

the requirements of international standards. The new Law on Personal Data Protection was adopted in November 2008 and comes into effect on 1 January 2009. The new Law stipulates that the purpose of collection, processing and use of personal data has not only to be strictly lawful, but also precisely defined in advance, before the personal data is collected. In terms of this Law, information on health status is especially sensitive data that can only be used under condition that the person in question has issued a consent to that effect, unless otherwise stipulated by the Law<sup>20</sup>. This new law extends the powers of the Administrator in charge of access to the information of public interest, who has now become the Administrator for Access to Information of Public Interest and Protection of Personal Data, as an independent government authority in charge of protection of personal data. This Law defines the procedures for collection, control and protection against misuse of personal data, guarantees the right of individuals to receive information on the processing of data and receive a copy if they require one.

#### 5.4. Ethical Norms

The obligation to protect privacy is also included in the Code of Professional Ethics of the Serbian Medical Council and the Serbian Dentistry Council. However, neither ethical nor legal norms have absolute value. The obligation to protect the privacy of patients exists in parallel with other obligations of medical workers, which may clash. Medical workers are obliged to disclose information, even without the consent of the patient, if there is a danger to any third parties and if such disclosure, in their professional opinion, would diminish or eliminate such a danger. In order to make such a decision it is necessary to take into account and assess possible damage to the patient, on the one hand, and the extent of the threat to the community on the other. For example, a doctor is obliged to notify the spouse of the person infected with HIV if the patient intends to continue having sex with their spouse without protection.

***In order to provide full protection of persons living with HIV, it is necessary to apply the rules contained in the Health Care Law and professional codes of conduct in conjunction. It is necessary to introduce stronger guarantees for respect and protection of the privacy of HIV positive persons in compliance with relevant regulations and professional codes of conduct, primarily those which pertain to the procedures implemented by medical staff and management of medical documentation.***

---

<sup>20</sup> Personal Data Protection Law, Article 16