

**VORONEZ REGIONAL COURT
JUDICIAL BOARD ON CIVIL CASES**

**JUDGMENT
28 July 2001 in case No. 33-1754**

(extract)

I.E.V. submitted a complaint to the court on refusal of the administration of the hospital No. 3 in the city Voronez to provide information which affects his rights.

Judgment of the Komnitem district court dated 7.05.2001 refused to satisfy the complaint.

In the cassation complain I.E.V. raises the question about the annulment of judgment as illegal.

Judicial board finds judgment to be correct.

As follows from the case materials request of the defender F.E.N. addressed to the head doctor of the hospital No. 3 in the city Voronez was about information about health condition, medical history and others P.O.N.

Such information constitutes medical secrecy, without the consent of P.O.N. to provide such information upon request of the defender is not allowed (Article 61 of the Fundamentals of the legislation of the Russian Federation "On healthcare").

Thus, it was refused to provide the information upon the defender's request.

Arguments of I. that the requested information is based on causing health damage to P.O.N. as a result of illegal actions and therefore according to paragraph 5 Article 61 of the above mentioned Fundamentals the consent of P.O.N. is not needed, cannot result cancellation of the court's judgment, since while considering the criminal case (to what the applicant refers) such request could be made only by the body of inquiry and investigation, prosecutor or court (paragraph 3 Article 61 of the Fundamentals).

Taking into account all mentioned above the court correctly dismissed the complaint.
