



Kühler & Partners
INTERNATIONAL MENTAL HEALTH

CLIENT PRIVACY REGULATIONS



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I Introduction

A Purpose of these regulations

The aim of the regulations is to provide a practical guideline to the provisions established by the “Wet Bescherming Persoonsgegevens” (Wbp) and, when appropriate, the provisions of the “Wet geneeskundige behandelingsovereenkomst (Wgbo) and the “Zorgverzekeringwet”(Zvw).

B Scope

The privacy regulations are applicable to the entire, or partly, automated personal data processed by Kuhler & Partners International Mental Health or by an external processor Kuhler & Partners International Mental Health might have hired. It is also applicable to non-automated processing of personal information by Kuhler & Partners International Mental Health that have been included in a file or that are intended for being included in a file.

The privacy regulations are applicable to all departments and branches of Kühler & Partners International Mental Health, including the content and functionality of the website www.internationalmentalhealth.nl and applies to the processing of personal information of clients in the broadest sense possible.

The processing of client’s personal data or others involved is carried out in the context of providing care and/ or health services for the client, client administration processing and/or management, policy development and/ or evaluation, analysis of incidents and/or calamities, carrying out responsible management, scientific research and consultancy, in order to comply with legal tasks and/or responsibilities.

Personal data can be stored in a personal record in virtue of:

- voluntary, unambiguous consent of the client;
- providing health care and or service agreement to client;
- a justified business interest;
- fulfill legal obligations in the context of good health
- vital life interest of client;
- required data processing in the interest of a third party or the controller, unless this interest conflicts with the interest of the client. Some legal examples of this are provisions related to breaking professional secrecy established by the Dutch “Wet Meldcode”, *right of access by Inspectors of Healthcare, Youth Healthcare and right of access by Inspectors of Health Care, Youth Health Care inspectors and supervisors WMO in the context of the “Wkkgz”, “WMO” and “Jeugdwet.”.*

C External regulations and sources

1	Legal Framework	Wet Bescherming Persoonsgegevens (Wbp) Europees Verdrag voor de Rechten van de Mens (EVRM) Grondwet Wet kwaliteit, klachten en geschillen zorg (Wkkgz) Wet datalekken
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2	Regulation	Guidance on professional secrecy
3	Other documents	From May 25th 2018 the “Algemene verordening gegevensbescherming (AVG)” is applicable. Privacy statement website Disclaimer website

II Definitions

Marges aanpassen

De following definitions are described in the Dutch “Wet Bescherming Persoonsgegevens”

File	Any structured set of personal data, regardless if the data is centralized functionally or geographically, that is accessible according to certain criteria and relates to different people.
Parties involved	Those to whom the personal data relates to.
Processor	The person who on behalf of the entity and or person responsible (the controller), processes personal data, without being subject to its, his or her (the controller’s) direct authority.
Third Person	Any person other than the person concerned , the person responsible, the processor, or any person authorized under direct authority by the person responsible or the processor to process personal data.
Personal Data	Any information concerning an identified or identifiable natural person.
Receiver	The person to whom the personal data are provided.
Consent of the person concerned	Every free, specific and informative expression of will with which the person concerned accepts that personal data relating to him will be processed
Providing personal information	Disclosing or making personal data available.
Processor	The person that collects or processes personal information on behalf of Kuhler & Partners International Mental Health.
Person Responsible	The natural person, the legal entity or any other, alone or together with others, that determines the purpose and means of the personal data processing.
Processing of personal data	Any action or set of actions relating to personal data, including at least collecting, recording, organizing, storing, updating, modifying, retrieving, consulting, using, providing by means of forwarding, distribution or any other form of disclosure, assemble, link to one another, as well as the protection, deletion or destruction of information.
Collecting personal data	The retrieval of personal data.



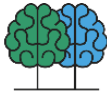
III Privacy regulation

Article 1 Collecting and processing data

Before collecting information, Kühler & Partners International Mental Health informs the following to the client:

- Company's identification
- The purpose and the reason for processing personal information.

1.1	Personal data are collected and processed in a proper and careful manner by Kühler & Partners International Mental Health in accordance with the law and this privacy regulation.
1.1	The following data can be collected via the website: <ul style="list-style-type: none"> ▪ Name, e-mail address, place of residence and telephone number What happens after the data is collected? <ul style="list-style-type: none"> ▪ Saved in the Cloud in Excel file and EPD Zilos Epos
1.2	Personal and medical data are collected in the context of good healthcare. The following data is collected: Personal data, medical data in the context of the treatment. What happens after the data is collected? Data is stored in the Electronic Patient Record (EPD) Zilos Epos <ul style="list-style-type: none"> ▪ If client has given written permission, data can be shared with other healthcare professionals and or referrers.
1.5	Anyone acting under the authority of Kühler & Partners International Mental Health or the processor - and also the processor itself - only processes personal data on behalf of Kühler & Partners International Mental Health, except in case of deviating legal obligations. The data will only be processed by individuals who have been kept confidential on the basis of office, profession, statutory regulation or on the basis of an (employment) agreement.
1.6	The registration of a client's BSN number will only take place upon legal requirements and/or when the client in question notifies Kühler & Partners International Mental Health and explicitly authorizes Kühler & Partners International Mental Health to process it.
1.7	Special personal data, as described in article 1.8, cannot be processed unless somebody's health makes it necessary or in the context of providing good healthcare to the person concerned. It is also not forbidden if the circumstances and the purpose for collecting the information are specifically determined beforehand. This prohibition does not apply in the case of an exception as stipulated in article 23 of the "Wbp"
1.8	In principle, it is forbidden to process the following personal data about a person's: <ul style="list-style-type: none"> ▪ religion or belief ▪ race ▪ political opinion



	<ul style="list-style-type: none"> ▪ health ▪ sexual life ▪ membership of the trade union ▪ criminal law personal data.
1.9	When Kühler & Partners International Mental Health receives data from somebody other than the client or his legal representative, the person of whom the data concerns is informed about the identity of thee who provided the information and the the purpose or context under which the processing at the time of registration is done by the processor.
1.10	When the processor shares the information as described in Article 1.9, with the aim of informing a third party, this is reported to the person concerned at the moment the first data is provided. When this costs disproportionate effort or is required by law, this is not applicable and the origin of data is recorded by the processor.

Article 2 Disclosing personal information

2.1	The client is informed to whom his / her personal data can be provided.
2.2	Within the organization and under the responsibility of the organization, personal data can be provided to care providers who are directly involved in providing care to the client, to the extent that may be necessary in order to carry out their duties in a good manner.
2.3	<p>Outside the organization, under the responsibility of the management, personal data can be provided to:</p> <ul style="list-style-type: none"> • Upon request to persons who are directly involved in the provision of care to the client, insofar as strictly necessary for the performance of their duties. This only with the consent of the client and / or his legal representative. • The following information may be provided to bodies referred to in the Health Insurance Act for the financing of the assistance: <ul style="list-style-type: none"> • Health insurer: the processing takes place upon request of an insurer insofar as necessary for the assessment of the risk to be insured by the insurer, or insofar as necessary for the performance of an insurance contract. • In accordance with legal regulations.
2.4	In order to link the data with other personal records, the consent of the person the data concerns to is always required. This permission can be withdrawn at any time by the person concerned. The person concerned may issue a written authorization for the provision of personal data by Kühler & Partners International Mental Health.
2.5	If the person responsible provides personal data to third parties without prior consent of the person it concerns or his/her legal representative, Kühler & Partners IMH must immediately inform the client or his/her legal representative, unless this is dangerous for persons and or property.
2.6	If a client believes that it has been acted or will be acted in violation of this privacy regulation, Kühler & Partners International Mental Health has a complaints



	<p>procedure, which is published on the website. The client is also free to make use of the options listed in the Wbp.</p> <p>By way of derogation from what is established in the provisions of these regulations, the final date in which a complaint can be submitted coincides with the end of the retention period as stated in the present regulations.</p>
2.7	Within the framework of internal and external audits, on the day of the audit, explicit permission to inspect the file is requested from the client or his representative.
2.8	In principle, next to kin have no right to access personal data.

Article 3 Access and Protection of Personal Data

3.1	<p>Without prejudice to any legal requirements, only the following people have access to personal data:</p> <ul style="list-style-type: none">• Management and Front Office employees, insofar as necessary in the context of management;• The healthcare providers, insofar as necessary for the performance of his duties.
3.2	Kühler & Partners International Mental Health provides the necessary technical and organizational facilities in order to secure a personal registration against data loss or damage and against unauthorized access, modification or provision of information.
3.3	Employees of Kühler & Partners International Mental Health, who have knowledge of personal data as a result of their position, are obliged to maintain confidentiality with respect to all others, to the extent that they do not need to know the data as results of their position.
3.4	Personal data are not kept longer than strictly needed for the realization of the purposes for which they are collected or subsequently processed. An exception to this is when the data are rendered anonymous and insofar as they are stored exclusively for historical, statistical or scientific purposes.
3.5	In principle, medical data is retained for a period of fifteen years.
3.6	Destruction takes place within a period of three months after the retention period has expired, unless a complaint in which the data is involved has been submitted or a court procedure imposes an obligation to retain the data, or unless specific laws state otherwise.
3.7	The storage and destruction period does not apply in case of transfer of the entire personal record to another organization in the context of the continuity of the assistance. In case of transfer or changeover, clients must be informed about this fact in order to exercise his right to object should he want to.
3.8	When transferring data to another organization, the new organization becomes responsible for the file once the process of transference is fully completed. Kühler & Partners International Mental Health requests written permission from the client. After transfer, the Kuhler & Partners International Mental Health clears all data and informs the new organization about this.

Article 4 Client Rights and Privacy Data

4.1	During the storage period, the client has the right to inspect and / or copy his personal data. The requested inspection and / or statement takes place as soon as possible, but no later than four weeks upon receiving a written request together with a copy of an
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	identity document. A request for access, information or copy may be denied if the client's rights and third parties' freedoms are jeopardized.
4.2	In the case of a non-complete registration or containing irrelevant information, the person concerned may submit a written request to the Management Board in order to have the personal data concerning him corrected and /or supplemented with additional information. Kühler & Partners International Mental Health notifies the applicant in writing within four weeks of receipt of the written request provided with a copy of an identity document, for correction or supplementation or to the extent to which he complies with it. The reason for the refusal is included in the notification. In accordance with the WGBO (art.454 section 2), the request for supplementation in the SPD is not refused. A decision concerning a correction of the information provided in the registration is made as soon as possible.
4.3	During the storage period, the client may request the destruction of the processed data concerning him / her, if these are factually incorrect, are incomplete or irrelevant for the purpose of the registration, or are contrary to a statutory regulation. Kühler & Partners International Mental Health will notify the applicant in writing within four weeks of receipt of the written request for destruction, provided that a copy of an identity document has been submitted, or that this will be fully complied with. Kühler & Partners International Mental Health will destroy the data within three months of the client's request, unless it is reasonably plausible that the retention of the data is of considerable interest to another party other than the client, as well as and to the extent that the retention is required by statutory regulation. By way of derogation from the aforementioned, the destruction of data will then take place after the client has fulfilled all payment obligations.
4.12	If the client believes that the provisions of these regulations are not complied with, he can use the complaints procedure of Kühler & Partners International Mental Health, as displayed in the website of Kühler & Partners International Mental Health. Furthermore, the client can address complaints to: <ul style="list-style-type: none">• The court, in the cases referred to in Article 46 of the Act.• The Personal Data Authority. Under the AVG Act, the client may request the authority to conduct an investigation whether the manner of data processing is in accordance with this law.

Article 5 Use of Social Media

5.1	In the case of image and sound usage (such as pictures of the person (s) concerned), prior written permission is requested from the person concerned.
5.2	Kühler & Partners International Mental Health conforms to further rules concerning the use of Facebook / WhatsApp for the organization and care providers. It takes into account that these companies inform users incompletely about the use of personal data and can therefore act contrary to the Dutch privacy legislation, even though it is fully applicable to them.

Article 6 Communication by e-mail

6.1	Kühler & Partners International Mental Health establishes further rules on the use of e-mail containing medical data or personal data of clients.
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Article 7 Establishing and Amending the Regulations

8.1	These regulations were adopted on 31-5-2018 by the Management Board
8.2	In all cases not provided for in these regulations, the provisions of the Wbp apply.