

## Privacy statement Meijers Vitaal

### 1. Introduction

This is the privacy statement of Meijers Vitaal, with its headquarters in Amstelveen at Van Heuven Goedhartlaan 935, 1181 LD. Contactable by telephone on number: 085-0021840 and registered with the Chamber of Commerce under number: 67450407.

### 2. General definitions

**Personal data:** information regarding an identified or identifiable natural person.

**Data concerning health:** unique personal data relating directly or indirectly to the physical or mental health of the data subjects.

**Processing of personal data:** any operation or set of operations relating to personal data, including in any case the collection, recording, organisation, storage, adaptation, alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, blocking, erasure or destruction of data.

**Provision of personal data:** the disclosure or provision of personal data.

**Collection of personal data:** the acquisition of personal data.

**Controller:** the natural person, legal person or any other person who alone, or along with others, determines the purpose of and the means for the processing of personal data. The controller within the meaning of this regulation is Meijers Vitaal BV, Van Heuven Goedhartlaan 935, 1181 LD, Amstelveen, Chamber of Commerce no.: 67450407.

**User:** any person who, under the authority of the controller, is authorised to process personal data, or to take cognisance of any output of the processing.

**Administrator:** the person who, on behalf of the controller, is responsible for the day-to-day management of the data processing.

**Data subject:** the person to whom the personal data relate.

**Data processor:** the person who, on behalf of the controller, processes personal data without coming under the direct authority of that person.

**Third party:** any party other than the data subject, the controller, the user or the processor.

**Recipient:** the person to whom personal data are given.

**Explicit consent:** every freely given and specific expression of will of the data subject, based on adequate information, with which the data subject accepts that personal data relating to him/her is being processed. As employees are dependent on employers, high demands are placed on the consent requirement.

**Authority:** the Dutch Data Protection Authority (Autoriteit Persoonsgegevens), the organisation tasked with monitoring the processing of personal data in accordance with the application legislation.

**Employee:** the individual employed by the controller who is responsible for the processing of personal data. A distinction is made between Employee A, who when performing his/her work does not process any medical data and Employee B, who potentially has to process medical data when performing his/her work provided this is necessary.

### 3. Area of application

- 3.1 This regulation applies to all processing of personal data, which may or may not be automated, as well as non-automated processing of personal data which are stored in a file or that are intended to be stored in that file. For Meijers Vitaal, this includes:
- Customer information
  - Client information
  - Employee information
- 3.2 Meijers Vitaal shall ensure that it complies with all applicable privacy legislation and regulations, including the General Data Protection Regulation (AVG), the Dutch Individual Health Care Professions Act (*Wet op de beroepen in de individuele gezondheidszorg - BIG*), the Medical Treatment Agreement Act (*Wet op de geneeskundige behandelingsovereenkomst - WBGO*) insofar as this applies and all other applicable codes of conduct and guidelines.

### 4. Purpose of the data processing

Meijers Vitaal processes personal data on behalf of:

- occupational working conditions healthcare in companies and establishments that have entered into an agreement to this end with the controller direct or indirectly;
- support in the event of sickness absence of employees of companies and establishments that have entered into an agreement to this end with the controller directly or indirectly;
- the reintegration of (former) employees or beneficiaries in relation to illness or incapacity to work;
- implementation of the work stipulated contractually
- The implementation of statutory tasks that apply to Meijers Vitaal (such as Tax legislation, the Working Conditions Act (*Arbeidsomstandighedenwet*), the Eligibility for Permanent Invalidity Benefit (Restrictions) Act (*Wet verbetering poortwachter*), etc.).

### 5. Conditions for lawful processing

- 5.1 Personal data are only processed for the purposes outlined in article 4 and are not otherwise processed in a way that is incompatible with the purposes for which they are obtained.
- 5.2 The personal data are only processed by individuals who, due to their profession, office or statutory provision, or who in accordance with an employment contract or agreement, have a duty of confidentiality.
- 5.3 Personal data are only processed to the extent that they are relevant and not excessive in relation to the purposes for which they were collected as defined in article 3.
- 5.4 Personal data are only processed if one of the grounds for processing in article 6 General Data Protection Regulation (AVG) is applicable, i.e.:
- a the data subject has given his/her unambiguous consent for the processing;
  - b the data processing is necessary for the performance of an agreement;
  - c the data processing is necessary in order to fulfil a legal requirement to which the controller is subject;
  - d the data processing is necessary to safeguard the vital interests of the data subject;
  - e the data processing is necessary for the correct fulfilment of a public service remit by the relevant administrative body, or the administrative body to which the data are disclosed, or
  - f the data processing is necessary for the purposes of the legitimate interests pursued by the controller or of a third party to whom the data are disclosed, unless the interests or fundamental rights and freedoms of the data subject, in particular the right to the protection of privacy, prevails.
- 5.5 The controller maintains confidentiality in respect of the personal data of which it becomes aware, except for cases where it is legally obliged to report this information or if this reporting stems from the controller's remit.
- 5.6 Recording and transmission of (medical) personal data takes place based on the Royal Dutch Medical Association (KNMG) Code 'Data traffic and cooperation in the event of sickness absence and reintegration' 2007 (Gegevensverkeer en samenwerking bij arbeidsverzuim en re-integratie 2007).

### 6. Data recorded

- 6.1 Data may be processed insofar as this is required for the performance of an individual's tasks. This concerns, in any case, the following data:
- The work which the (former) employee is still or is no longer able to perform;
  - The anticipated duration of the sickness absence;
  - The degree to which the (former) employee is occupationally incapacitated;

- Any adaptations or work-related provisions that the employer must take within the scope of the reintegration of the data subject.

6.2 The company doctor is also considered to be a controller. Insofar as an employee is delegated tasks by the company doctor, the employee may process personal data that are required in order to perform these tasks. This employee is identified as Employee B (employee B performs work based on task delegation). The company doctor guarantees, based on the law (including the Dutch Individual Health Care Professions Act (*Wet op de beroepen in de individuele gezondheidszorg - BIG*) and the Medical Treatment Agreement Act (*Wet op de geneeskundige behandelings-overeenkomst - WBG/O*), insofar as applicable) and applicable codes of conduct, a far-reaching duty of confidentiality, with strict privacy. Employee B has, insofar as he/she performs work delegated by the company doctor, an inferred strict duty of confidentiality, which is also laid down in a confidentiality agreement. The company doctor retains ultimate responsibility for delegated work.

### 6.3 Category: general information

- Name, address and postcode
- If applicable, temporary residence
- Gender
- Telephone number
- Date of birth
- Email address
- Employee number, Citizen Service Number
- IBAN of former employee, for Sickness Benefit, if any
- Date of death, if applicable

### Category: work-related information

- Income from employment before and after inflow into the Work and Income (Capacity for Work) Act (*WIA*)
- Position/department
- Type of employment (permanent employment contract, temporary employment contract)
- Hours per week (scope of employment contract)
- Date into employment and date of departure, if applicable
- Occupational accident or the possibility of recourse against third parties
- Occupational accident yes/no
- Administrative details relating to occupational incapacity, such as: date of commencement of sickness absence, expected recovery date without and with intervention, ongoing sickness absence and the level of occupational incapacity
- Information about a situation where individuals are occupationally incapacitated and entitled to a state benefit ('safety-netters') or no-risk policy within the scope of the Sickness Benefits Act (*Ziektewet*)
- Possible period under the Dutch Work and Care Act (*WAZO*)
- Information about salary period and salary information/slips (in the event of Sickness Benefits Act Services (*Ziektewetdienstverlening*))
- Special status, such as: Incapacity for Work Insurance Act (*WAO*) (and class), Work and Income (Capacity for Work) Act (*WIA*) (and class), Young Disabled Persons Act (*Wajong*), the Sheltered Employment Act (*WSW*), Structurally Functionally Limited (*Sfb*), Disabled Persons Status (*Agh*), target group statement
- State Pension Age (*AOW*)

### Category: findings of Meijers Vitaal B.V. /Company doctor/Occupational health doctor

The vision of the Company doctor/Occupational health doctor/Meijers Vitaal B.V. in respect of reintegration of the Data Subject, such as:

- limitations in respect of the work to be performed and workload capacity in relation to the work
- potential options for recommencement of work
- the Data Subject's wish (such as type of work, level, working pattern, education)
- interventions required to remove or reduce the limitations, or in respect of finding work or adapting work
- planning process of the reintegration
- Problem analysis and adjustments
- Action plan Employer and Data Subject with evaluations, adjustments and information relating to implementation
- Advice from an employment expert
- Results of occasional and regular health-related examinations within the scope of a Preventative Medical Investigation

### Category: information Employer

- Reintegration report by Employer
- Correspondence with the employer, employee and the company doctor/occupational health doctor and service providers with regard to interventions

## Category: general

- Expert opinion Social Security Agency (*UWV*)
- Information resulting from (emergency) home visit
- Notes from telephone conversations with the data subjects during the reintegration
- Other information regarding reintegration (results from conversations with parties involved in the intervention, assessors, social welfare implementing agencies and insurance companies)
- Decisions made by the Social Security Agency (*UWV*) (including Work and Income (Capacity for Work) Act (*WIA*)-related decision, amending decision, decisions in relation to the Sickness Benefits Act (*Ziektewet*)
- Information about benefits from the Social Security Agency (*UWV*) or from insurers of sickness absence and Work and Income (Capacity for Work) Act (*WIA*)
- Non-medical correspondence within the scope of an Objection, appeal and further appeal and reassessment procedure

6.4 If the company doctor/occupational health doctor are succeeded by another company doctor/occupational health doctor, he/she can process personal data if the data subject does not object to this.

## 7. Digital access to personal data

- 7.1 Consulting data is considered to be processing within the meaning of the General Data Protection Regulation (*Algemeen Verordening Gegevensbescherming - AVG*).
- 7.2 Meijers Vitaal uses '*VerzuimSignaal*', a sickness absence system. Employees only have access to those parts of the sickness absence system which they need in order to perform their work correctly.
- 7.3 The administrator and those individuals who work further to an instruction given by the controller or user, only have access to personal data insofar as this is necessary for the use and the processing of the data and they have signed a confidential statement to this end.

## 8. Disclosure of personal data

- 8.1 Taking into account the processing of personal data stipulated in or by virtue of the General Data Protection Regulation (*Algemene Verordening Gegevensbescherming*) and the rules for the processing of personal data of ill employees of the Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) ("The ill employee. Policy rules relating to the processing of personal data concerning the health of ill employees", February 2016), without the prior consent of the data subject, personal data shall be issued to:
- employees A of the controller who are directly involved in the current services to and supervision of the data subject, insofar as this is required for performing their tasks and does not go beyond the provisions in article 6.1;
  - employees B within the scope of the delegated assignment, or a referred assignment by the company doctor, insofar as this is required for the performance of their tasks;
  - processors of personal data within the scope of an assignment issued by the controller, provided these processors offer sufficient guarantees that the protection of personal data will take place accordingly;
  - institutes for scientific or statistical purposes, if and insofar as these personal data are anonymised (in other words, can no longer be traced back to the data subjects);
  - the employer of the data subject in the event of sickness absence support, insofar as this concerns the data mentioned in article 6.1 of this regulation;
  - social welfare implementing agencies within the scope of the reintegration plan in accordance with the guidelines issued by the Social Security Agency (*UWV*);
  - insurance companies within the scope of the insurance of the continued payment of wages in the event of illness in accordance with the Covenant on data exchange in occupational health and safety services – insurers (*Convenant gegevensuitwisseling arbodiensten – verzekeraars*).
- 8.2 Other data and data to parties other than those referred to in article 8.1 will only be sent following the explicit consent of the data subject.

## 9. Disclosure of information to the data subject

- 9.1 If personal data are obtained from the data subject, before acquisition, the controller informs the data subject of:
- his identity;
  - the purposes of the processing for which the data are intended, unless the data subject is already aware of that.
- 9.2 The controller provides further information insofar as that, considering the nature of the data, the circumstances under which the data are obtained or the use made of the data, is necessary in order to guarantee appropriate and careful processing in respect of the data subject.

## 10. Right of access and the right to a copy of recorded personal data

- 10.1 The data subject has the right to access the processed data relating to him/her.
- 10.2 The request for access shall be fulfilled and/or the requested copy shall be provided, as soon as possible but in any case within 4 weeks.
- 10.3 Copies of personal data shall be given to the data subject at the legally fixed fee (Fees for the Rights of Data Subjects (Personal Data Protection Act) Decree) (*Besluit kostenvergoeding rechten betrokkenen WBP*), Government Gazette 2001 305).
- 10.4 The right of access and the right to a copy can be refused if this is necessary in the interest of the protection of privacy of another individual.

## 11. The right to protection, addition and correction of recorded personal data

- 11.1 On request, the recorded data will be expanded to include a statement issued by or on behalf of the data subject relating to the recorded data.
- 11.2 The data subject can ask for rectification or blocking of data relating to him/her if this is factually incorrect, is incomplete for the purpose of the processing or are irrelevant, or are in breach of a legal requirement in relation to the processing. By means of a supplement, the data subject can record his/her opinion in the file.
- 11.3 The controller shall notify the person making the request within four weeks of receipt of the written request for correction or addition, in writing, or the extent to which the controller complies with this. Reasons are provided for a refusal.
- 11.4 The controller shall ensure that a decision regarding correction is reached as quickly as possible.

## 12. Right to the destruction of recorded personal data

- 12.1 The data subject can request in writing that data relating to him/her is destroyed. If retaining the data is of significant importance to a party other than the data subject or if there is a legal obligation to retain the data, the data will not be destroyed.
- 12.2 The controller shall inform the applicant within four weeks of receipt of the written request for removal or destruction, in writing whether or to what extent the controller can fulfil this request. Reasons are provided with a refusal.
- 12.3 The controller shall remove or destroy the data within three months following a request from the data subject to that end, unless it can be reasonably assumed that retaining the data is of significant importance to a party other than the data subject, as well as insofar as retaining the data is required based on a legal requirement.

## 13. Right of objection to the processing of personal data

- 13.1 If data are the subject of processing under article 5.4, the data subject can raise an objection to that with the controller in relation to the data subject's unique personal circumstances, in the event there is a justified interest.
- 13.2 Within four weeks of receipt of the objection, the controller shall assess whether the objection is justified. In the event the objection is justified, the processing shall immediately be ceased.
- 13.3 For dealing with an objection, the controller can request a fee (Fees for the Rights of Data Subjects (Personal Data Protection Act) Degree) (*Besluit kostenvergoeding rechten betrokkenen WBP*), Government Gazette 2001 305. The fee is refunded in the event that the objection is judged to be well-founded.

## 14. Right to data portability

- 14.1 The data subject has the right to receive his/her personal data that he/she has disclosed to the controller in a structured, conventional and legible form.
- 14.2 The data subject has the right to transfer that data to another controller, without being prevented in doing so by the controller to whom the personal data were disclosed.
- 14.3 The controller shall ensure that the data is in a standard and commonplace format enabling the data subject to receive the data. On request, the format – at the request of the data subject– can also be sent to a third party.

## 15. Retention periods

- 15.1 The controller shall never retain personal data for longer than necessary for the purpose for which the data are collected, taking into account the maximum statutory retention period.
- 15.2 If the retention period has expired, within a year the personal data shall be deleted from the file and destroyed.

## 16. Security of data

- 16.1 The controller will take all necessary measures to guarantee that the personal data are correct and accurate, taking into account the purposes for which the data are collected and processed.
- 16.2 The controller shall take appropriate technical and organisational measures to protect the personal data from loss or any other form of unlawful processing. Taking into account the state of the art and the costs of the enforcement, these measures guarantee an appropriate protection level, considering the risks that the processing and the nature of the data to be protected entail.
- 16.3 The controller complies with the duty to report data breaches, as defined in the policy rules of the reporting requirement. An internal procedure is in place for dealing with incidents. The Controller shall take measures to inform the Personal Data Authority (*Autoriteit Persoonsgegevens*) and the data subjects if this is required within the scope of the reporting requirement.

## 17. Transfer of personal data

- 17.1 If the files are transferred to another controller, the rules laid down in this regulation continue to apply.
- 17.1 Transfer of personal data to another controller shall only take place if that is in accordance with the law and other specific requirements laid down by the Personal Data Authority (*Autoriteit Persoonsgegevens*).

## 18. Entry into force and duration

- 18.1 Subject to statutory provisions, this regulation is in force provided that article 4 applies, taking into account article 16.3.
- 18.1 This regulation enters into force on 25 May 2018.
- 18.1 Amendments to this regulation can be made by the controller, quoting the date. Any amendments to this regulation enter into force one month of these being announced.

## 19. Cookies

The controller uses cookies on its website. When you visit its website, with the consent of the data subject, cookies are placed on the computer, tablet or smartphone. Cookies are small, simple text files. When you next visit the website, the cookies are used to identify the data subject. Cookies will ensure, for example, that when the data subject visits the website, he/she is not given and does not have to enter the same information every time. The settings and preferences are remembered which simplifies a future visit to the website. In addition, cookies allow information and offers on the website to be tailored to the data subject's preferences. Cookies are stored for a maximum of 4 weeks.

## 20. Klachten

- 20.1 If a data subject or interested party is of the opinion that the controller is acting contrary to the provisions in this regulation, a complaint can be submitted to the controller in writing outlining the reasons for the complaint.
- 20.2 Complaints that are submitted shall be dealt with by the controller in accordance with the complaints procedure of Meijers Vitaal. The complaints procedure of Meijers Vitaal can be found on the website [www.meijersvitaal.nl](http://www.meijersvitaal.nl)
- 20.3 Pursuant to the complaints procedure mentioned in article 20.2, a decision will be reached about the complaint by the controller or a person authorised by the controller, including the reasons for that decision. This decision will be sent to the relevant interested party.
- 20.4 If the interested party does not agree with the decision reached by the controller under the aforementioned complaints procedure, in these cases the relevant interested party can contact Arbitration Committee for Occupational Health and Safety Services in accordance with the complaints procedure.
- 20.5 The data subject is entitled at any time to submit a complaint to the supervisory authority. The Dutch Data Protection Authority (*Autoriteit Persoonsgegevens*) shall supervise compliance with the statutory rules concerning personal data protection. <https://autoriteitpersoonsgegevens.nl>