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Health Data Governance in the Age of Digital Health: The Legal Approaches of the EU and China

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03

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Third visuAAL PhD
Seminar

01 @TU Wien, Vienna

Z h i c h e n g H e

The Swedish Law and Informatics Research Institute
Stockholm University
30 November 2023



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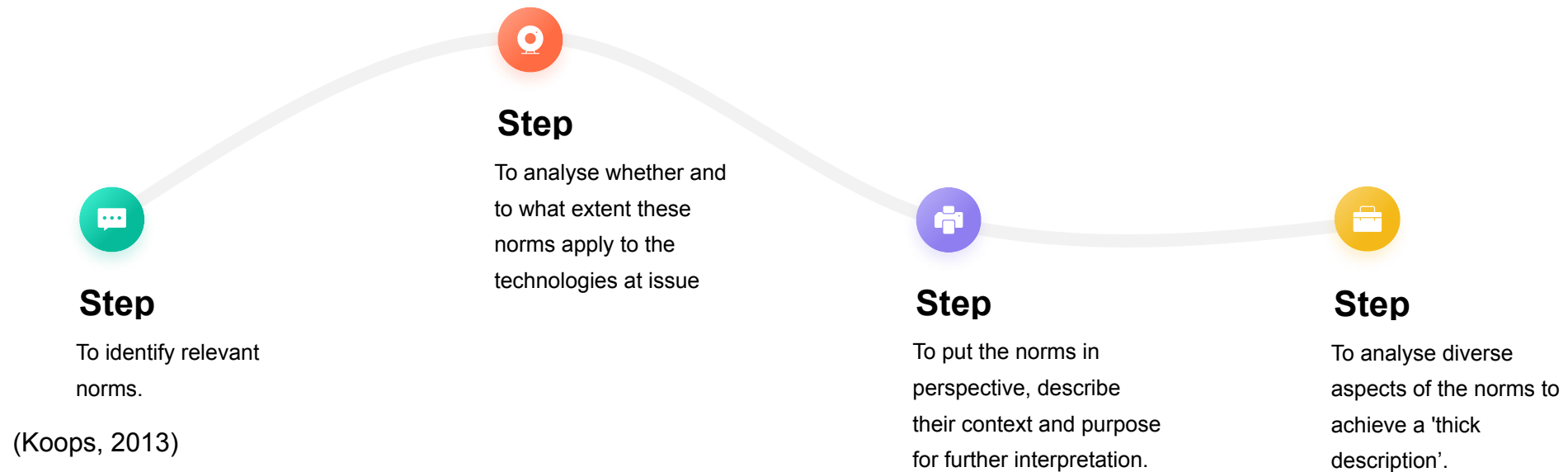
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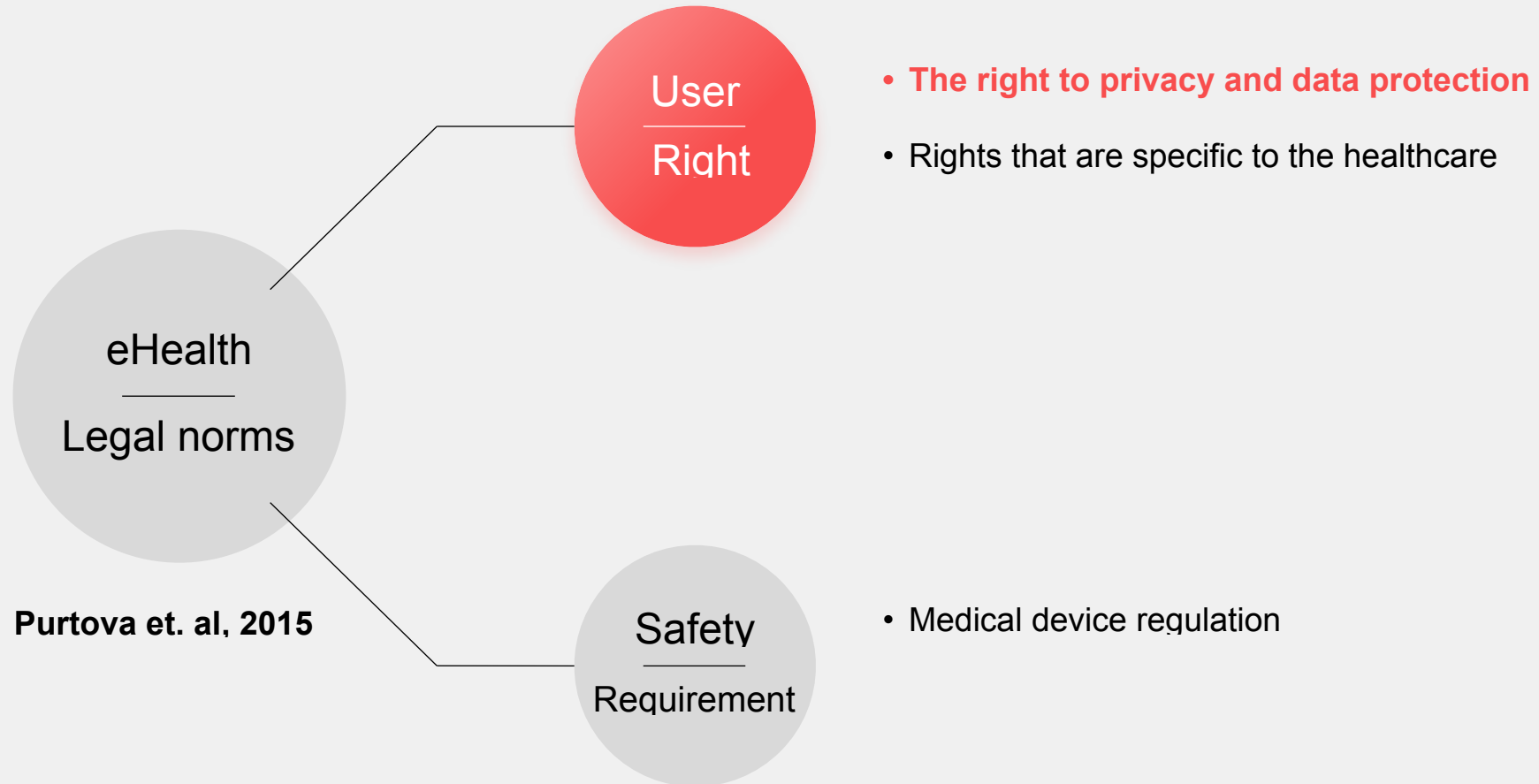
PhD Project Recap

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A taxonomy for descriptive legal research in law and technology



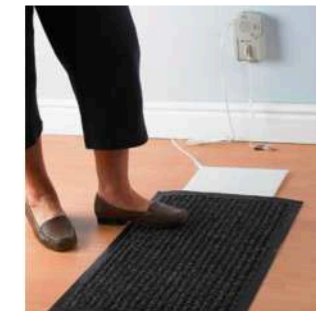


Various functionalities

What could AAL tools help with?

- Fall detection
- Sleep monitoring
- Breathing monitoring
- Vital signs monitoring
- Activity monitoring

(Sathyanarayana et al 2018)



Health monitoring in private places (Francisco Florez-Revuelta et. al, University of Alicante)

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Different scenarios





02

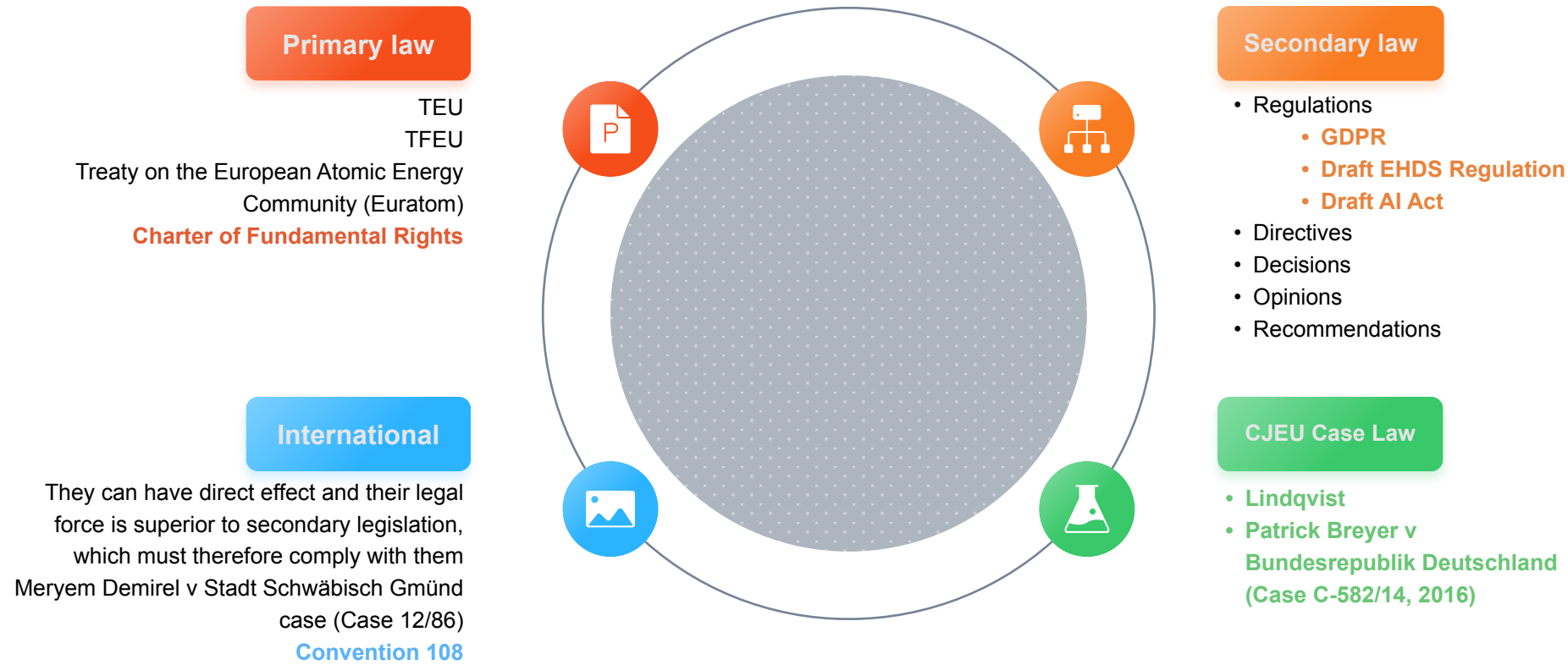
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Progress Report

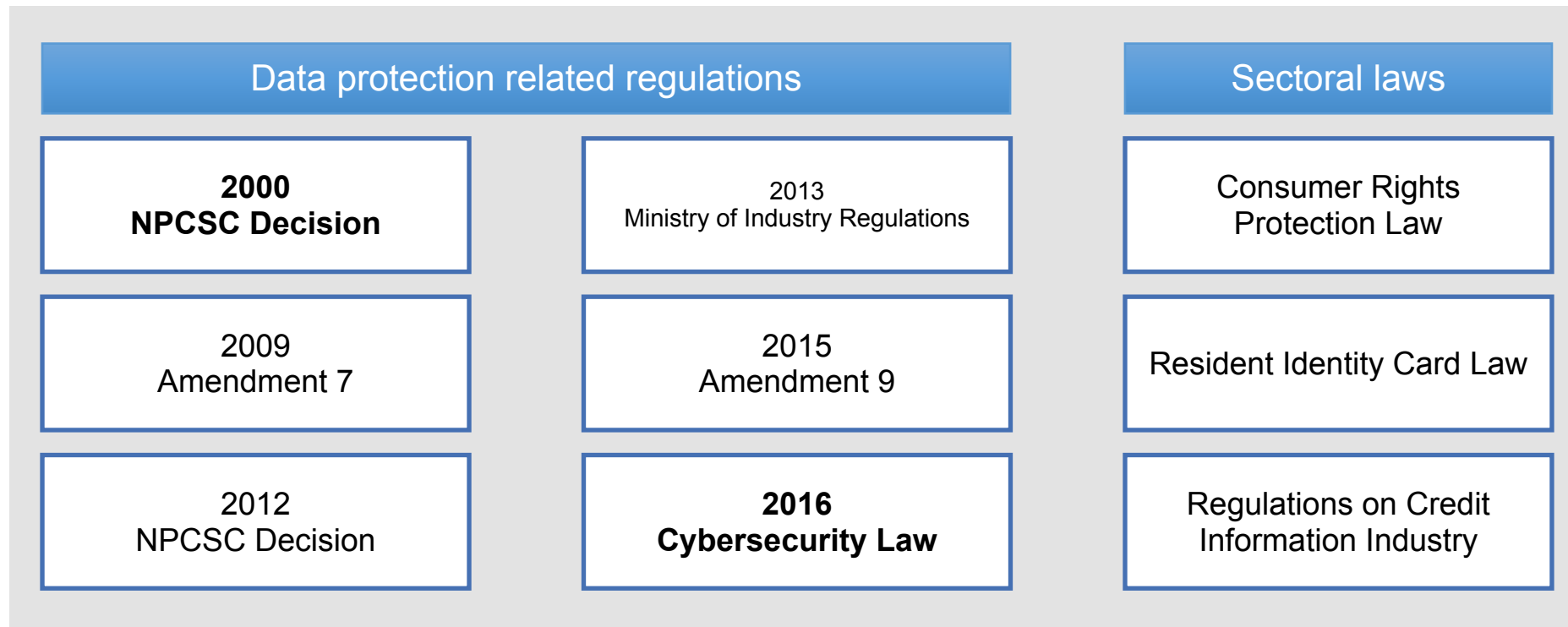
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Legal framework of health data governance in the **European Union law**



China's data protection legal landscape before 2021



Personal Information Protection Law 2021 (PIPL)

- China's **first ever** standalone data protection law.
- Personal information protection **principles**.
- Strengthened data subject **rights**.
- Data processing requirements for **public authorities**.
- **Public interest lawsuits**.

A need to share health data

*'This data, accessed under **strong safeguards for security and privacy**, will also be a treasure trove for scientists, researchers, innovators and policy-makers working on the next life-saving treatment.'*

— Commissioner for Health and Food Safety,
Stella Kyriakides



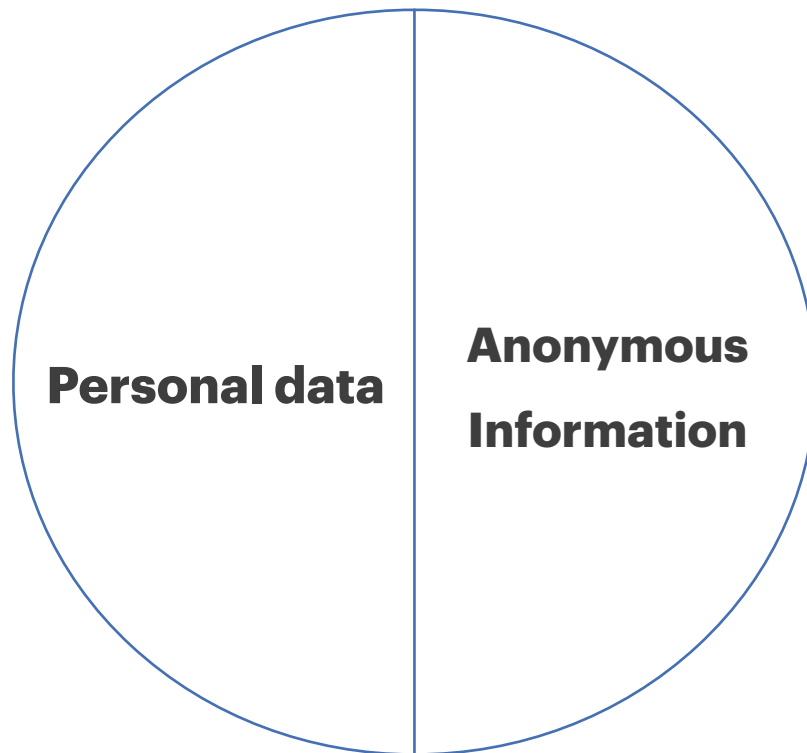
Strasbourg, 3.5.2022
COM(2022) 197 final

2022/0140 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on the European Health Data Space

Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0197>



*'The principles of data protection should therefore **not apply to** anonymous information...*

*This Regulation **does not therefore concern** the processing of such anonymous information, including for statistical or research purposes.'*

Recital 26, General Data Protection Regulation (GDPR)

'In the ICO's view, the same information can be personal data to one organisation, but anonymous information in the hands of another organisation.'

UK Information Commissioner's Office

Pre-GDPR

*'an effective anonymisation solution prevents **all parties** from **singling out** an individual in a dataset, from **linking two records** within a dataset (or between two separate datasets) and from **inferring** any information in such dataset'*

Opinion 5/2014, 2014

Post-GDPR

'Data is to be considered as anonymous only as long as

- such re-identification would require **unreasonable time, effort or resources**, taking into consideration the available technology at the time of the processing and technological developments'*

Convention 108+, 2018

*'The health data access bodies shall provide the electronic health data in an **anonymised format**...'*

'Where the purpose of the data user's processing cannot be achieved with anonymised data...the health data access bodies shall provide access to electronic health data in **pseudonymised format**.'

EHDS Regulation (draft), May 2022

Anonymisation under Chinese Law

Anonymisation

- the process of making it impossible to identify or associate the subject of personal data through technological processing of personal data, and the processed data cannot be restored

Article 73 PIPL

De-identification

- the process of making personal data unidentifiable or unassociated with the subject of personal data without relying on additional information

Article 73 PIPL



03

“ Dissemination

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Publication

- July 2022
- Presented at PETRA.
- Best Student Paper Award.



RESEARCH-ARTICLE OPEN ACCESS



Privacy-enhancing Technologies for Active and Assisted Living: What Does the GDPR Say?

Author: [Zhicheng He](#) [Authors Info & Claims](#)

PETRA '22: Proceedings of the 15th International Conference on Pervasive Technologies Related to Assistive Environments • June 2022 • Pages 430–433 • <https://doi.org/10.1145/3529190.3534719>

Published: 11 July 2022 [Publication History](#)



Publication

- October 2022
- First peer-reviewed law journal article.
- Computer Law & Security Review.



Computer Law & Security Review

Volume 47, November 2022, 105758



When data protection norms meet digital health technology: China's regulatory approaches to health data protection

Zhicheng He

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Universitetsvägen 10C, 106 91 Stockholm, Sweden

Available online 17 October 2022, Version of Record 17 October 2022.

Publication

- May 2023
- Second peer-reviewed journal article.
- Digital Society



Home > Digital Society > Article

From Privacy-Enhancing to Health Data Utilisation: The Traces of Anonymisation and Pseudonymisation in EU Data Protection Law

Original Paper | [Open access](#) | Published: 09 May 2023 | 2, Article number: 17 (2023)

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Digital Society

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Avoid common mi
manuscript.

Conferences



Conference attended with presentation

- 2022 Asian Law and Society Meeting, December 2022, Hanoi. Attended and presented paper.
- 2022 Global Meeting on Law and Society, July 2022, Lisbon. Attended and paper presented.
- International Conference on Privacy-friendly and Trustworthy Technology for Society, June 2022. Attended and presented.
- The 15th ACM International Conference on Pervasive Technologies Related to Assistive Environments (PETRA 2022) in Corfu, Greece. June 2022. Presented my paper and received the “Best Workshop Student Paper Award”.
- 2021 Nordic Conference on ICT Law, Oslo, Norway. 8-10 November 2021. Research project presented in the PhD seminar.



04

“ Next Steps

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Law Student

2010 - 2017
China & Belgium



In-house Counsel for international IT Companies

2017 - 2021
China & UK
Regulatory Compliance



PhD Candidate in Law & IT

2021 - 2025
Stockholm



PhD in Law & IT

2025
Stockholm



Expert in IT Law

Feedback to visuAAL

01

Inspiration

02

Possibility

03

Adventure



Thank you.

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