to patient data is manual, while access rights are automatically revoked after a certain period of time. The governance is largely defined by the healthcare provider who uses VideoLab.

The patient's ability to restrict electronic access (Chapter 4, Section 4)

In VideoLab the physician in training who makes the recording must request a consent from the patient (before and during the recording). Patients must be notified who will get access to the recording. After that patients may always exercise their right to restrict electronic access, which in practice means that the recording owner must delete the recording in its entirety. Please note that VideoLab keeps the feedback to the recording after the recording is deleted. The feedback does not contain any identifiable information on the patient.

Protection of identity in some cases (Chapter 4, Section 6)

Patient identity is only available on the recording. It is up to the healthcare provider to decide whether this sort of recording should be possible. Codific advises against it.

Disclosure of information to others (Chapter 5)

While it is a very unlikely scenario, VideoLab allows for a “glass break” procedure to disclose the recordings to the authorities. This procedure is enforced by a “two-man rule” which means that multiple parties must give permission before data is disclosed. Such procedures are documented in a write-once storage.

Coherent journaling (Chapter 6)

This is not supported and it is outside the scope of VideoLab.

National and regional quality registers (Chapter 7)

This is not supported and it is outside the scope of VideoLab.

Right to access information (Chapter 8, Section 1 & 2)

Patients cannot access their information on VideoLab directly. They may however contact the physician who made the recording to view it together.

Providing copies of the recording to the patient or a relative is possible using the “glass break” procedure.

Destruction of patient records (Chapter 8, Section 4)

All recordings will be destroyed after a fixed period of time (typically limited to the training period of the physician). This can be done manually upon the request of the patient.

Information (Chapter 8, Section 5)

VideoLab keeps on a write-once / read-many storage all access to the recordings, meaning that access information cannot be tampered with and can be retrieved and shared with the patient.

Handling and return of patient records (Chapter 9)

Given that VideoLab does not process any patient records per se this chapter of the legislation falls outside the scope for the platform.

Appeal (Chapter 10)

Given that VideoLab does not process any patient records per se this chapter of the legislation falls outside the scope for the platform.