

# Privacy Statement

## VBAG Therapists



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## 1. Introduction

This statement explains how the VBAG therapist handles personal data and privacy on a daily basis in relationship to the current legislation. Privacy plays an important role in the relationship between the client and the therapist and is, accordingly, high on the agenda. Therapists have the responsibility for personal data and data exchange in all areas where they are active. Therapists are obliged to handle the collection, storage and management of personal data of their clients in a careful, safe, and appropriate confidential manner. This applies to tasks in the area of basic administration, dossier formation and health care. Handling personal data properly and carefully is a daily activity for therapists. Protecting privacy is complex, and is becoming increasingly complex due to technological developments, major security challenges and new European legislation. That is why we, as VBAG therapists, consider it important to be transparent about the way in which we deal with personal data and guarantee privacy. Additional specific considerations are stated in the therapists' treatment agreement that each client must receive. This is in addition to this statement.

## 2. Legislation

At present, each member state of the European Union has its own privacy law, based on the European directive of 1995. The Data Protection Act (Wbp) regulated the legal framework for dealing with personal data in the Netherlands. The Wbp expired on 25 May 2018 and the European Regulation: the General Data Protection Regulation (GDPR), has come into effect, together with the corresponding legal implementation. The GDPR builds on the Data Protection Act and, among other things, reinforces and extends the privacy rights with more responsibilities for therapists.

## 3. Definitions

The following terms are used in the GDPR (Article 4, GDPR):

- Personal data:  
means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly; it is the person to whom the personal data relates. Personal data refers not only to confidential data, such as data about a person's health, but includes information that can be traced back to a specific person (e.g. name, address, date of birth). In addition to the usual personal data, the law also covers specific personal data. These are data on sensitive topics such as ethnic background, political affiliations or identification number (NL: BSN).

- Processor:  
means the person or organisation that processes the personal data on behalf of another person or organisation.
- Data protection impact assessment:  
means the assessment of the effects and risks of the new or existing processing with respect to the protection of privacy. This is also called a Privacy Impact Assessment.
- Controller:  
means a person or body who, alone or together with another person, determines the purpose and means for the processing of personal data.  
Processing: A processing is everything you do with a personal data, such as recording, storing, collecting, combining, disseminating to another and destruction.

## 4. Scope

This statement applies to all processing of personal data by the therapist. In other words, to all processing that takes place within the practice.

## 5. Responsible

The therapist is responsible for the processing carried out by or on behalf of the therapist.

## 6. Processing

Processing means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means (Article 4, GDPR).

a. The GDPR defines the following as processing:

- Collection, recording, organisation
- Structuring, storage, adaptation or alteration
- Retrieval, consultation, use
- Disclosure by transmission
- Dissemination or otherwise making available
- Alignment or combination
- Restriction, erasure or destruction.

From this list it is apparent that everything you do with a personal data is a processing.

b. Principles (Article 5, GDPR)

According to the law, personal data may only be collected if a goal has been set for it. The purpose must be explicitly defined and justified. The data may not be processed for other purposes.

c. Lawfulness of processing (Article 6, GDPR)

The law says that for every processing of personal data a legitimate legal basis must exist. That means that the processing may only take place if it is required:

- For compliance with a legal obligation to which the controller is subject.
- For the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.
- For protection of the subject in the case of a serious threat to their health.
- For the proper execution of the therapeutic activity.
- When the data subject has given his or her consent for the specific treatment.

d. Method of processing

The main rule for processing personal data is that it is only allowed in accordance with the law and subject to appropriate safeguards. Personal data are collected as much as possible from the person concerned. The law is based on subsidiarity. This means that processing is only allowed if the goal cannot be achieved in another way. The law also talks about proportionality. This means that personal data may only be processed if this is related to the purpose. When the same goal can be achieved with none, or less (burdensome) personal data, this must always be chosen. The therapist ensures that the personal details are correct and complete before they are processed. This data is only processed by persons with a non-confidentiality agreement. In addition, the therapist protects all personal data. This must prevent the personal data from being accessed or modified by someone who has no right to do so.

e. Transfer of data to third parties (Article 44 t/m 50, GDPR)

The therapist does not pass on personal data to a country outside the European Economic Area (EEA) or to an international organisation.

## 7. Transparency and communication

a. Provision of information (Article 13, 14, GDPR)

The therapist shall inform the client about the processing of personal data. When clients provide information to the therapist, they are informed of how the therapist will handle that personal data.

b. Removal

The therapist does not store personal data for longer than is necessary for the performance of therapeutic activities, or as laid down in the Medical Treatment Contracts Act (WGBO). If personal data is stored that is no longer

needed for treating the subject, it will be deleted as soon as possible. This means that these data are destroyed, or modified so that the information can no longer be used to identify the subject.

c. Rights of data subjects (Article 13 t/m 23, GDPR)

The law not only determines the obligations of those who process the personal data, but also the rights of the persons whose data are processed. These rights are also called the rights of the data subject and consist of the following rights:

- Right to information:  
The data subject has the right to ask the therapist whether his / her personal data are being processed.
- Right of access:  
The data subject has the right to check whether, and in what way, his / her data are processed.
- Right to rectification:  
If it becomes clear that the data is not correct, the data subject can submit a request to the therapist to have the data corrected.
- Right to restriction of processing:  
The data subject has the right to ask the therapist to stop using their personal data.
- Right to erasure (right to be forgotten):  
In cases where the data subject has given permission to process data, the data subject has the right to have their personal data deleted.
- Right to object:  
Data subjects have the right to object to the processing of their personal data. The therapist will comply with this unless there are justified grounds for the processing.

d. Submitting a request

To exercise their rights the data subject can submit a request. This request can be submitted both in writing and via the e-mail. The therapist has four weeks from the receipt of the request to assess whether the request is justified. Within four weeks, the therapist will let you know how the request will be treated. If the request is not to be followed up, there is the possibility to object to the therapist or to submit a complaint to the (Dutch) Data Protection Authority (AP). The therapist can request additional information to validate the identity of the person making the request.

## 8. Automated individual decision-making, including profiling (Article 22, GDPR)

### a. Profiling

Profiling consists of any form of automated processing of personal data evaluating the personal aspects relating to a natural person, in particular to analyse or predict aspects concerning the data subject. Examples of personal aspects could be: gender or age.

### b. Big data and tracking

The therapist can use the profiling of big data and tracking on behalf of VBAG. Big data research and tracking only allow data to be processed when these cannot be traced back to a natural person. In addition, they are only collected for research carried out by, or on behalf of, the VBAG. The collected data for big data research and tracking is limited to the data collected by authorised persons. When data is converted into a dataset, data minimisation is to be applied. This means that only the data that is absolutely needed for achieving the goal in question will be used. In addition, personal data can be pseudonymised so that it is not traceable to a data subject.

### c. Use of camera's

Camera surveillance can be used in the practice under certain circumstances, for example to protect the practice against burglary. Cameras can create a major violation of the privacy of those being filmed. To ensure the best possible privacy cameras may only be used when there are no other ways to achieve the desired goal. In such cases they will only be operational when the practice is not in use.

## 9. Obligations of the Therapist

### a. Records of processing activities (Article 30, GDPR)

The therapist is responsible for creating a register of all processing operations of which the therapist is the controller. The register contains a description of what takes place during processing and what data is used for it, specifically:

- The name and contact details of the controller and, where applicable, the joint controller.
- The purposes of the processing.
- A description of the categories of data subjects and of the categories of personal data.
- A description of the recipients of the personal data.
- The envisaged time limits for erasure of the different categories of data.

- A general description of the technical and organisational security measures
- b. Data protection impact assessment (Article 35, GDPR)
- Where a type of processing in particular using new technologies, and taking into account the nature, scope, context and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data.
- c. Notification of a personal data breach to the supervisory authority (Article 33,34, GDPR)
- We speak of a data breach when personal data fall into the hands of third parties who have no access rights to that data. In the case of a personal data breach, the controller shall without undue delay and, where feasible, not later than 72 hours after having become aware of it, notify the personal data breach to the supervisory authority competent. Where the notification to the supervisory authority is not made within 72 hours, it shall be accompanied by reasons for the delay. When the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay in clear and plain language. To prevent future data leaks, existing data leaks should be evaluated to ensure that the controller has taken sufficient measures to prevent recurrence.

## 10. Complaint

If the therapist does not fulfil a legal obligation in the context of the GDPR, the person concerned may submit a complaint to the therapist. Furthermore, if the person concerned is not satisfied with the response to the submission of their complaint, they can appeal to the subdistrict court. An appeal has its basis in the legal protection framework provided by the GDPR Regulation.

Disclaimer: This product is a simple and understandable translation of the current privacy legislation and based on the GDPR. Naturally, the applicable laws and regulations are always leading and no rights can be derived from this document.