

# Guarantees for protection of the right of drug addicts to confidential medical information

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## ABSTRACT

**Aim:** To study the theoretical and practical problems in implementing legal guarantees for the protection of the rights of drug addicts regarding confidential medical information, to determine the legal grounds for the disclosure of such information, and to identify the classification of legal guarantees for protecting rights in this area.

**Materials and Methods:** This study employs an interdisciplinary approach, using comparative law, as well as dialectical and systemic methods. The materials of the study serve as a basis for systematizing legislation on the implementation of legal guarantees for protecting the rights of drug addicts regarding confidential medical information. The main legislative sources include the Constitution of Ukraine (Verkhovna Rada of Ukraine, 1996), Fundamentals of Ukrainian Legislation on Healthcare (Verkhovna Rada of Ukraine, 1992), and the Law on Measures to Combat Illicit Trafficking in and Abuse of Narcotic Drugs, Psychotropic Substances, and Precursors (Verkhovna Rada of Ukraine, 1995), among others.

**Conclusions:** The problems of protecting the confidentiality of medical information of drug addicts stem from the lack of legal awareness among medical professionals, outdated medical data protection systems, insufficient state control mechanisms, and ineffective legal liability frameworks, particularly given the development of digital technologies in the healthcare sector.

**KEY WORDS:** human rights, confidentiality, drug addicts, healthcare

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## INTRODUCTION

In accordance with Article 3 of the Constitution of Ukraine, human rights and freedoms, as well as the guarantees of their protection, determine the content and direction of state activity [1]. UN experts emphasize that drug policy should aim to “ensure health, well-being, and security” and must be grounded in human rights principles [2]. The introduction and development of the electronic healthcare system in Ukraine have highlighted the need for enhanced protection of medical information [3], including specific guarantees for safeguarding the rights of drug addicts regarding such information [4]. This information holds a special status, as deficiencies in its protection can create obstacles to the exercise of other rights and freedoms [5–8]. Confidential medical information of drug addicts, if disclosed unlawfully, can have significant negative consequences for their employment, health insurance, and social relationships [6]; it can also contribute to stigmatization, discrimination, and violations of personal autonomy [9], thereby adversely affecting the

realization of their right to healthcare. Consequently, one of the key legal mechanisms for preventing the illegal disclosure of confidential medical information of drug addicts is the establishment of legal guarantees for its protection, which remains insufficiently explored in scientific literature.

## AIM

To study the theoretical and practical problems of implementing legal guarantees for the protection of the rights of drug addicts regarding confidential medical information, determining the legal grounds for the disclosure of such information, and identifying the classification of legal guarantees for the protection of rights in this area.

## MATERIALS AND METHODS

This study employs an interdisciplinary approach to the analysis of national and international legal

instruments, peer-reviewed scientific publications, and documents of international organizations relevant to addressing the implementation of legal guarantees for the protection of the rights of drug addicts regarding confidential medical information. It is based on a review of the scientific debate on concepts such as confidential medical information, the protection of the rights of drug addicts, and constitutional guarantees for the protection of individual rights.

The methodological foundation of the study includes formal-dogmatic, systemic, semantic, epistemological, axiological, comparative-legal, and systemic-structural methods, as well as methodologies encompassing both methods and techniques of scientific knowledge. In the context of legal analysis of the protection of confidential medical information, the methodology is grounded in the interpretation of this concept within the framework of human rights protection in healthcare, as considered by the doctrine of medical and administrative law. The scientific review covers the period from Ukraine's ratification of international conventions on individual rights and drug control to the present, using criteria aligned with the objectives of this study.

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## ETHICS

This article is based on an analysis of publicly available scientific data, including peer-reviewed journal articles, clinical guidelines, and databases. No data that could identify patients were used during the work, and there was no need to obtain approval from the ethics committee, as the study did not involve new clinical interventions or primary collection of patient information. The authors adhered to the ethical principles of the World Medical Association Declaration of Helsinki and international standards for publication in medical journals, including the recommendations of the ICMJE (International Committee of Medical Journal Editors). No element of the work contains plagiarism or fabrication of data. All sources of information are appropriately cited and properly formatted.

## FRAMEWORK

The work is a fragment of a comprehensive target program of the Department of Administrative Law and Administrative Activities, Yaroslav Mudryi National Law University, "Constitutional and legal problems of ensuring the rule of law in the functioning of the mechanism of public power in Ukraine" (№ state registration 0111U000966; deadline: 2022-2025).

## REVIEW AND DISCUSSION

National legislation has established a system for providing specialized care for drug addicts, which differs from basic medical care for other patients [4, 10]. The realization of the rights of drug addicts within the human rights framework is closely linked to other rights, such as access to appropriate, high-quality, and affordable medical care; rights that promote health, including social and economic rights; and the right to participate in decision-making regarding healthcare and drug policy implementation [11–13].

Within the human rights protection system, particular attention is given to legal guarantees for the protection of drug addicts' rights regarding confidential medical information. Confidential information refers to information about an individual, as well as information to which access is restricted by the individual or a legal entity, except for authorized government bodies [14], and which may only be disclosed according to the conditions set by the individual (Part 1 of Article 7) [15].

A key aspect of protecting the legitimate interests of drug addicts concerning confidential health information is the protection of personal data. For instance, under the EU General Data Protection Regulation, three types of personal data relevant to healthcare are distinguished:

(a) Health data – any information relating to a person's physical or mental health, including information about the type of care received;

(b) Genetic data – any data that may reveal details of a person's physiology or health, including laboratory test results;

(c) Biometric data – any data related to specific physical or behavioral characteristics (e.g., facial images, fingerprints, gait patterns) that can be used to identify an individual [16].

Personal data of drug addicts may be classified as confidential information by law or by individuals. Personal data related to the performance of state or local government functions, official or service powers, is not confidential information (Part 2, Article 5) [15]. Therefore, disclosure of confidential medical information of drug addicts is possible in two cases,

**Table 1.** The components of the object of protection of medical confidentiality of drug addicts

<b>Components:</b>
information about the health status of a drug-addicted patient;
information about the drug addict's illness;
information about the diagnosis of a drug addict;
information obtained during a medical examination of a drug addict;
information about the fact of seeking medical help from drug addicts;
information about the medical examination of drug addicts and their results;
information about treatment methods for drug addicts;
information about the intimate and family aspects of the lives of drug addicts

*Source: compiled by the authors based on [18, 19]*

**Table 2.** The main grounds for the legal disclosure of the medical data of drug addicts

<b>Types of legal grounds:</b>
in case of written consent of the drug-addicted patient himself;
in the event of a motivated request from the bodies of inquiry, investigation, prosecutor's office, and court;
if keeping the medical secrets of drug addicts significantly threatens the health and life of such patients and/or other persons;
Information about a person's treatment in a narcological institution may only be provided to law enforcement agencies if this person is held criminally or administratively liable;
in cases where it is necessary in the interests of national security, economic well-being and human rights, or in the interests of preserving territorial integrity or public order, for the purpose of preventing disorder or crime;
in cases where it is necessary to protect public health, to protect the reputation or rights of others, to prevent the disclosure of information received in confidence, or to ensure the authority and impartiality of justice;
information that ensures the anonymity of the patient may be used in scientific and educational work (without the consent of such person);
in the case of involving other specialists in the treatment of a drug-addicted patient, for whom this information is professionally necessary.

*Source: compiled by the authors based on [12,15,17,20]*

namely: (a) with consent and (b) without their consent [1, 17, 18]. It should be noted that a special legislative document in Ukraine – the Fundamentals of Ukrainian Legislation on Health Care – does not define a clear list of conditions under which a lawful violation of the principle of confidentiality of information regarding drug addicts is permissible [18], and there is no special legislative regulatory act in this area. We present the components of the object of protection of medical confidentiality of drug addicts as defined in national legislation in Table 1 [18, 19].

It should be noted that the right to access a drug addict's confidential medical information without their consent is granted to parents (or adoptive parents), guardians, or trustees (Part 2 of Article 285) [19]. Additionally, in the event of the patient's death, family members or other individuals authorized by them have the right to participate in the investigation of the causes of death and to review the conclusions regarding the cause of death (Part 5 of Article 39) [18].

In the following, we will reveal the main legal grounds for the lawful disclosure of confidential medical information regarding drug-addicted patients in Table 2 [12,15,17,20].

Thus, when treating drug-addicted patients, a health-care professional should consider the importance of the information and the grounds for its lawful disclosure, namely: (1) the patient's personal data, especially age, gender, etc.; (2) medical information, which includes complaints, diagnoses, and other information about the state of health; (3) data on heredity, illnesses of family members and loved ones; (4) information about the social environment, lifestyle, experiences, emotional state and much more related to the private life of such a person.

The category of legal guarantees of compliance with the rights of drug addicts to protect confidential medical information is not new to public law [5], however, its content and concept are still a matter of debate. This is due to both the scope and complexity of the issue. In particular, the confidential medical information of drug addicts is particularly "sensitive" among other categories of patients [7, 8]. Some scholars emphasize legal guarantees for the protection of medical information as means [8] or methods of protecting rights (for example, judicial protection) [21], while others consider them as conditions or factors (economic, political, social) [6,11] that create

favorable conditions for the realization of the rights of such individuals.

The scientific doctrine does not define uniform criteria for classifying legal guarantees of the rights of drug addicts to the protection of medical information in a general approach. Let us draw attention to one more problem - the preservation of confidential information on electronic media. We are talking about the «Electronic Patient Registry» in Ukraine. It does not have a classification of legal guarantees of the rights of drug addicts in the sphere of the circulation of confidential medical information. In our opinion, it is worth distinguishing three groups of such guarantees for the protection of rights. The first group is guarantees of the rights of drug addicts to the protection of medical information (creation of conditions for their emergence and existence). The second group is guarantees for the realization of the rights of drug addicts regarding this information (establishing rules and legal mechanisms for their implementation). The third is guarantees for the protection of the rights of drug addicts in the sphere of circulation of confidential medical information (means and institutions for the restoration of violated rights). It should be noted that the problem of forming additional guarantees aimed at protecting the confidential medical information of minors who are addicted to narcotic drugs is particularly important.

In addition, legal guarantees for the protection of medical information regarding drug addicts, depending on their role, can be divided into basic (which include legal norms, legal mechanisms, and institutional structures), specific (legal means explicitly provided for by law), and “additional” guarantees. For example, the second type of guarantee includes norms that establish a regime of medical confidentiality in this area [22]. Another example of specific guarantees for the protection of the rights of drug addicts in the sphere of circulation of confidential medical information is legal norms that prohibit unauthorized access to such information by third parties [20].

It is also appropriate to highlight “additional” guarantees for the protection of the medical information of drug addicts, particularly minors [7]. These should be considered as legal means aimed at protecting a special type of medical information, often referred to as “sensitive information.” This is because, in some cases,

society negatively perceives information regarding the presence of diseases related to addiction to psychoactive substances in individuals [9]. Hence, the need for clear procedures for the storage and recording of this type of medical information in a dedicated national law becomes particularly important.

For example, in the USA, there is a separate legislative act that regulates the protection of confidential information of drug addicts. It outlines procedures for obtaining written consent for the provision of such information, requires healthcare institutions to follow specific measures regarding access, use, and disclosure of health information, and provides patients with the right to review, amend, and manage their health records [8].

Additional guarantees for the protection of the medical information of drug addicts include the institution of legal liability. Thus, under national legislation, medical professionals are legally and ethically liable for the illegal disclosure of confidential medical information of drug addict patients. Such violations may result in criminal, civil, and disciplinary liability for the medical professional. Administrative liability may also apply to healthcare institutions and their employees in the event of illegal disclosure of confidential medical information of drug addicts. However, in most cases, the mechanism of legal liability of medical professionals in the studied area is ineffective.

## CONCLUSIONS

The problems of maintaining the confidentiality of medical information of drug addicts stem from the lack of legal awareness among medical professionals, outdated medical data protection systems, and the absence of effective mechanisms for state control and legal liability. These problems are further compounded by the use of digital technologies, artificial intelligence programs for analyzing medical data, and the implementation of electronic medical records and electronic documentation. Such factors create additional risks for protecting information about drug-addicted patients, may lead to violations of their rights, reduce trust in healthcare institutions and medical professionals, and potentially prevent these individuals from exercising their right to medical care.

## REFERENCES

1. Zakon Ukrainy «Konstytutsiia Ukrainy» № 254k/96-VR vid 28.06.1996. [Constitution of Ukraine: Law of Ukraine No. 254k/96-VR] dated 28 June 1996]. <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#Text> [Accessed 04 August 2025] (Ukrainian)
2. UNAIDS. A public health and human rights approach to the drug problem. 2015. [https://www.unaids.org/sites/default/files/media\\_asset/JC2803\\_drugs\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/JC2803_drugs_en.pdf) [Accessed 11 August 2025]

3. Shevchuk O, Zui V, Maryniv I et al. Human Right to Internet Access in Healthcare in the "Right to Health Concept": Legal Issues. *European Journal of Sustainable Development*. 2021;10 (2):286-300. doi: 10.14207/ejsd.2021.v10n2p286.
4. Shevchuk O, Rzhavska O, Korop O et al. Implementation of the right to health protection drug addicts (separate aspects). *Georgian Medical News*. 2018;3(276):161– 167.
5. Tariq RA, Hackert PB. Patient Confidentiality. <https://www.ncbi.nlm.nih.gov/books/NBK519540/> [Accessed 01 August 2025]
6. Hu LL, Sparenborg S, Tai B. Privacy protection for patients with substance use problems. *Subst Abuse Rehabil*. 2011;7(2):227-33. doi: 10.2147/SAR.S27237. DOI
7. Weddle M. Confidentiality and Consent in Adolescent Substance Abuse: An Update. *Ethics Journal of the American Medical Association*. 2005;7(3):239-243. doi: 10.1001/virtualmentor.2005.7.3.pfor1-0503. DOI
8. Winfield C, Huffman J. Confidentiality in Addiction Treatment: Navigating 42 CFR Part 2 Within Human Services. *Journal of Human Services*. 2025;44(2):1–13. doi: 10.52678/001c.132049. DOI
9. Yadav A. Rights to Health and Access to Treatment of Drug Addicted Patients in India. *Journal of Drug and Alcohol Research*. 2024;13. doi: 10.4303/JDAR/236280. DOI
10. Nakaz Ministerstva okhorony zdorovia Ukrainy № 200 vid 27.03.2012. «Pro zatverdzhennia Poriadku provedennia zamisnoi pidtrymuvalnoi terapii osib z psykichnymi ta povedinkovymi rozladamy vnaslidok vzhivannia opioidiv». [On approval of the Procedure for conducting substitution maintenance therapy for persons with mental and behavioral disorders due to opioid use: Order of the Ministry of Health of Ukraine dated 27 March 2012 No. 200]. <https://zakon.rada.gov.ua/laws/show/z0889-12#Text> [Accessed 03 August 2025]. (Ukrainian)
11. Ritter A, Barrett L. People who use drugs and the right to health. *Harm Reduct J*. 2024; 21:215. doi: 10.1186/s12954-024-01132-5. DOI
12. Shevchuk O, Kucheryavenko M, Davydenko S et al. Implementation of the patient's right to obtain information in the concept of "health and human rights". *Amazonia Investiga*. 2020; 9(29):288-296. doi:10.34069/AI/2020.29.05.33. DOI
13. Valadez N, Miguel A. Drug use and the right to health: An analysis of international law and the Mexican case. *Mexican Law Review*. 2014;(6(2):201-224. doi:10.1016/S1870-0578(16)30012-9. DOI
14. Zakon Ukrainy «Pro informatsiiu» № 2657-XII vid 02.10.1992. [About information: Law of Ukraine No.2657-XII dated 02.10.1992]. <https://zakon.rada.gov.ua/laws/show/2657-12#Text> [Accessed 02 August 2025] (Ukrainian)
15. Zakon Ukrainy «Pro zakhyst personalnykh danykh» No. 2297-VI vid 01.06.2010 [On the protection of personal data: Law of Ukraine dated 01 June 2010 No. 2297-VI]. <https://zakon.rada.gov.ua/laws/show/2297-17#Text> [Accessed 27 August 2025] (Ukrainian)
16. 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). <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng> [Accessed 02 August 2025]
17. Zakon Ukrainy «Pro dostup do publichnoi informatsii» № 2939-VI vid 13.01.2011. [On access to public information: Law of Ukraine No. 2939-VI dated 13 January 2011] <https://zakon.rada.gov.ua/laws/show/2939-17#Text> [Accessed 10 August 2025] (Ukrainian)
18. Zakon Ukrainy «Osnovy Zakonodavstva Ukrainy pro Okhoronu Zdorovia» № 2801-XII vid 19.11.1992. [Fundamentals of Ukrainian legislation on health care: Law of Ukraine dated 19 November 1992 No. 2801-XII]. <https://zakon.rada.gov.ua/laws/show/2801-12#Text> [Accessed 15 August 2025] (Ukrainian)
19. Zakon Ukrainy «Tsyvilnyi kodeks Ukrainy» № 435-IV vid 16.01.2003. [Civil Code of Ukraine: Law of Ukraine dated 16 January 2003 No. 435-IV] <https://zakon.rada.gov.ua/laws/show/en-it/435-15#Text> [Accessed 21 August 2025] (Ukrainian)
20. Zakon Ukrainy «Pro zakhody protydiv nezakonnomu obihu narkotichnykh zasobiv, psykhotropnykh rehovyn i prekursoriv ta zlovzhyvanniu nymy» № 62/95-BP vid 15.02.1995. [On measures to combat illicit trafficking in and abuse of narcotic drugs, psychotropic substances and precursors: Law of Ukraine dated 15 February 1995 No. 62/95-BP]. <https://zakon.rada.gov.ua/laws/show/62/95-%D0%B2%D1%80#Text> [Accessed 05 August 2025] (Ukrainian)
21. Shevchuk OM, Drozdov OM, Babaieva OV et al. Protection of the rights of drug addicts and the right to a fair trial: Practice of the European Court of Human Rights. *Pol Merkur Lekarski*. 2025;53(4):529-533. doi: 10.36740/Merkur202504114. DOI
22. Pudlo R, Pudlo M, Burdzik M. Medical confidentiality in the Polish legal system: a real or illusory instrument of patient privacy protection?. *Psychiatria polska*. 2024;58(5):895–907. doi: 10.12740/PP/OnlineFirst/166174. DOI

## CONFLICT OF INTEREST

The Authors declare no conflict of interest

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