

BYLAWS

of the Data Clearing House

General information

§ 1.

- (1) Prior to every disclosure of personal data held by the Medical University of Vienna (MedUni Vienna) to external natural persons or legal entities, the data clearing house, a commission set up by MedUni Vienna, assesses whether this is permissible on the basis of applicable legal, contractual and internal requirements and whether any action needs to be taken before disclosing the data. The personal data to be assessed also include genetic and biometric data as well as data generated from biological material, albeit not the biological materials themselves. Furthermore, the data clearing house also assesses data which have already been anonymised before these may be disclosed to external natural persons or legal entities.
- (2) The data clearing house is supported by members of the advisory board (refer to § 7) who provide specialist expertise. They jointly support researchers in order to protect their interests.
- (3) The data clearing house assumes responsibility for legally-imposed data protection obligations when data are technically passed on by the data clearing house after having been assessed and after any action demanded by the commission has been undertaken.
- (4) The data clearing house of MedUni Vienna is independent and not bound by directives in terms of its tasks.

Composition

§ 2.

- (1) The data clearing house is composed of three ordinary and three substitute members, with one ordinary member and one substitute member being appointed from each of the following departments of MedUni Vienna: the Legal Department, the Technology Transfer Office (TTO) and IT Systems & Communications (ITSC).
- (2) The ordinary members and their deputies (substitute members) are appointed by the Rectorate to serve terms in office of three years. Members may be re-appointed.
- (3) In the event of an ordinary or substitute member vacating their office prior to the end of their term, the Rectorate shall appoint a new member for the remainder of the relevant term.

Chairperson

§ 3.

- (1) The ordinary members shall elect a chairperson and a deputy chairperson from among themselves.
- (2) Those individuals with the majority of the votes shall be elected.
- (3) After the election, those elected shall be required to decide whether to accept their office without delay.



Absences

§ 4.

- (1) In the event of an absence, the relevant ordinary member shall inform their respective substitute member in good time and arrange their representation. It is not permitted to assign voting rights to another member.
- (2) If temporarily unable to attend, the chairperson shall be represented by the deputy chairperson or, in the absence of the latter, by the third ordinary member.
- (3) Should the chairperson and the deputy chairperson be absent for a longer period or vacate their respective offices, the third ordinary member of the data clearing office shall arrange the election of a new chairperson without delay and assume the role of the chairperson until a new chairperson has been elected.

Meetings

§ 5.

- (1) Members shall have the right and the obligation to participate in the decision-making and meetings of the data clearing house and to be involved in the tasks arising as a result thereof.
- (2) Meetings shall be held in camera.
- (3) Ordinary meetings shall be called by the chairperson in writing or electronically and take place at least once per month.
- (4) The chairperson shall draft an agenda and shall forward this in conjunction with the invitation to a meeting to the ordinary and substitute members no later than one week prior to the meeting in question. Should no request be submitted within the deadline defined by § 6 (3), the chairperson may cancel a meeting.
- (5) Extraordinary meetings shall be called by the chairperson without delay and held on the earliest possible date if requested by a member.
- (6) The chairperson opens, chairs and closes meetings. They shall ensure that the bylaws are adhered to.
- (7) At the beginning of a meeting, the attendance and the presence of a quorum shall be determined, the representation of absent members advised, and a secretary appointed to take the minutes.
- (8) The chairperson shall permit every ordinary member, substitute member, member of the advisory board and any other experts present to comment on every item on the agenda. They shall then open the debate and permit any motions to be voted on.
- (9) The chairperson shall adjourn the meeting if they consider that it is not possible to proceed accordingly. In such a case, the meeting shall be resumed within no longer than one week.

Agenda

§ 6.

- (1) The agenda shall contain at least the following items:
 - a. Recording attendance and the presence of a quorum
 - b. Appointing a secretary to take the minutes



- c. Approving the minutes of the last meeting
 - d. Agreeing on the agenda
- (2) The chairperson shall have the option of supplementing the agenda (also at the request of the members) The revised agenda is to be circulated without delay.
- (3) Requests which are submitted to the data clearing house up to two weeks before a meeting can be added to the agenda as motions. Requests submitted later shall be addressed during the meeting held the following month.

Advisory board and other experts

§ 7.

- (1) An advisory board is set up to provide support. The advisory board members come from different fields (e.g. clinical, pre-clinical, biotechnology, forensic medicine, radiology, dental medicine, information security, statistics, legal) and are appointed by the Rectorate. They are called upon as required to assess relevant requests.
- (2) In as far as the data protection officer of the Medical University of Vienna is not a member of the data clearing house, they shall have the right to attend all meetings of the data clearing house in an advisory role and must be invited in writing.
- (3) The data clearing house may also invite other experts to address detailed questions relating to specific items on the agenda.
- (4) Members of the advisory board and other experts shall be required to sign a written confidentiality declaration and also commit to notify the data clearing house of any conflicts of interest.
- (5) Members of the advisory board and other experts shall have no voting rights. Their participation shall be limited to the clarification of the relevant item on the agenda.

Partiality

§ 8.

- (1) An ordinary or substitute member of the data clearing house shall be regarded as partial if one of the grounds defined by Article 7 of the General Administrative Procedures Act (AVG) exists.
- (2) Partial ordinary or substitute members shall be required to leave the meeting for the period during which the relevant item on the agenda is discussed and shall not be permitted to vote thereon. Partial ordinary members shall be required to appoint a proxy, as in the case of absences.

Resolutions

§ 9.

- (1) The data clearing house shall be considered to form a quorum if all three ordinary members or their respective substitute members are present.
- (2) Valid resolutions can only be passed unanimously and are to be recorded in the minutes. Abstentions are not permitted.
- (3) Requests are generally voted on openly.



- (4) A secret vote by means of ballots may be held in cases in which at least one ordinary member requests such a secret vote.
- (5) In the event that a substitute member participates in a meeting despite the presence of the respective ordinary member, the former shall not have any voting rights.

Circular resolutions

§ 10.

- (1) In urgent cases, the chairperson shall have the right to resort to a circular resolution.
- (2) The motion shall be formulated such that voting can be by means of a simple “Yes” or “No”.
- (3) The chairperson shall forward the motion to the members with voting rights electronically to their email address at MedUni Vienna and subject to a five-day deadline within which the response must be received.
- (4) The motion shall be considered to have been passed if all of the members respond to the circular resolution with a “Yes” within the defined deadline. The result of such a vote shall be announced by the chairperson at the next meeting.
- (5) If the circular resolution is not successful, the item shall become an item on the agenda of the next meeting.

Minutes

§ 11.

- (1) Minutes are to be prepared for every meeting and distributed electronically to the ordinary and substitute members via the relevant email addresses of MedUni Vienna within a period of two weeks.
- (2) The minutes shall include the day of the meeting, the names of those present and a summary of the items discussed. In particular, the minutes shall record motions (requests) and resolutions, statements made by members of the advisory board and other experts as well as discussions which a member requests are minuted. The minutes of meetings are taken by the secretary and are approved at the next meeting.

Concluding terms

§ 12.

- (1) All ordinary and substitute members with voting rights, as well as members of the advisory board and other experts, are obligated to respect the confidentiality of all information of which they become aware or are entrusted in connection with their role at the data clearing house.
- (2) No member shall accrue a disadvantage as a result of their activities in this collegial body.
- (3) The data clearing house shall be provided with the premises and infrastructure as well as the administrative support necessary to perform its tasks.