

Privacy regulations

1. Definitions

In this regulation, the following terms are understood as:

- The healthcare provider, Danielle Visser-Strijbosch, operating under Danielle Visser TCC, Chamber of Commerce number: 86155687 at Ekenrooisestraat 63, Waalre
- The law: the Personal Data Protection Act and, from May 25, 2018, the General Data Protection Regulation (GDPR);
- Personal data: any information relating to an identified or identifiable natural person;
- Processing of personal data: any operation or set of operations performed on personal data. This includes collecting, recording, organizing, storing, updating, modifying, retrieving, consulting, using, transmitting, distributing, or any other form of making data available, as well as linking, shielding, exchanging, or destroying data;
- File: any structured set of personal data, regardless of whether the data is collected together or separately, that is accessible based on specific criteria and relates to different individuals;
- Data controller: the person who, alone or jointly with others, determines the purposes and means of processing personal data. The data controller can be a natural person, a legal entity, or a public authority;
- Processor: the person who processes personal data on behalf of the data controller without being subject to their direct authority;
- Data subject: the individual to whom the personal data relates;
- Third party: any party other than the data subject, the data controller, the processor, or any person authorized by the data controller or processor to process personal data under their direct authority;
- Recipient: the person to whom the personal data is provided;
- Consent of the data subject: any freely given, specific, and informed indication of the data subject's wishes by which they accept the processing of their personal data;
- Providing personal data: making personal data available or disclosing it;
- Collecting personal data: obtaining personal data.

2. Scope

1. This regulation applies to the wholly or partly automated processing of personal data. It also applies to the non-automated processing of personal data that is included in a file or intended to be included in one.

2. This regulation concerns the processing of personal data of mainly clients but may also apply to employees.

3. Purpose

1. The purpose of collecting and processing personal data is to have the information necessary to achieve legal objectives, as well as the purposes described in the service description of the healthcare provider, and to implement policy and management in line with these objectives.
2. The purposes for which data is collected and processed are explicitly described in the service description attached as an appendix.

4. Representation of the data subject

1. If the data subject is a minor and has not yet reached the age of sixteen, or if the data subject is an adult and has been placed under guardianship, or a mentorship has been established on behalf of the data subject, consent from the legal representative of the data subject is required instead of the data subject's own consent. This consent must be documented in writing. If the data subject has issued written authorization regarding their representation to the processor, additional consent from the authorized representative is also required.
2. Consent may be withdrawn at any time by the data subject, their authorized representative, or their legal representative.

5. Responsibility for management and liability

1. The data controller is responsible for the proper functioning of data processing and the management of the data. Under the responsibility of the data controller, a data manager is typically assigned to handle the actual management of personal data, although this is not mandatory for small-scale data processing, such as in the case of the healthcare provider.
2. The data controller ensures that appropriate technical and organizational measures are implemented to safeguard against any loss or any form of unlawful processing of data.
3. The responsibility referred to in paragraph 1 and the provisions of paragraph 2 remain applicable even if the processing is carried out by a processor; this is arranged in an agreement (or by means of another legal action) between the processor and the data controller.
4. The data controller is liable for any damage or harm caused by non-compliance with the provisions of the law or this regulation. The processor is liable for any damage or harm caused by their actions.⁶

6. Lawful processing

1. Personal data is processed in a transparent manner and in accordance with the law and this regulation, in a fair and careful way.
2. Personal data is collected only for the purposes mentioned in this regulation and is not further processed in a manner incompatible with the purposes for which it was obtained.

3. Personal data must be adequate and relevant in relation to the purposes for which it is collected or subsequently processed; no more personal data is collected or processed than necessary for the purpose of registration.
4. Personal data may only be processed if: de betrokkene voor de verwerking zijn ondubbelzinnige toestemming heeft verleend;
 - The data subject has given their unambiguous consent for the processing;
 - The data processing is necessary for the execution of a contract to which the data subject is a party (e.g., the employment contract with the data subject) or for actions, at the request of the data subject, necessary for the conclusion of a contract;
 - The data processing is necessary to comply with a legal obligation of the data controller;
 - The data processing is necessary to protect the vital interests of the data subject;
 - The data processing is necessary for the legitimate interests of the data controller or a third party, unless those interests are overridden by the interests of the data subject..
5. The registration of the citizen service number (BSN) takes place only when there is a legal basis for it and/or when a form of care is provided to the data subject by the data controller or processor.
6. Anyone acting under the authority of the data controller or the processor – including the processor – processes personal data only at the direction of the data controller, except in the case of conflicting legal obligations.
7. The data is processed only by persons who, by virtue of their office, profession, statutory requirement, or based on an agreement, are bound to confidentiality.

7. Special categories of personal data

1. The processing of personal data concerning an individual's religion or beliefs, race, political opinions, health, sexual life, membership of a trade union, or criminal data is prohibited, except in cases where the law explicitly determines who may process such data, for what purpose, and under what conditions (Articles 17 to 22 of the law).
2. The prohibition mentioned in the previous paragraph remains in force, without prejudice to the provisions of Articles 17 to 22 of the law, unless an exception as referred to in Article 23 of the law applies.

8. Data acquisition

Data obtained from the data subject

1. If personal data is obtained from the data subject, the data controller informs the data subject before the moment of acquisition about:
 - their identity;
 - the purpose of the processing for which the data is intended, unless the data subject already knows this purpose.
2. The data controller provides the data subject with further information as necessary to ensure proper and careful processing, taking into account the nature of the data, the circumstances under which it was obtained, or the use being made of it.
3. When data is obtained from a source other than the data subject, the data controller informs the data subject of:
 - their identity;
 - the nature of the data and the purpose for which it is being processed.

The timing of this notification is:

- at the moment the data controller records the data, or
 - if the data is collected solely to provide it to a third party, no later than the moment of the first provision of the data to that third party.
4. The data controller provides further information as necessary to ensure proper and careful processing, taking into account the nature of the data, the circumstances under which it was obtained, or the use being made of it.
 5. The obligation mentioned in paragraph 3 does not apply if it proves impossible to provide such notification or if it requires a disproportionate effort. In that case, the data controller records the source of the data.
 6. The obligation mentioned in paragraph 3 also does not apply if the recording or provision is required by or pursuant to the law. In that case, the data controller must inform the data subject, at their request, about the legal provision that led to the recording or provision of the relevant data.

9. Right of access

1. The data subject has the right to be informed of the processed data concerning them and may receive a copy of this data.
2. Upon request, the data controller informs the data subject as soon as possible, but no later than four weeks after receiving the request, whether personal data concerning them is being processed.
3. If this is the case, the data controller provides the requester with a complete written overview, as soon as possible but no later than four weeks after receiving the request, including information about the purpose(s) of the data processing, the data or categories of data involved, the recipients or categories of recipients of the data, as well as the source of the data.
4. If an important interest of the requester requires it, the data controller complies with the request in a form other than writing that is adapted to the interest concerned.
5. The data controller may refuse to comply with a request if and to the extent that this is necessary in relation to:
 - the investigation and prosecution of criminal offenses;
 - the protection of the data subject or the rights and freedoms of others.

10. Provision of personal data

- The provision of personal data to a third party does not occur without the consent of the data subject or their representative, except when required by a legal provision or in case of an emergency.
- If the data controller provides personal data to third parties without the consent of the data subject or their legal representative, the data controller informs the data subject or their legal representative immediately, unless this poses a risk to individuals or property.

11. Right to rectification, supplementation, or erasure

1. Upon written request from the data subject, the data controller proceeds to rectify, supplement, erase, and/or block (the right to be forgotten) the personal data processed about the requester, if and to the extent that the data is factually incorrect, incomplete for the purpose of processing, irrelevant, or exceeds what is necessary for the purpose of registration, or is otherwise processed in violation of a legal provision. The request from the data subject must specify the changes to be made.
2. The data controller informs the requester as soon as possible, but no later than four weeks after receiving the request, in writing whether they will comply. If the request is not fully or partially granted, the data controller provides an explanation. The requester has the option to appeal to the complaints committee of the data controller in this regard.
3. The data controller ensures that a decision to rectify, supplement, erase, and/or block is implemented within 14 working days, or if this is reasonably not possible, as soon as possible thereafter.

12. Retention of data

1. Personal data is not kept in a form that allows the data subject to be identified for longer than is necessary for the purposes for which the data is collected or subsequently processed.
2. The data controller determines how long the recorded personal data will be retained.
3. The retention period for medical and/or healthcare data is, in principle, twenty years, calculated from the time the data was created, or longer if reasonably required by the duty of care of a good healthcare provider or data controller.
4. Non-medical data is not kept for longer than necessary for the realization of the purposes for which it is collected or subsequently processed, unless it is stored solely for historical, statistical, or scientific purposes. If the relevant data is processed in such a way that tracing it back to individual persons becomes impossible, it may be kept in anonymized form.
5. If the retention period of the personal data has expired or the data subject requests deletion before the retention period has expired, the relevant medical data will be deleted within three months.
6. However, deletion does not take place if it can reasonably be assumed that:
 - retaining the data is of significant importance to someone other than the data subject;
 - retention is required by a legal provision; or
 - there is an agreement between the data subject and the data controller regarding retention.

13. Complaints procedure

If the data subject believes that the provisions of this regulation are not being complied with, they may address their concerns to:

- the data controller; the independent complaints handling body within the organization, or a similar body outside the organization with which the therapist is affiliated;
- the court, in cases as referred to in Article 46 of the law; and
- the Data Protection Authority with a request to mediate and advise on the dispute between the data subject and the data controller.

14. Amendments, commencement, and copy

1. Amendments to this regulation are made by the data controller. The amendments to the regulation take effect four weeks after they have been communicated to the data subjects.
2. This regulation comes into effect on October 1, 2024.
3. This regulation can be viewed at the office of the data controller. If desired, a copy of this regulation can be obtained at cost.