

## **PRIVACY REGULATIONS VIEFGGZ**

### **Article 1. Definitions**

For the purposes of these Bylaws, the terms and concepts listed below shall mean the following:

- a. personal data**: any data relating to an identified or identifiable natural person.
- b. personal records**: a coherent collection of personal data pertaining to different individuals, whether or not it is conducted by automated means or is systematically created for the purpose of effective consultation of such data, whether such registration is centralized or dispersed.
- c. client**: the person with whom or for whose benefit a medical treatment agreement has been concluded by the responsible party.
- d. responsible**: Viefggz, represented in this matter by its Board of Directors, which determines the purpose of and means for processing personal data.
- e. professional**: The caregiver involved in the execution of the medical treatment agreement.
- f. counselor**: The practitioner involved in the execution of the treatment agreement.
- g. staff**: persons attached to the direct authority of Viefggz.
- h. processor**: A person who processes personal data on behalf of the responsible party, authorized by the responsible party, without being subject to his/her direct authority, not including professionals.
- i. third party**: Any person other than a client, responsible party, professional, caregiver, staff or processor.
- j. provision of personal data**: disclosing or making available personal data from the registration to a third party.
- k. processing of personal data**: any act or set of acts relating to personal data, including in any case the collection, recording, organization, storage, updating, modification, retrieval, consultation, use, disclosure, dissemination or making available in any way, assembling, correlating, as well as the blocking, erasure or destruction of data.
- l. referrer**: Individual, natural person who is lawfully authorized to make referrals to a mental health institution

### **Article 2. Duty to File and Purpose of the Registration of Personal Data**

1. As caregivers, the person in charge and the professionals are required to set up a file related to the treatment of the client.
2. The purpose of establishing safeguards for proper care and assistance to the client, including peer review and quality control of the care to be provided by the responsible party, as well as the ability to handle complaints and procedures where appropriate.
3. The file shall contain data concerning the health of the client and the operations carried out in relation to him, as well as other data in so far as such is necessary for proper assistance.
4. It is not the intent of these regulations to deviate from the statutory scheme to the detriment of the client.

### **Article 3. Professional secrecy and processing of personal data**

1. The responsible party and every care worker involved in the treatment have a duty to keep silent about everything that becomes known to them in the context of the treatment. They are only relieved of this duty with the consent of the client, by a legal obligation to provide data, as well as in consultation with caregivers who are part of the treatment unit and in the event of a serious conflict of duties. The responsible party has the task of making staff aware of the derived professional secrecy and ensuring that it is respected.

2. Personal data will only be processed if and insofar as this is necessary for the performance of the treatment agreement, or following the client's consent, or if this is necessary to combat a serious danger to the client's health, or to comply with a statutory duty, or if this is necessary in view of the interests of a party other than the client and the interests of the person whose data are being processed must give way to this in view of the special circumstances of the case.

3. The responsible party, its staff, a processor and the social workers involved in the treatment are only authorized to process the personal data, including inspection of the personal data register, as far as this is necessary for the execution of their tasks.

#### **Article 4. Obligations of the responsible party**

1. The responsible party will take the necessary measures to promote the accuracy and completeness of the data included in the personal records. The data are stored digitally in the manner prescribed by the responsible party for this purpose.

2. The responsible party shall ensure that the necessary technical and organizational facilities are in place to protect the personal data register against loss or damage of the data contained therein and against unauthorized access, modification or provision thereof.

3. The responsible party may instruct a data processor, by written agreement, to process personal data from the register of personal data, solely for the benefit of the responsible party and in accordance with the provisions of these rules. The responsible party will ensure that the contract with a data processor includes provisions pursuant to which the processor guarantees the same level of privacy protection as that envisaged by these rules.

#### **Article 5. Rights of the client Insight and copy**

1. The client has the right to inspect and copy the data processed in the register of personal data relating to him. The provision of such information shall not be provided insofar as this is necessary in the interest of protecting the privacy of another person.

2. A request for inspection or copying of the data shall be made in writing to the responsible person or the professional. The data will only be provided to the client in person and after he/she has identified himself/herself with a valid ID.

3. The responsible party will handle the request as soon as possible, but no later than four weeks. Any refusal to comply with the request will be supported by reasons. A note will be made in the register of personal data when a copy is granted.

4. Patients have access to parts of the client record through a private login via CRS on the Karify client portal.

5. The client is responsible for sharing information from CRS with third parties. Self-declaration and correction

6. At the client's request, a client's own statement regarding the data included in the personal registration shall be attached to the personal registration.

7. The client may request correction of the personal data relating to him, if these are factually incorrect, incomplete for the purpose of processing or irrelevant, or have been processed in the register of personal data in violation of a statutory provision.

8. A request for the addition of a self-declaration or correction of data is submitted in writing to the responsible person or the professional. The responsible party will handle the request as soon as possible, but no later than four weeks. A refusal to comply with the request will be reasoned. If the request is honored, it will be implemented as soon as possible. Deletion of data

9. At the request of the client, data relating to the client's person will be removed from the personal records, unless a. the law mandatorily prescribes the retention of the data, despite a request by the client for destruction or deletion; b. someone other than the client has a significant interest in the retention of the data, or; c. good care providership prevents the deletion or destruction.

10. A request for deletion of data shall be made in writing to the responsible party and shall state the reasons for the request.

11. The responsible party will decide on the request within three months. The decision will be notified to the client in writing. The request and the decision will be kept on file. Notification of change

12. The Responsible Party shall notify those to whose knowledge the correction or deletion of personal data was made in the year prior to the relevant request for correction or deletion and in the period since such request. The responsible party shall notify the client to whom such notification was made.

#### **Article 6. Provision of data to third parties**

1. Personal data from the personal registration shall only be provided to third parties in compliance with the provisions of Article 3 paragraph 1 of these regulations regarding professional secrecy.

2. Personal data may be shared with other care providers as part of the national Electronic Patient Record (EPD), unless the client has objected. Pseudonymized data related to treatment progress and outcome (such as ROM data) are shared with a sector-wide database, in part to enable benchmarking.

3. Client may object to diagnostic data being provided on the insurer's bill, see Privacy Statement Process Description.

#### **Article 7. Representation of minors and incapacitated persons**

1. In case the client is younger than 12 years old, the above described rights shall be exercised by the parents or legal representatives of the client. The social worker may refrain from providing access or copies if this is contrary to the care of a good social worker.

2. Clients who are 12 years of age or older, but younger than 16, exercise the rights described above themselves. The parents and legal representatives of minor clients aged 12 to 16 have the right to information, to the extent that they need this information to perform their duties as parents or legal representatives. The caregiver may refrain from providing information, inspection or copies of data, if this is contrary to the care of a good caregiver.

3. Minors aged 16 and 17 are treated as if they were adults. In principle, the parents or legal representatives have no right to information.

4. In the event that a minor client cannot be considered capable of a reasonable appreciation of his interests in the matter (incapacitated), the parents or legal representatives shall exercise the client's rights in full.

5. In the event that an adult client cannot be considered capable of a reasonable valuation of his interests in this regard (incapacitated) and has been placed under guardianship or administration, the client's rights as described above shall be exercised by the guardian or mentor.

6. With respect to an adult incapacitated client who has not been placed under guardianship or administration, the client's rights may be exercised by a third party authorized by the client, or in the absence of such a third party, against the client's spouse, registered partner or other life companion, unless that person does not wish it, or, if such persons are also absent, against a parent, child, brother or sister of the client, unless those persons do not wish it.

#### **Article 8. Provision of data after death**

The professional secrecy of social workers remains in effect even after the death of the client. Next of kin and other third parties cannot exempt the social worker from his professional secrecy. Data will be provided after the death of the client only if:

- a. the client has given permission to do so prior to death;
- b. the client's consent can be assumed;
- c. there is a legal obligation to provide the data;
- d. there is a conflict of duties to prevent serious harm to a third party or the client him/herself;
- e. there is a compelling interest that necessitates breach of professional secrecy;

#### **Article 9. Data retention period**

The legal retention period for medical data is 15 years from the time the data is entered in the personal records, or so much longer as reasonably follows from the care of a good caregiver.

#### **Article 10. Disputes**

1. If the responsible party fails to comply with an obligation arising from these regulations, the registered party may approach the responsible party with a complaint.
2. Such a complaint shall be handled in accordance with the complaint policy adopted by the Manager.

#### **Article 11. Duty to Report Data Breaches**

If, despite all the care taken, privacy-sensitive information has unintentionally reached unauthorized parties or has been able to do so, there is a data breach. A data leak must be reported immediately to the Board of Directors of Viefggz. The Board of Directors will ensure that the data leak is reported to the Personal Data Authority and if necessary to the person(s) whose data has been leaked.

#### **Artikel 12. Slotbepalingen**

These regulations are available for inspection on the Viefggz website.

### ***What data is processed by Viefggz?***

#### Personal data

Personal data includes all information that can be traced back to a person. Also data that indirectly says something about someone. Examples are: name, address, social security number, telephone number, information about psychological symptoms and insurance information.

#### Purpose data processing

We need the personal data we receive from you in order to provide you with the services you have requested, to account for the costs (health insurer or municipality) and the content of the care (Health Care Inspectorate).

Viefggz maintains an electronic patient record for each client. Viefggz professionals systematically register all client-related activities and other data that are important for proper and safe assistance to the client and for the justification and verifiability of medical actions.

Your electronic file is stored securely on Viefggz's closed network. Technical and organizational security measures are in place to protect your electronic record from unauthorized access, modification and destruction.

Except for legal obligations, Viefggz does not share client data with third parties unless there is explicit and specific consent from the client.

In exceptional cases, Viefggz will act in accordance with the Guideline on handling medical data of the KNMG.

If the client does not want to disclose their diagnosis to their health insurance company, Viefggz uses the privacy statement.

Viefggz safeguards client privacy by only allowing those healthcare professionals who are directly involved in the treatment of the client, access to the client file. An exception has been made for a number of employees with a view to guaranteeing the quality and continuity of care. In principle, health insurers can request medical information from Viefggz in the case of granting permission for certain forms of treatment (authorisation by the health insurer). Municipalities and health insurers can also request data in the context of material checks..

In situations where professional secrecy may need to be broken, such as in the case of suicide risk or suspicions of child abuse or domestic violence, Viefggz acts in accordance with the guidelines of the profession and statutory regulations, such as the Mandatory Reporting Code for Domestic Violence and Child Abuse Act and the resulting child check. In geval van gegevensverstrekking ten behoeve van wetenschappelijk onderzoek is toestemming van de cliënt vereist, tenzij het niet-herleidbare gegevens betreft.

#### Where and how long will we store your personal data?

Your personal data is not stored on our Internet servers but is directly transmitted in encrypted form to our systems and deleted from our public online environments. Our systems apply the retention period that we are required to apply under a legal regulation.

The medical file will be kept in accordance with the statutory period of 15 years or so much longer as results from the care of a good caregiver.

For the purpose of protecting your personal data, we have taken appropriate technical and organizational measures to prevent the loss or unlawful processing of such data.

In addition to the regular protection measures that apply to all of your personal data, sensitive personal data is transmitted in encrypted form so that an unauthorized third party cannot learn about it.

#### Modification and deletion of your data

The client has, within the period of legal retention, the right to inspect and to obtain a copy of his client file. A client can do this preferably by viewing this data in CRS to which a client obtains access upon registration. In addition, a client may inspect his/her file and/or request copies by sending a request to his/her own practitioner. Viefggz will respond to your request as quickly as possible, but within four weeks.

Furthermore, under the law, the client has a right to correction if recorded factual information is incorrect. Finally, he can request that his file be destroyed. Viefggz may refuse the latter, giving reasons.

#### Questions and feedback

Viefggz takes the protection of your data seriously and takes appropriate measures to prevent misuse, loss, unauthorized access, unwanted disclosure and unauthorized alteration. If you have the impression that your data is not properly secured or there are indications of misuse, please contact us at [info@viefggz.nl](mailto:info@viefggz.nl).