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**Procedure for destroying the gene donor’s tissue sample, description of DNA, description of health condition and data which enables de-pseudonymisation**

[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

Adopted on 17 December 2001, No. 128
[RTL 2002, 1, 9](https://www.riigiteataja.ee/akt/86999)
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The Regulation is established on the basis of subsection 21 (6) of the [Human Genes Research Act](https://www.riigiteataja.ee/akt/dyn%3D112032019044%26id%3D12803316%21pr21lg6).

**Chapter 1
GENERAL PROVISIONS**

**§ 1.****Scope of application**

 (1) The Regulation establishes the procedure for destroying tissue samples, including DNA, descriptions of DNA, descriptions of health condition, and data which enables de-pseudonymisation, including the format of the records of destruction and the procedure for the completion and preservation thereof.
[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

 (2) The requirements to be established with this Regulation are binding on the controllers of the Gene Bank, the processors of the Gene Bank and any third parties who have any tissue samples, descriptions of DNA or descriptions of health condition received from a Gene Bank in their possession.
[[RTL 2007, 28, 509](https://www.riigiteataja.ee/akt/12812791) - entered into force 13 April 2007]

**Chapter 2
DESTRUCTION OF TISSUE SAMPLES, DESCRIPTIONS OF DNA, DESCRIPTIONS OF HEALTH CONDITION AND DATA WHICH ENABLES DE-PSEUDONYMISATION**
[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

**§ 2.****General requirements**

 (1) All persons who have any tissue samples, descriptions of DNA or descriptions of health condition in their possession must, upon an order from the controller of the Gene Bank, immediately and at their own expense destroy the specified tissue sample, description of DNA or description of health condition.

 (2) The controller of the Gene Bank may issue additional orders regarding the destruction of the data to persons who have any tissue samples, descriptions of DNA or descriptions of health condition received from the Gene Bank in their possession; compliance with such orders is mandatory when destroying the tissue samples, descriptions of DNA and descriptions of health condition.

 (3) A representative of the controller of the Gene Bank has the right to be present at the process of destruction of tissue samples, descriptions of DNA and descriptions of health condition under the terms and conditions specified in the agreement entered into with the processor of the Gene Bank.

**§ 3.****Right to demand destruction of tissue samples, descriptions of DNA, descriptions of health condition and data which enables de-pseudonymisation**
[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

 (1) A gene donor may demand that the data which enables their de-pseudonymisation be destroyed. The controller must destroy such data within two weeks following the receipt of a respective written request.
[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

 (2) A gene donor may demand that their tissue sample, description of DNA and description of health condition be destroyed if their identity has been illegally disclosed. The controller arranges the destruction of the tissue sample, description of DNA and description of health condition within one month following the receipt of a respective written request. The controller has the right to not destroy the tissue sample, description of DNA and description of health condition if it is proven that the identity of the gene donor was disclosed as a result of the gene donor’s own behaviour.

 (3) The controller may demand that a tissue sample, description of DNA and description of health condition be destroyed if they have reason to believe that the person in possession of or using the tissue sample, description of DNA and description of health condition violates the Human Genes Research Act or any legislation enacted on the basis thereof or if they have no legal basis for such possession or if the confidentiality of the gene donors and the protection of their rights is not ensured.

 (4) Any person is obliged to destroy immediately the tissue sample, description of DNA and description of health condition in their possession if they know that they have no legal basis for the possession of such tissue sample, description of DNA and description of health condition.

**§ 4.****Destruction of tissue samples**

  In order to destroy tissue samples, they are inactivated by way of autoclaving.

**§ 5.****Destruction of descriptions of DNA and descriptions of health condition**

 (1) Descriptions of DNA and descriptions of health condition are destroyed by deleting the data from the information system so that it is impossible to recover the data.

 (2) If printouts have been made of the deleted data, these will be destroyed in a way that renders the reproduction of the data impossible based on the state of the printout. In the case of shredding, the width of paper pieces may be no more than 0.8 mm and the length no more than 1.3 cm. Paper documents may also be incinerated or dissolved using chemical compounds.

**§ 6.****Destruction of data which enables de-pseudonymisation**
[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

  Data which enables de-pseudonymisation is destroyed in a way that makes the restoration of such data impossible.
[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

**Chapter 3
RECORDS OF DESTRUCTION**

**§ 7.****Data to be entered in the records of destruction and the format of the records of destruction**

 (1) The records of destruction must include the following information:
 1) Information identifying and characterising the records.
 2) Information identifying the method and technology of destruction of the tissue sample, description of DNA, description of health condition and data which enables de-pseudonymisation, and information identifying the person or the representative of the person who performed the destruction.
 3) Information identifying and characterising the tissue samples, descriptions of DNA, descriptions of health condition and data which enables de-pseudonymisation being destroyed.
 4) Information characterising the destruction procedure.
 5) Time and place of destruction.
 6) Statements of the person who performed the destruction.
 7) A statement that the records may not be copied without the written consent of the controller of the Gene Bank.
 8) The method of communication of the records of destruction to the controller of the Gene Bank.
 9) Other important information regarding the process of destruction.
[[RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

 (2) [Invalid - [RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]

**§ 8.****Preparation and forwarding of records of destruction**

 (1) Records of destruction are prepared by the person performing the destruction of the tissue sample, the description of DNA or the description of health condition in one copy. The records of destruction are kept by the person performing the destruction of the tissue sample, the description of DNA or the description of health condition.

 (2) The records of destruction are prepared before performing the destruction and signed after completing the destruction.

 (3) If the destroyer is not the controller of the Gene Bank, the destroyer promptly forwards a copy of the records of destruction to the controller using a courier service or other method specified by the controller.

**§ 9.****Preservation of records of destruction**

  Records of destruction and their copies are preserved permanently and in accordance with the requirements established for the preservation of the consent form to become a gene donor in a regulation of the Minister of Social Affairs based on subsection 12 (7) of the Human Genes Research Act.

Appendix

Records of destruction
[Invalid - [RT I, 12.03.2019, 41](https://www.riigiteataja.ee/akt/112032019041) - entry into force 15 March 2019]