

**PRIVACY AND PERSONAL DATA
PROTECTION ISSUES
AS REGARDS THE USE OF COOKIES
ON THE EXAMPLE OF
HEALTHCARE PROVIDERS IN
SLOVAKIA**

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Research question

How do healthcare providers in Slovakia approach the issue of privacy and personal data protection as regards the use of cookies on their websites towards their users?

Scope of research

Analysis of 72 websites of healthcare providers that provide their services in Slovakia and employ cookies

- Healthcare providers include both state-owned and operated institutions as well as organizations managed by private companies
- The list of healthcare providers is based on the National Registry of Healthcare Providers

Collected data

- sources: cookie banners and cookie policies
- the objective of the first set of data collected was the examination of the method of consent provision
- the objective of the second set of data collected was to study the individual aspects that must be present to ensure the provision of an informed consent

Consent as the authorization criterion

- Article 4 (11) GDPR: „any freely given, specific, informed and unambiguous indication of the data subject’s wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.“
- Article 6 (1) GDPR: „processing shall be lawful only if and to the extent that at least one of the following applies: a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes“

The lawfulness of consent provision

- opt-in principle v. opt-out principle
- partial research question: „Does the method of consent provision applied on the healthcare providers’ websites fulfil the condition of lawfulness in accordance with the applicable legislation and case law?“
- results:
 - only 9 websites employed a mechanism for consent provision
 - only 8 websites enabled the provision of an active consent
 - only 6 websites enabled users to select categories of cookies to consent to
 - 69 websites used cookies before consent provision

The possibility to withdraw consent

- partial research question: “Do healthcare providers ensure the application of the right to consent withdrawal as regards the use of cookies on their websites?”
- results:
 - only 21 websites informed their users about their right to withdraw their consent
 - only 2 websites enabled users to withdraw their consent directly on their website

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