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Judgment of the Court in Case C-307/22 | FT (Copies of medical records)

Protection of personal data: a patient has the right to obtain a first copy of his or her medical records free of charge

A patient is asking his dentist for a copy of his medical records with a view to triggering her liability for errors allegedly made in providing him with dental care. That dentist, however, is demanding that he cover the costs connected with providing a copy of the medical records, as is provided for in German law.

Taking the view that he is entitled to a free copy, the patient has brought proceedings before the German courts. It is in that context that the German Federal Court of Justice has put questions to the Court of Justice for a preliminary ruling. The German court considers that the outcome of the dispute is dependent on the interpretation of provisions of EU law, namely the General Data Protection Regulation (GDPR) ¹.

In its judgment, the Court recalls that the GDPR enshrines the right of the patient to obtain a first copy of his or her medical records without this entailing, in principle, costs. **The controller may charge a fee only where the patient has already obtained, free of charge, a first copy of his or her data** and where he or she is once again requesting a copy of those data.

The dentist in question must be regarded as the controller with regard to her patient's personal data. As such, she is obliged to provide him with a first copy of his data free of charge. **The patient is not obliged to provide reasons for his request.**

Even with a view to protecting the economic interests of persons providing treatment, the national rules cannot make a patient bear the costs of a first copy of his or her medical records.

Furthermore, **the patient has the right to obtain a full copy of the documents included in his or her medical records, where this is essential in order to understand the personal data which those documents contain.** That right includes the data in the medical records containing information such as diagnoses, examination results, assessments by treating physicians and any treatment or inventions provided.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, the abstract of the judgment](#) is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106

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¹ [Regulation \(EU\) 2016/679](#) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).