

Key rulings by the European Court of Justice

Three rulings that dentists should be aware of

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Case law from the European Court of Justice (ECJ) rarely affects dentists directly. Nevertheless, several recent rulings have implications for day-to-day practice, particularly in relation to data protection, digitalisation and patient communication.

1. Health data: the ECJ interprets the term broadly

The European Court of Justice is adopting an increasingly broad interpretation of health data. Health data is not limited to diagnoses, medical findings or treatment plans; other information may also be included if it allows conclusions to be drawn about a person's state of health.

For dental practices and ambulatory health care centres, this means that digital appointment booking systems, patient portals, recall systems and AI applications should not be hastily classified as unproblematic under data protection law. The requirements for the processing of sensitive data are becoming increasingly stringent.

2. Data protection is becoming a competitive issue

A ruling by the European Court of Justice (ECJ) on the online sale of medicines deserves particular attention. The Court found that such orders may involve health data and that data protection breaches can, in principle, also be addressed under competition law.

Although the decision concerns pharmacies, its significance extends beyond this: in future, data protection may not only be the subject of supervisory proceedings, but also of disputes between competitors.

Ambulatory health care centres (MVZs) and larger practice networks with extensive digital services should therefore not view data protection solely as a compliance issue.

3. Strict requirements regarding the handling of patient data

The ECJ has also clarified that, when processing health data, both the specific requirements for sensitive data and the general data protection requirements must always be met.

For medical practices and ambulatory health care centres, this brings issues of internal organisation more sharply into focus:

- Who is authorised to access which patient information?
- Are role and authorisation frameworks adequately documented?
- Is access logged in a traceable manner?
- Are external service providers properly integrated in accordance with data protection law?

Larger organisations in particular face greater organisational challenges in this regard.

Classification in terms of professional policy

From the perspective of the dental self-governing body, it is noteworthy that the ECJ has not yet handed down any landmark judgements on investor-owned ambulatory health care centres, bans on third-party ownership or dental professional practice partnerships. The greater momentum currently lies in data protection law, where the new guidelines for digital dentistry are taking shape.

In short: anyone discussing digitalisation, AI, patient portals or networked medical centres today should closely follow the ECJ's case law on health data. It is likely to have a greater impact on the organisation of dental practices in the coming years than many traditional disputes under professional law.

Sources: Healthcare digital, DSGVO-PORTAL

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