



Declaration of Compliance By Students at the University of Lübeck, Pursuant to §5 of BDSG (German Data Protection Act)

.....
Ms/Mr

.....
Address

I, the aforementioned, was thoroughly informed today of relevant regulations on privacy of personal information, as set forth in §5 of BDSG (German Data Protection Act).

I shall not process, disclose, provide access to or otherwise use any personal information (such as information on patients, employees or others) that I become aware of through my activities at the University of Lübeck, except for the purpose of fulfilling the respective legitimate assignment.

I have been informed that unauthorised processing, use or other application of personal information is prohibited by law. Authorized processing or use of personal information held in safekeeping by the University of Lübeck and/or the University Clinic is predicated upon written approval of the University or Clinic. During my activities at the University Clinic, I shall strictly observe the provisions of the LDSG (State Data Protection Act) and patient-physician confidentiality, as set forth in §203 of StGB (German Penal Code).

These confidentiality obligations shall survive my activities at the University of Lübeck and/or University Clinic.

I am aware that violations of the BDSG and/or patient-physician confidentiality may lead to criminal prosecution.

I have received a copy of this declaration of compliance and been informed thereof.

IN WITNESS WHEREOF, the parties have executed this declaration at the respective dates and places shown below:

In Lübeck, on:

.....

Signature of informee

.....

Signature of informer



Patient-Physician Confidentiality

I am aware that, as a medical student, I must observe patient-physician confidentiality and that any violation thereof may lead to criminal prosecution. I have been informed of the applicable law elucidated below:

§203 of StGB (German Penal Code): Violation of Personal Privacy

(1) A person who, without authorisation, discloses third-party secrets that lie within the sphere of personal privacy or trade secrets or proprietary information, shall be sentenced to imprisonment not exceeding one year or fined in the event such secrets were confided to or became otherwise known to the person in her/his capacity as:

1. A physician, dentist, veterinarian, pharmacist, or a member of another healthcare profession that requires state-regulated education and a licence to practice, or as
2. A professional psychologist who has passed a state accredited academic final examination, or as
3. A solicitor, patent attorney, notary, defence counsel in legal proceedings, certified public accountant, chartered accountant, tax consultant, tax representative or a body or member of a body at a solicitor's office, patent attorney's office, certified public accounting firm, chartered accounting firm, or tax consultancy, or as
4. A marriage, family, education, or youth counsellor or addiction counsellor at a counselling centre recognised by the authorities or a public corporation, agency or foundation, or as
 - 4a. A member or officer of a counselling centre recognised under §§3 and 8 of the German law on abortion, or as
5. A state accredited worker from social services or a state accredited social education worker, or as
6. A member of a private health, accident, or life insurance company or a member of a clearing office for private physicians, tax consultants, or law offices.

(2) A person who, without authorisation, discloses third-party secrets shall be similarly sentenced, in the event such secrets lie within the sphere of personal privacy or trade secrets or proprietary information and which were confided to or became otherwise known to the person in her/his capacity as:

1. An office bearer, or as
2. A person entrusted with special public service duties, or as
3. A person who performs duties or exercises powers under the staff representation act, or as
4. A member of an investigative committee for a federal or state legislature, or other body or board that is not a part of the legislature, or as an aid assigned to such a committee or board, or as
5. A publicly appointed expert formally bound by law to conscientiously fulfil her/his duties, or as
6. A person formally bound by law to duly observe confidentiality obligations while performing scientific research.



Pursuant to section (2)-1, individual details of third-party secrets shall be subject to the same confidentiality standards when collected for public administration purposes, whereby section (2)-1 shall not apply in the event the details are provided to other authorities or public administration offices and such disclosure is not prohibited by law.

(2a) A privacy officer shall be held to the same confidentiality standards pursuant to sections (1) and (2), in the event he/she discloses, without authorisation, third-party secrets described in sections (1) and (2) that were confided to the officer or became known to the officer otherwise or the officer gained knowledge thereof while performing her/his duties as a privacy officer.

(3) Members of a bar association shall be held to the same confidentiality standards as a solicitor mentioned in section (1)-3. Vicarious agents of persons mentioned in section (1)-1 and persons undergoing vocational training under the latter shall be held to the same confidentiality standards. Moreover, upon the death of the persons mentioned in sections (1), (1)-1 and (1)-2, all persons who become aware of the third-party secrets from the deceased or deceased's estate shall also be held to the same confidentiality standards.

(4) An offender shall also be held to the same confidentiality standards pursuant to sections (1) to (3), if he/she discloses third-party secrets, without authorisation, upon the death of the person concerned.

(5) In the event an offender acts for material gain or with the intention of enriching oneself or another or harming another, the offender shall be sentenced to imprisonment not exceeding two years or fined.

§9 Code of Medical Ethics: Patient-Physician Confidentiality

(1) A physician shall keep confidential all information confided by a patient or which the physician becomes aware of while performing her/his duties as a physician, whereby this confidentiality obligation shall survive the death of the patient and encompasses written information on the patient, patient records, x-rays and other medical examinations.

(2) A physician may disclose such confidential information upon the consent of the patient, or if necessary to preserve legally protected rights of a higher order, or if provided for by law. A physician shall inform the patient of any limitations on the patient-physician confidentiality provisions in the law.

(3) A physician shall instruct all employees and residents working with the physician about the law on patient-physician confidentiality and record such instructions.

(4) If a patient is attended by several physicians simultaneously or in sequence, all such physicians shall be free to share patient information with each other, provided they have the patient's consent or if such consent can be presumed.