

IARIA

Does Government Own Your Health Data?

A Summary of 2022 Taiwan Con. Court Decision

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WHO OWNS DATA?

Secondary Uses Without
Patients' Prior Consents?



TABLE OF CONTENTS

01

Database overview

Taiwan National Health Insurance Database (NHID)

02

Data Uses

Health Administration, Academic, and Commercial Purposes

03

Legal Disputes

10 years litigation with NGOs

04

Con. Court Ruling

Final Verdict in 2022

05

Implication

After the verdict

06

Conclusion

Secondary Use Discussion



01

DATABASE OVERVIEW

Taiwan National Health Insurance Database

Data Profiles

Population



11.52M 11.79M

Period

Since 1995
to
Current

Category



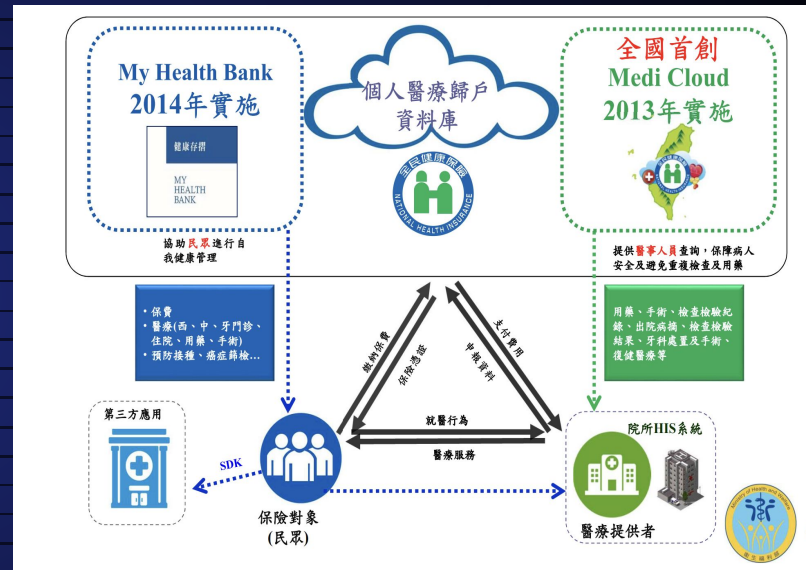
Diagnoses &
Treatment



CT &
MRI



Payment &
Reimbursement



Over
70,000,000,000



02

DATA USES

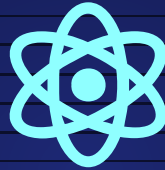
Primary and Secondary Uses



Data Primary and Secondary Uses



Health Admin.



Academic



Commercial

Academic Uses without Consents

Query_AcademicResearch			
Home Insert Draw Page Layout Formulas Data Review View			
Calibri 11 A A- Wrap Text General \$ % 0.00 00.00 Condition Formatting			
Office Update To keep up-to-date with security updates, fixes, and improvements, choose Check for Updates.			
E5			2021/3/25
A	B	C	D
5515	Hospital volume and inpatient mortality after cancer-related Annals of surgical oncology	Lin HC, Xirasagar S, Lee HC, Chai CY.	5.93
5516	Hospice utilization during the SARS outbreak in Taiwan. BMC health services research	Chen TJ, Lin MH, Chou LF, Hwang SJ.	1.712
5517	Health care utilization of home care patients at an academic Journal of the Chinese Medical Association	Chou YC, Chen LK, Lin YJ, Chou LF, Chen TJ, Hwang SJ.	0.845
5518	Maternal request CS—role of hospital teaching status and European journal of obstetrics, gynecology, and reproduction	Xirasagar S, Lin HC.	1.695
5519	Effect-modifications by age and sex on the risks of coronary Diabetes research and clinical practice	Chen HF, Li CY.	2.538
5520	Do group practices have lower caesarean rates than solo Health policy and planning	Xirasagar S, Lin HC, Liu TC.	1.47
5521	Potentially inappropriate prescribing for insomnia in elderly International journal of clinical pharmacology and therapeutics	Huang WF, Lai IC.	1.223
5522	Increasing incidence of diagnosed type 2 diabetes in Taiwan Diabetologia	Tseng CH, Tseng CP, Chong CK, Huang TP, Son.	5.671
5523	Exogenous insulin use and hypertension in adult patients Archives of internal medicine	Tseng CH.	0
5524	Experience with a step-down respiratory care center at a Journal of critical care	Su J, Lin CY, Chen PJ, Lin FJ, Chen SK, Kuo HT.	1.995
5525	Adapting self-care to the development of an evidence-based The journal of nursing	Lin HC, Kuo S, Tang CH, Yang MC, Lee HS.	1.917
5526	Demographics and patterns of acupuncture use in the Chinese Journal of alternative and complementary medicine	Chen FP, Kung YJ, Chen TJ, Hwang SJ.	1.585
5527	Patterns of ambulatory care utilization in Taiwan. BMC health services research	Chen TJ, Chou LF, Hwang SJ.	1.712
5528	Use of National Health Insurance database to evaluate the Vaccine	Tseng HF, Tan HF, Chang CK.	1.624
5529	The regional differences in prevalence, medical expenditure BMC Public Health	Chen HY, Chang HY, Shih SF, Hsu CC, Lin YH, Shih.	2.264
5530	The ecology of mental health care in Taiwan Administration and policy in mental health	Chou LF.	2.098
5531	Discovering meaningful information from large amounts Journal of environmental management	Lee IH, Chang WC, Hong YJ, Liao SC.	2.723
5532	Influence of metabolic syndrome and general obesity on Stroke	Chen HJ, Bai CH, Yeh WT, Chiu HC, Pan WH.	1.761
5533	Axial myopia is an extremely significant risk factor for eye Retina	Shen SJ, Ger LP, Chen JF.	1.243
5534	Cost of depression of adults in Taiwan International journal of psychiatry in medicine	Chan AL, Yang TC, Chen JX, Yu LH, Leung HW.	0.887
5535	The association between readmission rates and length of Schizophrenia research	Lin HC, Tian WH, Chen CS, Liu TC, Tsai SY, Lee.	1.923
5536	Delayed parenthood and the risk of cesarean delivery—Birth	Tang CH, Wu MP, Liu JT, Lin HC, Hsu CC.	0
5537	Seasonality of hip fractures and estimates of season-attrib Osteoporosis international	Lin HC, Xirasagar S.	1.169
5538	Association between surgeon and hospital volume in coronary Annals of thoracic surgery	Wen HC, Tang CH, Lin HC, Tsai CS, Chen CS, Li.	1.849
5539	Effect of potassium-enriched salt on cardiovascular mortality The American journal of clinical nutrition	Chang HY, Hu YW, Yue CS, Wen YW, Yeh WT, Hwang.	1.677
5540	Trends in the use of oral antidiabetic drugs by outpatient Journal of clinical pharmacy and therapeutics	Chiang CW, Chiu HF, Chen CY, Wu HL, Yang CW.	1.668
5541	Financial burden of adult health insurance for treating Bone marrow transplantation	Ho WL, Lin KH, Wang JD, Hwang JS, Chung CW.	1.57
5542	The effects of weather on the incidence of sudden sensor Audiology and Neuro-Otology	Lin HC, Lee HC, Chao PZ, Wu CS.	1.705
5543	Sudden sensorineural hearing loss: evidence from Taiwan Audiology and Neuro-Otology	Wu CS, Lin HC, Chao PZ.	1.705
5544	Risk adjustment for inter-hospital comparisons of cesarean European journal of obstetrics, gynecology, and reproduction	Hsu CC, Shieh GR, Wu CS, Shen HC, Tang CH.	1.695
5545	The association between psychiatrist numbers and hospital Schizophrenia research	Lee HC, Tsai SY, Lin HC, Chen CC.	1.923
5546	The effects of outpatient co-payment policy on healthcare Archives of gerontology and geriatrics	Huang JH, Tung CM.	1.853
5547	Factors contributing to patient drowning in Taiwan. Health policy	Lin HC, Kuo S, Tang CH, Yang MC, Lee HS.	1.917
5548	Association of hospital and surgeon operation volume with Eye	Fang YT, Chien LN, Ng YJ, Chu HF, Chen WM.	2.082
5549	Professional accountability for diabetes care in Taiwan Diabetes research and clinical practice	Tseng FY, Lai MS, Syu CY, Lin CC.	2.538
5550	Estimated prevalence of osteoporosis from a Nationwide Health policy	Yang NP, Deng CY, Chou YJ, Chen PQ, Lin CH.	1.907
5551	Effects of payment incentives, hospital ownership and co Health policy	Xirasagar S1, Lin HC.	1.907
5552			

Directory
關於健保署
健保服務
健保資料站
健保法令
重要政策
影音文宣
網路櫃檯
健保表單下載

首頁 >

利用全民健保資料庫之國際期刊論文查詢

下載(xlsx) 下載(ods) 條件搜尋

- Bilateral oophorectomy and the risk of hepatocellular carcinoma in women with hepatitis C: A population-based study**
Journal : Maturitas
Author : Chen CY, Wang TY, Chen WM, Chen KH, Yang YH, Chen PC, Chen VC.
SCI Impact Factor : 3.63
Pub Date : 2021-Apr
Subject : Medicine - Biochemistry, Genetics and Molecular Biology
Keywords : Hepatitis C virus; Hepatocellular carcinoma; National Health Insurance Research Database; Oophorectomy.
- Association between chronic kidney disease and the most common corneal ectasia disease (keratoconus): a nationwide cohort study**
Journal : BMC nephrology
Author : Jan RL, Weng SF, Wang JJ, Chang YS.
SCI Impact Factor : 1.913
Pub Date : 2021/3/25
Subject : Medicine
Keywords : Chronic kidney disease; Cohort study; Keratoconus; Taiwan Longitudinal Health Insurance Database.

2005/9/13	Medicine	http://www.ncbi.nlm.nih.gov/pubmed/1615933
2005/8/18	Neuroscience	https://www.ncbi.nlm.nih.gov/pubmed/1615933
2005/8/8	Medicine	https://www.ncbi.nlm.nih.gov/pubmed/1608457
2005/6/8	Medicine	http://www.ncbi.nlm.nih.gov/pubmed/1594444
2005/6/1	Medicine	http://www.ncbi.nlm.nih.gov/pubmed/1593333

Commercial Uses with Consent



SDK健康服務連結
健康存摺協助您 整合您的健康App

有效利用就醫紀錄 結合坊間多種軟體 共創健康雙贏

衛生福利部中央健康保險署

16:48

為提供更完整的服務，
請完成以下這份問卷：
(此份問卷將用於AI預測心血管健康
指數服務，每次AI預測前亦會與您
再確認答案。)

是否服用阿斯匹靈藥物

☐ 是 ☒ 否

是否有吸菸

☐ 是 ☒ 否

是否感到胸悶

☐ 是 ☒ 否

提交

16:45

← 新增紀錄

體溫 36.5	脈搏 70
血壓 130/80	血氧 100

時間 2022-10-17 16:44

*以上監測數據僅供參考，如需了解數值真實反映狀
況，請諮詢醫生或醫療專業人員。

取消 儲存

16:49

← AI 預測心血管健康... 楊楊

健康指數 健康資訊

97%
心血管健
康指數

您目前的心血管健康指數97%

所有使用者：心血管健康指數平均 94%

低 0% 高 100%

20-30歲：心血管健康指數平均 97%

完成

16:49

← Long Covid 症狀自... 楊楊

恢復程度
3

Hi 楊楊
您恢復狀況不錯，請多多參考
健康資訊！

以下將提供給一些健康資訊給
您，協助您確診後，恢復得更好
更健康！

詳細健康資訊

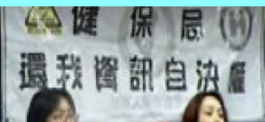
附近就醫資訊



03

LEGAL DISPUTES

NGO (Taiwan Association for Human Rights) v. Health
Authority (National Health Insurance Administration)



郵局專遞佳品用紙

MAKE A DIFFERENCE

**RESPECT
MY RIGHT
OF DETERMINATION**



National Health Insurance

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主售「為」台城案信表示拒絕將本人之健保資料用於健保業務以外之目的乙案，獲准。查照。

說明：

[illegible]

● ● ● ● ●

NGO VS. Health Authority



Plaintiff

1

- Any data use other than insurance management is beyond original purpose.

2

- People have constitutional right to their personal information (opt-out).

3

- De-identification does not mean no invasion of information privacy.

Defendants

1

- Information privacy rights are no higher than other rights or interests.

2

- Research in the public interest is a legal exception for data use.

3

- All data are de-identified so there is no privacy invasion.





04

Constitutional Court Ruling

111-Hsien-Pan-Tzi No.13 Judgment (2022)

111 年憲判字第 13 號判決
















個人資料保護法第6條第1項但書第4款規定，與法律明確性原則、比例原則尚屬無違，不牴觸憲法第22條保障人民資訊隱私權之意旨。

同意立場	部分同意（法律明確性）、 部分不同意（比例原則）	不同意立場
         	   	

f 司法院

111 年憲判字第 13 號判決

由個人資料保護法或其他相關法律規定整體觀察，欠缺個人資料保護之獨立監督機制，對個人資訊隱私權之保障不足，有違憲之虞。相關機關應自本判決宣示之日起3年內完成修法。

同意立場	不同意立場
        	     

f 司法院

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111 年憲判字第 13 號判決

就個人健康保險資料得由衛生福利部中央健康保險署以資料庫儲存、處理、對外傳輸及對外提供利用之主體、目的、要件、範圍及方式暨相關組織上及程序上之監督防護機制等重要事項，於全民健康保險法第79條、第80條及其他相關法律中，均欠缺明確規定，於此範圍內，不符憲法第23條法律保留原則之要求，違反憲法第22條保障人民資訊隱私權之意旨。相關機關應自本判決宣示之日起3年內完成修法。

同意立場


















f 司法院

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111 年憲判字第 13 號判決

衛福部健保署就個人健康保險資料之提供公務機關或學術研究機構於原始蒐集目的外利用，由相關法制整體觀察，欠缺當事人得請求停止利用之相關規定，於此範圍內，違反憲法第22條保障人民資訊隱私權之意旨。相關機關應自本判決宣示之日起3年完成修法，明定請求停止及例外不許停止之主體、事由、程序、效果等事項。若逾期未完成修法，當事人得請求停止上開目的外利用。

同意立場	不同意立場
           	  

f 司法院

@judicial.gov.tw

THE ISSUES AND HOLDINGS TABLE

Unconstitutional?	Court Holdings	Petit.	Resp.
Article 6 of PDPA	No. The Current Law is Constitutional	✗	✓
No independent supervisory mechanism	Yes. Shall amend it within 3 years	✓	✗
Current NHID Data Use Practice	Yes. Shall amend it within 3 years	✓	✗
No Opt-out	Yes. Shall amend it within 3 years. Otherwise, people can enforce the right directly.	✓	✗



05

Implications

Further development after the verdict

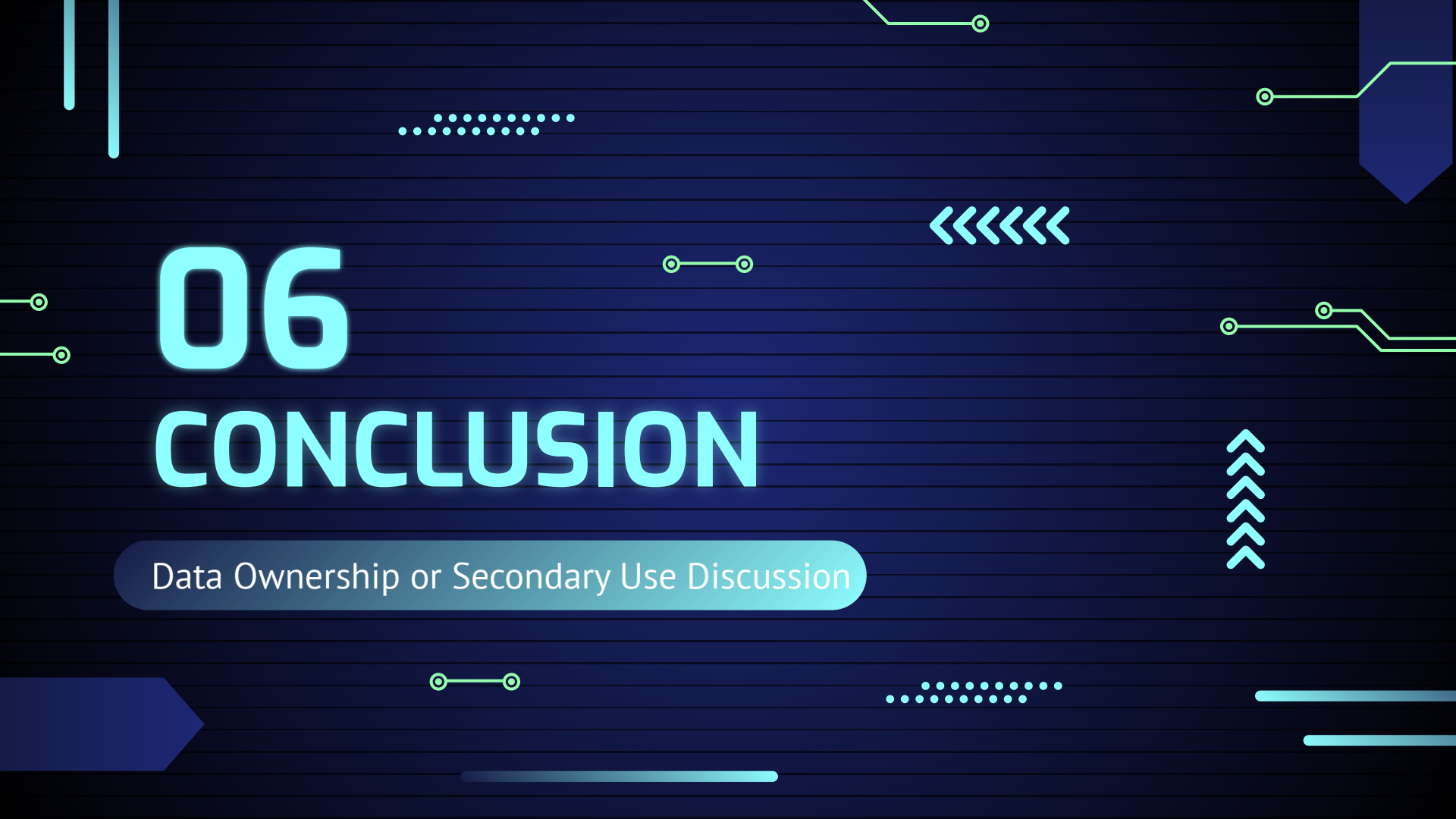
Data Protection VS. Data Uses



Protections



Utilizations



06

CONCLUSION

Data Ownership or Secondary Use Discussion



“Data is the new oil.”

— Clive Humby

CONCLUSIONS

- Taiwan's NHID provides a case for health database governance
- EU GDPR has been cited as a model
- Comparative models are carefully under studying





Thanks!

Do you have any questions?

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