



Data Protection Video Transcript

Special legal sources

[Beat Rudin]: The Information and Data Protection Act of the Canton of Basel-Stadt (IDG) applies to you as an employee of a public authority or public institution of the Canton of Basel-Stadt such as the University. But does the IDG answer the question of whether you may collect personal data or, for example, disclose data to other institutions or private individuals?

For example, § 9 IDG, states that personal data may be processed if there is a legal basis for doing so and the data processing is proportionate. § 21 IDG states that personal data may be disclosed if there is a legal basis for doing so or if the affected person has given consent for the individual instance of information disclosure. However, the specific legal basis required for the data processing or disclosure is not found in the IDG, but in the specific law applicable to the particular context you are working in.

Let's look at a few examples.

Can a police officer stop a person and demand identification?

The answer can be found in the Police Law, which regulates the circumstances under which the police are permitted to carry out checks on individuals and vehicles.

Is a doctor at the University Hospital permitted to report a measles diagnosis to the Federal Office of Public Health?

The answer to this question is found in the Epidemics Act, which refers to epidemic regulations and to the reporting regulations of the Epidemics Act.

It follows from these clauses that a measles diagnosis with the name of the patient must be reported to the cantonal physician, who must then forward it to the Federal Office of Public Health.

Can a social worker with the social welfare office request information from the employer of a person seeking social welfare assistance?

The social worker will find the answer in the Social Welfare Law. This obliges the employer of the person requiring support and any family members living together with them in a single household to provide the social welfare office with the information required, verbally and in writing, to properly administer programs in accordance with the Social Welfare Law.

Can a doctor who treats cancer patients in the University Hospital use the collected data for research purposes?

The doctor will find the answer to this question in the Human Research Law which determines the requirements under which the use of health data is permitted. Depending on the type and form of data, this may be done with informed consent or without objection after receipt of information about the right to object. Or in rare instances, without consent or information about the right to object.

The IDG, which is always applicable to public institutions in the Canton of Basel-Stadt, only contains the fundamentals for data processing. The IDG outlines the so-called "general data protection law."



Area-specific and more concrete data protection regulations are then found in the so called “special” or substantive” data protection law. These are the specific data protection regulations in the corresponding sectoral laws.

This may be a cantonal law, such as the Social Welfare Law or Police Law. Or it may be a federal law that governs this field of activity, such as the Human Research Act referenced above.

To summarize: the IDG applies to data processing by cantonal or communal public institutions – including independent institutions under cantonal or communal law. It only applies to private individuals if the canton or municipality has entrusted them with a public task to fulfill.

The more specific regulations of data protection are not found in the IDG, but in the applicable substantive or sectoral laws. This may be federal law, if the federal government is responsible for regulating a field, or it may be cantonal law, if the federal government is not responsible for a field.