

How do I know if the consent that I have obtained for my research is in accordance with Directive 95/46/EC and the Data Protection Acts 1988 and 2003?

Please consult with your organisation's DPO to assess whether or not the consent that you have in place is in accordance with the previous Data Protection regime

A data subject's consent according to Article 2(h) of the Data Protection Directive (95/46/ EC) "shall mean any freely given specific and informed indication of his wishes by which the data subject signifies his agreement to personal data relating to him being processed."

For Data Protection Commissioner Guidance on use of medical data for research purposes under Directive 95/46/EC, refer to: https://dataprotection.ie/documents/guidance/ Health_research.pdf

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b. Does the public interest of the research significantly outweigh the public interest in requiring the explicit consent of the individual whose data is being processed?

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