

## General Data Protection Regulation (GDPR)

The midwifery practice will be extremely careful in dealing with personal data of their patients. We adhere to the rules and laws of the GDPR, the general data protection regulation. (in Dutch: AVG)

Without your consent to make (careful) use of your personal data, we cannot treat you at our midwifery practice.

More information about which data it concerns, what we do with personal data and what your rights are, is given in the privacy statement below.

Your consent deals with a number of situations:

- The processing of your personal data present in your patient-file
  - Supplying your personal data to other parties concerning the expense account
  - Supplying your personal data to other caregivers, if necessary for continued care, like your GP, the ultrasound centre (echo centrum), the supplier of maternity care (kraamzorg) and the centre for youth care (CJG)
  - Supplying your personal data to third parties, like Peridos (1), Praeventis(2), Perinatale Registratie Nederland(3)
  - displaying your birth announcement in the waiting room at our practice
1. **Peridos** - a national system where data of prenatal screening is recorded. This digital file records data concerning the prenatal screening for Downs syndrome and the 20-week scan in order to improve and optimize the quality and the process of screening.
  2. **Praeventis** - checking abnormal bloodresults and reminding your midwife when action is needed
  3. **PRN** (Perinatal Registration in the Netherlands) – statistics in maternity- and birth healthcare

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## Privacy statement midwifery practices

### Article 1 – General

The midwifery practice takes the utmost care with the personal data of its clients. We work according to the appropriate legislation concerning privacy, such as the GDPR (general data protection regulation). With this privacy statement we want to inform you about our policies.

### Article 2 – Definitions

#### 1- Personal data:

all the information through which a patient/ client can be identified. Data concerning the health status of individuals will be called “special patient data”

#### 2- Responsible caregiver:

the individual who is responsible for implementing this privacy statement of the practice/ organisation/centre as referred to in article 4, section 7 of the GDPR

#### 3- Processing:

dealing with personal data in either computerized procedures or not. Like collecting, recording, organizing, updating, saving, changing, retrieving, requesting, consulting or using. Supplying to others by means of forwarding or any other means of data mining. Also, it concerns the protecting, deleting or destroying of personal data.

#### 4- Processor:

the person who deals with the recording of personal data for the midwifery practice without being subordinate to the direct authority of the practice (for instance; individuals hired by the responsible caregiver)

#### 5- Stakeholder:

The individual whose data it concerns i.e. the patient.

#### 6- GPDR (or in Dutch AVG)

The european law concerning privacy, the general data protection regulation.

#### 7- Ordonation:

Ordonation EU 2016/679 of the European parliament and the council of the 27th of april 2016 concerning the protection of individuals in connection to the use/ working with/ personal data and concerning the use of that data in contact with others and the right to withdraw data. Guideline 95/46/EG (PbEU 2016, L119)

#### 8- Privacy statement:

This document.

### Article 3 - Where do we obtain personal data?

Personal data is obtained through or derived from data that is given through a written or verbal count by the stakeholder (i.e. patient) or her/his legal representative.

Personal data can also be provided by the health insurance organisation, general practitioner, midwife, other caregivers, specialist, aid workers or any other than the afore mentioned individuals or organisation.

### Article 4 - How and why do we process personal data?

1. Processing data is done in a way that is legitimate, good and transparent to the stakeholder, furthermore personal data is collected for specific and explicitly detailed legitimate purposes.

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2. The processing of certain data with the purpose of scientific research or statistical means, is not considered to be incompatible with the original purposes.
3. The processing of data is only considered legitimate if, and to the extent that at least one of the following conditions is met.
  - 3a- Consent of the stakeholder ie patient is obtained by means of an active consent form.
  - 3b- The entering and executing an agreement to treatment (a contract)
  - 3c- Safeguarding a vital interest of the stakeholder, for instance in case of an emergency.
  - 3d- Protecting the legitimate interest of the responsible caregiver or a third party (for instance, to ensure continued care)
  - 3e- The need to fulfill a legal obligation or a contract with the stakeholder.
4. Personal data will only be processed - considering the purpose for which it is processed- when is specific, relevant and limited to what is essential.
5. The midwifery practice processes data for the following purposes;
  - Treatment of the stakeholder
  - Informing and contacting the stakeholder
  - Financial administration
  - Proper functioning of the website or registering at the practice
  - Customer satisfaction enquiry

#### **Article 5 - Conditions of consent**

1. The responsible caregiver can prove that the stakeholder has given consent for processing personal data
2. The stakeholder can at any time withdraw their consent.

#### **Article 6 - Other data**

anonymised data is not subject to his privacy statement

#### **Article 7 - Which personal data is subject to use?**

Processing includes the following data categories:

- a. Familyname, first name, initials, title, gender, date of birth, adress, zipcode, place of residence, telephone number, mailadress and such similar data requested for communication and also the stakeholders' payment data.
- b. B- an administrative number given to the file of the stakeholder
- c. the personal statement for using stakeholders file providing personal data.
- d. Data as referred to in –a- of caregivers who will be informed about the welfare and health of the stakeholder.
- e. Relevant stakeholder data such as medical and historical data concerning information which has been copied with stakeholder's consent, from a co-caregiver like; general practitioner, youth care worker, gynecologist, midwife, maternity caregivers.
- f. In case of hereditary conditions, medical data of her/his family members.
- g. Other specific data necessary
- h. Data about the type of treatment, diagnosis, results and/or advice with regards to the follow-up treatment (for instance, data needed to refer stakeholder tot other caregivers) and also the required treatment report.

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- i. Data needed for quality control and follow-up of the treatment, that is subject to the Population Screening Program Legislation (in dutch: wet bevolkingsonderzoek)
- j. Data about the financial side of the treatment (calculating, recording and collecting)
- k. Data concerning the health insurance of the stakeholder, amongst other; social security number and insurance number)
- l. Complaints and remarks about the stakeholder's treatment.
- m. Other data that is strictly necessary for a correct treatment and/or the handling of treatment.

**Article 8:** - Duty tot inform

1. Before the responsible caregiver processes personal data, he or she will communicate the following tot the stakeholder;
  - a- Which individual is responsible for processing personal data in the practice.
  - b- Why specific data will be processed.
  - c- If applicable, the contact information of the Data Protection Official.
  - d- In what way the personal data will be recorded and processed.
  - e- The period of time that the personal data will be stored or, when that is not possible, the criteria to determine how long data will be stored.
  - f- All other data that needs to be supplied regarding due diligence. This means that; the more sensitive the personal data, the more thorough information is provided to the stakeholder
2. When personal data is retrieved or supplied via a third party, this will be communicated to the stakeholder before the personal data is either provided or supplied, unless it can only be done with a disproportionate effort.

**Article 9** - The right to view personal data.

1. The stakeholder has the right to look at their personal data and retrieve the following information;
  - a. A description of the purpose of processing personal data
  - b. All available data about the origin of personal data
  - c. The categories of data that the processing concerns
  - d. An overview of recipients or categories of recipients who have received data
  - e. If possible, the period of time during which data is expected to be stored or if impossible, the criteria to determine the period of storage.
  - f. That stakeholder has a right to rectification of data, deleting of data and limit the processing
2. A request to access the data can be denied for the following reasons;
  - a. The applicant is not the stakeholder or his/her request does not concern the stakeholder
  - b. The applicant is younger than 16 and/ or is placed under guardianship. In that case only the legal representative can request.
  - c. The responsible caregiver has recently given in to similar request.
  - d. Protection of the stakeholder or the rights and liberties of others.
  - e. Due to state security and or the prevention, detection, prosecution of criminal offences.

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**Article 10 - Other rights**

1. The stakeholder has the right to object at all times to the processing of data. The processing will be discontinued by the responsible caregiver upon an objection.
2. Stakeholder has the right to obtain immediate rectification of incorrect personal data from the responsible caregiver
3. The stakeholder has the right to obtain deletion of personal data from the responsible caregiver, without unreasonable delay. Also; the responsible caregiver is obliged to delete personal data without delay, when the stakeholder has withdrawn their consent or if the responsible caregiver no longer needs the personal data for the intended purpose
4. The stakeholder has the right to request limitation of data when he/she disputes its accuracy.
5. The stakeholder has the right to obtain the data that concerns him/her, in a structured, common and machine-readable form.

**Article 11 - The exercising of rights by the stakeholder**

The responsible caregiver takes measures to ensure that the stakeholder can access the information about their rights, as described in this privacy statement in a transparent and accessible fashion.

**Article 12 - Access to and receivers of personal data**

1. Access to personal data is, as a matter of principle, only given to those individuals directly involved in the implementation of treatment of the stakeholder, as far as access is strictly necessary for their work.
2. Software suppliers without a contract as mentioned in the GDPR have no access to personal data and will not leave cookies in their program.
3. When data processing is done on behalf of the responsible caregiver, the caregiver will solely call on processors who can guarantee sufficiently that the personal data will be dealt with, in accordance to the regulation, implementation-laws or regulation that is based on those.
4. In all other respects, access can be granted to the following individuals and organisations;
  - a. Researchers as meant in article 7:458 of the Civil Code
  - b. Health insurance companies, to the extent that is necessary for the obligations deriving from the insurance agreement
  - c. Third parties that are charged with the collection of claims, in so far as that it, is necessary, and it does not concern medical data.
  - d. Others, when the basis of the processed data is;
    - i. Permission of the stakeholder
    - ii. A necessity to uphold a legal obligation
    - iii. To protect a vital interest of the stakeholder
  - e. Others, when the further processing is done for historical, statistical or scientific purposes, provided the responsible caregiver has made the necessary arrangements to ensure that the data-processing is solely done for those purposes.

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**Article 13 - Data processing register**

The responsible caregiver keeps a register of the data processing that takes place under his/her responsibility. This register will hold the following information;

- a. Name and contact information of the responsible caregiver and/or the data protection officer
- b. The dataprocessing purposes
- c. The categories of data that the processing deals with
- d. The categories of receivers to whom the personal data is supplied
- e. The intended timeframe within which the personal data must be deleted
- f. A description of the technical and organisational measures taken.

**Article 14 - Notification of infringement**

1. If an infringement concerning personal data has occurred, the responsible caregiver- if and as far as legally obliged- will inform the stakeholder and the Personal Data Protection Authority as soon as possible.
2. This report will contain at least;
  - a. Nature of the infringement
  - b. The probable consequences of the infringement
  - c. The measures taken by the responsible caregiver as an effect of the infringement
  - d. A point of contact for more information

**Article 15 - Period of storage**

1. Medical data that is obtained to start or to complete a treatment are kept for 15 years. The responsible caregiver shall not be obliged to adhere to a storage period longer than required by law, specifically article 7:454 section 3 of the Civil Code.
2. Other personal data will no longer be stored for longer than is necessary for the purpose for which they were processed . When this personal is no longer necessary, it will be deleted.

**Article 16 - Confidentiality**

1. The responsible caregiver, the processor and anyone working under the authority of the responsible caregiver, who has access to personal data, are obliged to strict confidentiality concerning the personal data.
2. For the processing of specific personal data, strict confidentiality shall apply for anyone processing. This derives from the office they hold, their profession or their employment contract.

**Article 17 - Security**

1. The responsible caregiver is obliged to take appropriate technical and organisational measures to safeguard personal data.
2. Appropriate means that the measures taken, befit the risk that the personal data will be unlawfully and carelessly processed and the ensuing damage. The measures taken must ensure that;
  - a. Only competent individuals are given access to personal data
  - b. The personal data is correct and not lost
  - c. The personal data is accessible unhindered for legitimate processing, according to the agreements within the practice or centre

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- d. In any event, it is the responsible caregiver who is responsible for the information security policy and who conveys the policy within the organisation.

**Article 18** - Final provisions

1. The responsible caregiver does not accept more obligations than those that he or she is required by law, unless otherwise agreed with the stakeholder in a written form.
2. The stakeholder has the right to file a complaint with the supervisory authorities
3. Amendments to his privacy agreement are made by the responsible caregiver. These amendments to the privacy statement will be in effect as soon as the stakeholder is notified.
4. This privacy statement is in operation from 1-5-2018 and is available on the website of the midwifery practice.

For questions or the exercising of rights of the stakeholder you can contact the coordinating midwife of your midwifery practice or centre  
Midwifery Practice Voorhout - Lisse  
Phone: 0031 252-235323  
E-mail: [info@vpvoorhout.nl](mailto:info@vpvoorhout.nl)

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