3 ARALIK 2025 KIŞISEL SAĞLIK VERILERI HAKKINDA YÖNETMELIK_EN

Wednesday,December3,2025 OfficialGazette Issue:33096 REGULATION BytheMinistryofHealth: REGULATIONAMENDINGTHEREGULATIONONPERSONALHEALTHDATA ARTICLE1–Thephrase“affiliatedandrelatedinstitutions”inthefirstparagraphof Article1oftheRegulationonPersonalHealthDatapublishedintheOfficialGazettedated 21/6/2019andnumbered30808hasbeenamendedas“institutionsaffiliatedwithandrelated totheMinistryofHealth”. ARTICLE2–Article3ofthesameRegulationhasbeenamendedasfollows: “ARTICLE3–(1)ThisRegulationhasbeenpreparedbasedonsubparagraph(f)of thefirstparagraphofArticle3andadditionalArticle19oftheBasicHealthServicesLawNo. 3359dated7/5/1987;thePersonalDataProtectionLawNo.6698dated24/3/2016;and Articles352,358,and508ofPresidentialDecreeNo.1onthePresidentialOrganization.” ARTICLE3–Thefollowingsubparagraphhasbeenaddedtothefirstparagraphof Article4ofthesameRegulation:
“t)Caregiver:Naturalorlegalpersonswhoaretheparentorguardianofthechildor whoareauthorizedtoberesponsibleforthecareandsupervisionofthechild,” ARTICLE4–Thephrase“necessaryfortheprovisionofhealthservices”inthethird paragraphofArticle5ofthesameRegulationhasbeenamendedtoreadas“stipulatedunder theprocessingconditionssetoutinthethirdparagraphofArticle6oftheLaw”. ARTICLE5–Thesecondandthirdparagraphsof Article6ofthesameRegulation havebeenamendedasfollows,thefourthparagraphhasbeenreorganizedasfollows,andthe fifthparagraphhasbeenamendedasfollows:
“(2)Accesstoindividuals’healthdatashallbepermittedonlywithinthelimitsofthe processingconditionssetoutinthethirdparagraphofArticle6oftheLaw,andonly:
a)Bythefamilyphysicianwithwhomtheindividualisregistered,withoutanytime limitation,
b)Bythephysicianconsultedforthepurposeofreceivinghealthservices;until completionofallproceduresdirectlyrelatedtothehealthservicereceived,includingthedays thehealthserviceisprovidedandtheperiodofconsultationorfollow-upexamination,
c)Byphysiciansworkingatthehealthserviceprovidertowhichtheindividualhas appliedforhealthservices;untilcompletionofallproceduresdirectlyrelatedtothehealth servicereceived,includingthedaysthehealthserviceisprovidedandtheperiodof consultationorfollow-upexamination,
ç)Byphysiciansworkingatthehealthserviceproviderwherethepatienthasbeen admitted,untilthepatientisdischargedfromthehealthserviceprovider,
d)Byallphysiciansworkingatthehealthfacilitywheretheemergencydepartmentis located,forindividualsadmittedthroughtheemergencydepartment,limitedtotherelevant healthserviceanduntildischarge.”
“(3)Accesstothehealthdataofindividualswhohaveselectedasecuritypreference throughtheire-Nabızaccountshallbeprovidedaspertheirownsecuritysettings.Individuals shallbeinformedindetailaboutthesecuritysettingsandtheirconsequences.TheMinistry shallnotbeheldresponsibleforanydisruptionsordamagesthatmayoccurduringthe provisionofhealthservicesduetotheinabilitytoviewsecuritysettingsorpasthealthdata. Thefirstsentenceofthisparagraphshallnotapply,limitedtotheprocessingconditionsset outinthethirdparagraphofArticle6oftheLaw,inthecasesspecifiedinsubparagraphs(ç) and(d)ofthesecondparagraph.”
“(4)Incaseswhereindividualsdonotwishtheirhealthdatatobeaccessedunderthe providedsecuritypreferences,accesstotheirpasthealthdatashallbepermittedonlyifthe codesenttothephonenumberdeclaredbytheindividualintheirprofileissharedwiththe physicianandenteredintothesystembythephysician.”
“(5)Evenifindividualshavesettheire-Nabızsecuritysettingsinlinewiththefourth paragraph,incaseswheretheindividualcannotaccessthecodetobesentunderthefourth

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paragraphduetocircumstancessuchasdetentionorimprisonment,nosecuritysettingcontrol shallbeconducted,andaccesstotheindividual'shealthdatamaybeprovidedtothefamily physicianandallphysiciansconsulted,limitedtotheprocessingconditionssetoutinthethird paragraphofArticle6oftheLaw.Whensuchcircumstancescease,theindividualmayagain choosesecuritysettings." ARTICLE6–ThesecondparagraphofArticle7ofthesameRegulationhasbeen amendedasfollows,andthethirdparagraphofthesamearticlehasbeenrepealed:
"(2)UsersauthorizedbytheDirectorateGeneraluponthereguestoftheunit supervisormayexercisethisauthorityinaccordancewiththeprinciplesofpersonaldata protectionlegislation,limitedtotheprocessingconditionssetoutinthethirdparagraphof Article6oftheLaw." ARTICLE7–ThesecondparagraphofArticle8ofthesameRegulationhasbeen amendedasfollows,andthefollowingparagraphshavebeenaddedtothesamearticle:
"(2)Thepartywhoistemporarilygrantedcustodyduringanongoingdivorcecase mayaccessthechild'shealthdata."
"(3)Intheeventthatthedivorcebecomesfinal,thepartygrantedcustodymayaccess thechild'shealthdata. (4)IncaseswheretheparentwhoisnotgrantedcustodyappliestotheDirectorate Generalforthechild'shealthdata,theapplicationshallbeassessedbytheDirectorate General.Iftheapplicationisapproved,datastrippedoflocation,address,orcontact informationofthecustodialparentorthechild,andcontainingonlyinformationfromwhich conclusionsregardingthechild'shealthmaybedrawn,maybesharedwiththerequesting parent." ARTICLE8–TheheadingofArticle9ofthesameRegulationhasbeenamendedto "Accessofrelativesofpatientsandrelativesofpersonsreceivinghealthservicestohealth data",thephrase"tothethirdparagraphofArticle18oftheRegulation"containedinthefirst paragraphhasbeenamendedto"totheprovisionsoftheRegulation",andthefollowing paragraphhasbeenaddedtothesamearticle:
"(2)Accesstothehealthdataofindividualsholdingadisabilityreportmayalsobe grantedtocaregivers." ARTICLE9–Article10ofthesameRegulationhasbeenrepealed.
ARTICLE10–Thefigure"20"inthesecondparagraphofArticle11ofthesame Regulationhasbeenamendedto"30".
ARTICLE11–Thephrase"attherelevanthealthserviceprovider"inthefirst paragraphofArticle13ofthesameRegulationhasbeenamendedto"inaccordancewiththe rulespublishedbytheDirectorateGeneral".
ARTICLE12–Thephrase"theirauthorizationsshallbecancelled,ifany"inthe secondparagraphofArticle21ofthesameRegulationhasbeenamendedto"thenecessary actionsshallbetakenbythedisciplinaryauthority". ARTICLE13– ThisRegulationbecomeseffectiveonthepublicationdate.
ARTICLE14–TheprovisionsofthisRegulationshallbeenforcedbytheMinisterof Health.

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