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No. 811

**Act
on Experiments with Seamless Service Chains in Social Welfare and Health Care
Services and with a Social Security Card**

Issued in Helsinki, September 22, 2000

By decision of Parliament the following is enacted:

Chapter 1

General provisions

Section 1

Purpose of the Act

This Act provides for regional experiments with seamless service chains in social welfare and health care services and general social protection, and related services involving personal advisors, plans for service chains, electronic client cards and reference databases.

The aim of the Act is to gain experience of arranging seamless service chains, and of ways of optimizing the use of information technology so that it answers the needs of the clients of social welfare and health care services and general social protection, and of establishing how best to allocate information technology resources in these activities in a sensible way.

Section 2

Scope of application

This Act applies when municipalities, joint municipal boards, other authorities, communities, service providers, individual entrepreneurs or the Social Insurance Institution arrange or implement social welfare and health care services or other social protection for inhabitants of the municipalities of Kankaanpää, Lappi, Merikarvia, Noormarkku, Pomarkku, Pori and Siikainen. Such aforementioned authorities, communities, and individual entrepreneurs shall decide in more detail the extent to which it will implement and participate in the experiment referred to in this Act. The Ministry of Social Affairs and Health shall be notified of such decisions and their content.

In addition to the provisions of paragraph 1, another municipality or joint municipal board or both together may apply to be included in the experiment by submitting an application to the Ministry of Social Affairs and Health. The Ministry of Social

Affairs and Health can decide on application of this Act in the applicant municipality or joint municipal board or both, if the technical, economic, administrative and other criteria for participation in the experiment can be considered to be fulfilled, based on the application and the appended experiment plan.

In addition to the provisions of the Act, all other provisions concerning social welfare and health care and general social protection shall be complied with.

Section 3

Definitions

For the purposes of this Act:

- 1) client refers to a patient as defined in the Act on the Status and Rights of Patients (785/1992), a client as defined in the Act on the Status and Rights of Social Welfare Clients (812/2000) or any other person applying for or receiving other social protection;
- 2) seamless service chain refers to an operating model where the services received by a client and forming part of a service context within the social welfare and health care services and other social protection are integrated into a flexible whole which suits the client's needs regardless of which operating unit provides or implements the services;
- 3) social security card refers to a client card used for arranging and providing social welfare and health care services and other social protection, which contains the technical part necessary for electronic services and other electronic applications;
- 4) personal advisor in social welfare and health care services, henceforth personal advisor, refers to a person whom the client has chosen from among the employees or officials in the social welfare and health care services involved in providing the client's social welfare and health care services, to assist, promote and monitor the provision of services in a seamless chain;
- 5) reference data refers to information according to which the above-mentioned operating social welfare and health care unit has, in its electronic client register or subregister, at a given time personal data on the client in question, generated in the operations of the register authority;
- 6) reference database refers to a subregister within the client register for social welfare and health care services which consists of reference data as defined in subparagraph 5, together with consent to the disclosure of the reference data, where log data are also recorded;
- 7) service chain plan refers to an individual plan drawn up for implementing and monitoring one or more seamless service chains for a single client;
- 8) service chain identifier refers to an entry which shows which seamless service chain a specific service is part of; and
- 9) consent refers to a voluntary, individual, deliberate and verifiable expression of will, based on adequate information, stating that the person in question agrees to the processing of his or her personal data.

Chapter 2

Personal advisor

Section 4

Arranging personal advisor services and providing information on the services

A municipality or joint municipal board which is involved in the experiment may arrange personal advisor services in social welfare and health care. The municipality or joint municipal board shall provide information on the content and arrangement of such services and ensure that clients have access to adequate information on the introduction of personal advisor services.

Section 5

Conditions for acting as a personal advisor

An employee or official who performs duties in social welfare or health care and who is employed by a municipality or a municipal board or a producer of social welfare or health care services which has concluded a service provision contract with a municipality or joint municipal board can act as a personal advisor if he or she can be considered to possess adequate experience and training. An independent entrepreneur who has concluded a service provision contract with a municipality or joint municipal board can also act as a personal advisor if he or she can be considered to possess adequate experience and training.

Section 6

Duties and right to information of a personal advisor

A personal advisor shall

- 1) ensure that the client receives the necessary information on the social welfare and health care services and general social protection available;
- 2) find out whether a service chain plan should be drawn up for the client or if such a plan requires changing;
- 3) monitor how a seamless service chain and general services for the client are implemented;
- 4) promote implementation of services and their arrangement in a suitable way by contacting the authorities, service producers, institutions and other experts in the field which arrange and provide the client's social welfare and health care services and other social protection if needed;
- 5) keep in touch with the client as necessary;
- 6) report annually to the relevant organs of the municipality or joint municipal board on issues connected with the service chain;
- 7) handle any other duties included in the agreement on a personal advisor.

Confidentiality duty notwithstanding, personal advisors are entitled to data on clients needed for discharging their duties with the written consent of the client as defined in section 3, subparagraph 9.

Section 7

Choice of personal advisor

The client decides whether to use the service of a personal advisor and chooses an advisor from among those who fulfil the criteria under section 5, who are involved in providing social welfare and health care services for the client, and whose duties include acting as a personal advisor. Before the personal advisor is chosen, the client shall be informed about how to choose a personal advisor, about the duties of personal advisors and their entitlement to information, and of the validity of the agreement and the option of ceasing to use the services of a personal advisor.

Section 8

Agreement on a personal advisor

When a client has selected a personal advisor, a written agreement is drafted containing more details on the personal advisor services. The agreement is signed by the client and the personal advisor concerned.

If a service, care, treatment or rehabilitation plan or the like has been drawn up for the client or will be drawn up under some other Act or practice, or if a service chain plan has been or will be drawn up under this Act, the information that a personal advisor agreement has been made can be appended to the plan in question.

The client can at any time give written notification that he or she wishes to cease using the personal advisor service, whereupon the agreement ceases to be valid. For a particular reason, and following negotiations with the client, a municipality or joint municipal board which provides personal advisor services may state that the personal advisor agreement is no longer in force. The information that a personal advisor agreement has ceased to be valid shall be entered immediately in all documents concerned and in the reference database.

Section 9

Employer's personal advisor services

An employer as referred to in section 1, paragraph 1, of the Occupational Health Care Act (743/1978) may arrange personal advisor services as part of the occupational health care services provided by the employer, by observing the provisions on personal advisors laid down in sections 4-8 as applicable.

Chapter 3

Service chain plan

Section 10

Drawing up a service chain plan

If an employee or official in social welfare or health care services who is included in the experiment considers that the client's service needs and the actual treatment or care so demand, a service chain plan is drawn up jointly with the client in order to ensure the client uninterrupted access to service and benefits. The plan can be amended if necessary, in cooperation with the client.

In drawing up or changing a service chain plan, other employees or officials in social welfare and health care and other social protection who are responsible for the client getting his benefits or service may also participate, if so agreed with the client. If the client has entered into a personal advisor agreement, the advisor is also involved in drawing up or changing the service chain plan.

If a service, care, treatment or rehabilitation plan or other similar plan under another Act or practice has been drawn up for the client, this plan can be taken into account in drawing up the service chain plan as required for the implementation of a seamless service chain.

Section 11

Registration of a service chain plan and exchange of information

The information on a service chain plan and changes in it is registered in a client register kept by the registry authorities in the social welfare and health care sector whose representatives have been involved in drawing up or changing the plan.

The exchange of information needed in order to draw up or change a service chain plan requires written consent from the client as laid down in section 3, paragraph 9.

Chapter 4

Social security card

Section 12

Issuing a social security card

The Social Insurance Institution will grant a social security card upon application to a person over the age of 16 who is considered to be resident in Finland according to the Act concerning the Implementation of Residence-Based Social Security Legislation (1573/1993).

The Social Insurance Institution shall acquire a certificate for the technical part of the social security card. The issuer of the certificate and the certificate itself shall fulfil the requirements in sections 4-7 of the Act on Electronic Service in the Administration (1318/1999), taking into account the provisions of section 34 of the Act in question.

Section 13

Application for a social security card

Applicants shall personally submit their applications for a social security card to the Social Insurance Institution. The social security card shall also be collected by the applicant in person. The Social Insurance Institution shall establish the applicant's identity in a reliable manner both on submission of application and on collection of the card.

The Social Insurance Institution shall make it clear to applicants how the card is to be used and what the consequences will be of any cancellation of the card.

When the Social Insurance Institution issues a new social security card, the decision to issue the previous social security card expires and the previous social security card ceases to be valid. If the applicant has the previous social security card in his or her possession, it must be handed over to the Social Insurance Institution on this occasion.

Section 14

Use of the social security card

With the help of a social security card, a person can be identified and authorized in electronic applications in the practical provision of social welfare and health care services and other social protection. It can also be used to verify a person's identity in certified electronic communications in social welfare and health care services and other social protection. A person can, when needed, use the card to sign documents and messages with an electronic signature and encrypt them. The social security card can further be used for the verification needed to allow persons employed in the social welfare and health care sector and other social protection to do their work.

Section 15

Data to be stored on the social security card

The social security card shall contain information on the holder's surname and all first names, personal identification number, information on whether the person in question is entitled to specially refundable medication or to refunds for important and expensive medication under section 9 of the Health Insurance Act (364/1963), and whether the person is a member of an employee sickness fund; furthermore, the social security card carries data on the card's validity and the validity of insurance in the case of persons insured only for a specific period. The social security card also carries a photograph of the holder and the holder's signature. With the consent of the holder, the card may also carry other data approved by the Social Insurance Institution.

In the technical part of the social security card, the data content of the certificate under section 5 of the Act on Electronic Service in the Administration shall be included, along with data for identification of the holder as required for the use of a social security card, information on the holder's first language and the necessary technical data. The social security card also carries necessary Certification Authority information. At the holder's request, the social security card can also include information and technical applications connected with social welfare and health care services or other social protection.

Section 16

Cancellation and repossession of a social security card

A social security card can be cancelled upon application by the person to whom the card was issued.

A social security card can also be cancelled if

- 1) it has been damaged;
- 2) the data and information on the card have changed;
- 3) it has been lost or stolen;
- 4) it has been subject to unauthorized use by a person other than the person to whom it was originally issued; or if
- 5) the holder cannot be considered to be resident in Finland any longer according to the provisions of the Act concerning the Implementation of Residence-Based Social Security Legislation.

Decisions on the cancellation of social security cards are taken by the Social Insurance Institution. The Social Insurance Institution shall explain to holders the consequences of cancellation of a card. The Social Insurance Institution shall, once it has decided upon cancellation of a social security card, so notify the issuer of the certificate so that the certificate can be cancelled, and, if possible, repossess the cancelled card. The Social Insurance Institution shall destroy all cancelled social security cards in its possession.

Section 17

Electronic signatures made using a social security card

Documents signed electronically using a social security card shall be considered equivalent to the written, signed documents required by this Act or other legislation on social welfare and health care and other social protection.

Section 18

Register of social security cards

The Social Insurance Institution shall maintain a register of social security cards.

The register shall include the data referred to in section 15 concerning applicants for social security cards, the issued certificate and data on the time when cards are granted and issued. The register shall also include the date of expiry of issued cards and, in the cases referred to in section 16, information on cancellation and repossession of social security cards.

Section 19

Validity of social security cards

Social security cards are valid for three years.

Chapter 5

The system of reference databases in social welfare and health care services

Section 20

Purpose of the reference databases

The purpose of the reference database system is to promote the creation of a seamless service chain for the client by speeding up the search for and access to client data and by making it easier to form an overall view of the client's situation when social welfare and health care and other social protection are arranged and provided.

Section 21

Reference data management

Reference data are created and registered in reference databases and issued and generally processed by the authorities in charge of registration in the social welfare and health care services included in the experiment. Following a written contract, the data can also be kept on behalf of a registration authority in the social welfare and health care services included in the experiment.

Clients shall be informed of all data entered in a reference database and of their purpose, about the preconditions for disclosing data, and about the general processing of data.

Section 22

Data to be stored in a reference database

The reference data stored in a reference database consist of the client's name and personal identification number, the service chain identifiers, the address of the legacy system where client's dossier is stored, a general description of the content of the client dossier, the date of registration of an item of reference data and the necessary technical data for operation of the reference database.

The reference database also includes an entry concerning the client's consent to the disclosure of reference data and data on the use and disclosure of reference data (log data).

Section 23

Confidentiality and disclosure of reference data

Reference data which have been entered in a reference database are subject to confidentiality according to the provisions of the Act on the Openness of Government Activities and other legislation. Reference data can be disclosed only on the grounds laid down in said Act.

Confidentiality duty notwithstanding, reference data can be disclosed:

- 1) with the written consent of the client according to section 3, subparagraph 9, of this Act;
- 2) for purposes of scientific research and statistics according to the Act on the Openness of Government Activities or other legislation;
- 3) in situations referred to in section 13, paragraph 3, subparagraph 3 of the Act on the Status and Rights of Patients (785/1992), where the consent of the client cannot be obtained.

An entry to the effect that reference data have been disclosed under paragraph 2, subparagraph 3 and the grounds for disclosing the data shall be entered in the reference database. Clients shall be notified of the disclosure of data as soon as possible.

Section 24

Right of access to reference database information concerning use and disclosure

In addition to the provisions of the Personal Data Act (523/1999) concerning the right of registered persons to view their own records, clients are entitled, confidentiality provisions notwithstanding, to find out who has used their reference data or to whom such data have been disclosed, and also on what grounds the data have been used or disclosed. The registration authority is entitled to charge a fee for giving information only under the circumstances referred to in section 26, paragraph 3, of the Personal Data Act.

Where the right to information on use and disclosure of data under paragraph 1 above is concerned, the provisions of the Personal Data Act concerning registered persons' right to information pertaining to themselves shall apply as applicable.

Chapter 6

Miscellaneous provisions

Section 25

Representation of clients under certain circumstances

If clients are incapable of judging the importance of their consent, the data necessary for the provision of a seamless care and service chain can be disclosed following written consent from their legal representatives, family or other person close to the client, unless this is clearly at odds with the client's wishes or interests.

If clients themselves are incapable of taking part in drawing up or changing a service chain plan, the plan shall, where possible, be drawn up or changed jointly with their legal representatives, family or other person close to the client.

If clients are themselves incapable of entering into an agreement concerning a personal advisor, their legal representatives, family or other person close to the client may act on their behalf in issues concerning such agreements.

In the situations referred to in paragraphs 1, 2 and 3 above, persons representing the client have the right to obtain the client data needed in order to give consent, draw up a service chain plan or speak on behalf of the client in issues concerning a personal advisor agreement, confidentiality duty notwithstanding.

Section 26

Technical connection protocol

Both reference data and client information from the legacy system can be accessed and transferred via a technical data connection protocol if the preconditions for disclosing data laid down in the law are fulfilled, and if the recipient of the disclosed data states that use and protection of the data can be managed as required under the Personal Data Act.

Section 27

Fees for the services of a personal advisor and for social security cards

The personal advisor services referred to in chapter 2 of this Act shall be free of charge to the client.

The social security card is subject to a fee. The Social Insurance Institution shall specify the fee for the social security card in accordance with section 10 of the Act on Bases for Charges Payable to the State (150/1992). The first social security card shall, however, be free of charge to the municipal inhabitants referred to in section 2, paragraph 1.

Section 28

Breach of confidentiality duty

Penalties for breaches of confidentiality duty as referred to in section 23 shall be ordered according to chapter 38, section 1 or 2, of the Penal Code (39/1889) unless the infringement is punishable under chapter 40, section 5, of the Penal Code or unless more severe punishment is prescribed elsewhere in the law.

Section 29

Appeals

A person who is dissatisfied with a Social Insurance Institution decision as referred to in chapter 4 may appeal to the Appeal Tribunal; those dissatisfied with the decision of the Appeal Tribunal may appeal to the Insurance Court.

A written appeal shall be submitted to the Social Insurance Institution within 30 days of the appellant's being notified of the decision concerned.

Even if an appeal has been submitted Social Insurance Institution decisions shall be complied with until such time as the matter has been resolved through a legally valid decision.

Chapter 7

Provisions on entry into force

Section 30

Entry into force

This Act enters into force on October 1, 2000. The Act shall remain in force until December 31, 2003. Based on an application submitted by November 30, 2000 at the latest, the Ministry of Social Affairs and Health may decide on extension of the experiment as referred to in section 2, paragraph 2.

When this Act ceases to be in force, all information on personal advisor agreements, service chain plans and consent shall be entered in the registers of the relevant registry authorities. Personal advisor agreements shall be kept for 10 years and service chain plans and consent shall be kept as long as the corresponding data in the client register. The reference data shall be deleted 10 years after this Act has ceased to be in force.

If a social security card is valid after this Act has ceased to be valid, it can be used as a health security card under section 13 of the Health Insurance Decree (473/1963) for the period entered on the card. When this Act has ceased to be valid, the data in the register on social security cards shall be merged with the register on health security cards maintained by the Social Insurance Institution.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Helsinki, September 22, 2000

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