

## **Analysis of the Reasonable Use of Personal Data Mode : Using the Application of Health Data in Academic Research as an Example**

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### **Abstract**

As the era of big data approaches, personal data has been seen as the new black gold. Countries and corporations have rushed to develop this new tertiary industry that withholds and applies personal data. By accumulating, analyze and utilizing these personal data, the outcome can effectively advance competition, reinforce efficiency, and even help either predict or depict behavior or become a reference to the decision-makers. The academic field also seeks to elevate the quality of healthcare and public health, or disease prevention, based on health database research. Following this trend of use of personal data, the government has to face people's active need to use personal data(base) for academic research. However, whether the current regulatory scheme of personal data protection can comprise the varieties of the application of personal data while balancing "the reasonable use of personal data" and "protecting the right of the user" comes into question. This article aims to use the application of health data in academic research as an example. This article will focus on the compromise between the right of maintaining self-control of personal information and freedom of academic research. Further, the article will discuss Taiwan's regulatory framework on the application of health data for academic research, while drawing reference from the EU's General Data Protection Regulation (Datenschutz-Grundverordnung). At last, regarding the reasonable use of health data mode, this article will provide personal observation and advice. Firstly, the

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usage of health data should be promulgated through special law to establish a legal basis for lawful usage. Secondly, more thoughts should be put into the elements of reasonable use of personal data, which includes giving greater flexibility to academic research data usage, and by adjusting the elements for parties consent, to adequately balance the right between academic research and the right of parties. Eventually, corresponding measures via organizational and procedural mechanisms should be built, such as imposing beforehand data protection impact assessment, adequately applying de-identification techniques, and strengthening academic researches self-discipline and heteronomy mechanisms. The anticipation is to establish a proper regulatory scheme and supervision framework to create a win-win situation.

**Keywords: health data, right of maintaining self-control of personal information, academic research, EU's General Data Protection Regulation, Personal Information Protection Act, Human Subjects Research Act, Human Biobank Management Act, Direction for the Application and Management of Health and Welfare Data of Ministry of Health and Welfare.**