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MINISTRY OF HEALTH REQUESTS A PRONOUNCEMENT OF THE COMPTROLLER GENERAL OF CHILE ON THE COMMUNICATION OF HEALTH DATA ON PATIENTS DIAGNOSED WITH COVID-19 TO MUNICIPALITIES.

On April 20th, 2020, the Ministry of Health asked the Comptroller General of Chile ("CGR") to determine whether it was appropriate to communicate sensitive health data relating to the diagnosis of Covid-19 patients to the municipalities.

The CGR took into consideration article 19, paragraph 4, of the Constitution; article 12 of Law Nº. 20,584; and article 2(g) of Law Nº. 19,628, to conclude that information on patients who have been diagnosed with Covid-19 is part of their clinical record. It is therefore a sensitive piece of information that can only be processed when expressly authorized by law.

Consequently, the CGR argued, third parties not directly related to the health care of the person will not have access to this information contained in the clinical record in accordance with article 13 of Law No. 20,584, which extends to the health and administrative personnel of the provider who are not linked to his/her care. The information contained in the medical record may be released only if one of the persons or entities listed in the law authorizes it.

Neither Law No. 20,584, nor any other legal provision in force, expressly authorize municipalities or their respective mayors to process sensitive data, so it would not be appropriate to hand over health information on patients who have been diagnosed with Covid-19 without their consent.

To read the official document (in Spanish), click here .

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