

Transparency declaration of the PVS for processing of patients' data in joint responsibility with the physician treating | surgery | hospital

(Art. 12 et seq., 26, GDPR, in conjunction with §§ 32 et seq., new version of the Federal Data Protection Act - BDSG -)

Dear patients,

below, we are informing you about the processing of personal data in the course of settlement, which we do in joint responsibility with the physician treating | surgery | hospital on the basis of the services rendered within the framework of the treatment agreement.

Note: For reasons of better legibility, simultaneous use of male, female and inter-gender linguistic forms is waived. All personal designations apply equally to all genders.

1. Who is the controller of the data processing?

You are receiving the following information on data processing and data protection on the basis of statutory requirements from



Moltkestr. 1, 23795 Bad Segeberg

Fon 04551 / 809-0

Fax 04551 / 809-3180

www.pvs-se.de

info@pvs-se.de

Your transmitted data are processed in joint responsibility with your treating physician | surgery | hospital for purposes of production and collection of the invoice.

The address and contact data of your doctor | surgery | hospital and, if applicable, the declaration of your consent to forwarding of the data necessary for the settlement and the claim management can be seen from the declaration handed to you in the surgery | hospital, which is kept as an original as part of the patient's file with the treating physician | surgery | hospital.

The following data protection coordinator for the joint procedure of the settlement has been appointed:

PVS/ Schleswig-Holstein · Hamburg rKV

Data protection coordinator

Moltkestraße 1

23795 Bad Segeberg

Telephone: +49 (0) 4551 809-0

E-Mail: datenschutz@pvs-se.de

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2. Which data do we use?

A treatment agreement in the sense of § 630 a, German Civil Code, has been concluded for purposes of the therapeutic treatment. Such an agreement also comes about even if no written agreement has been signed, but you have merely been treated in the surgery | hospital.

The duties of the physician | surgery | hospital and professional assistants result from the treatment agreement. Vice versa, you are obliged to pay for this treatment to the extent that no third parties (in particular your health insurance scheme) directly assume the payment. On the basis of this agreement, personal (partly also sensitive) data, in particular name, date of birth, address, health data, diagnosis, examination and treatment and other biometric data, are collected and processed.

These data can be forwarded to the PVS to the extent that this is necessary to produce the settlement and to make claims against you or third parties. To the extent that the settlement is also concerned with the collection of the claim by the PVS, data necessary for assignment of the claim for the purpose of collection are also transmitted and processed.

Insofar as the processing of personal data is done using a legal basis other than the treatment agreement, explicit reference is made to this. All the employees of the joint controllers and other parties named in this declaration are additionally subject to a medical non-disclosure duty according to § 203, German Penal Code.

3. What do we process your data for (purpose of the processing) and on which legal basis?

All personal data are processed in harmony with the European General Data Protection Regulation (GDPR) and the Federal Data Protection Act (BDSG):

3.1 To perform the treatment agreement (§ 630 a, German Civil Code, in conjunction with Art. 9, subsection 2, lit. h, subsection 3, GDPR)

The data are processed by the surgery | hospital for purposes of therapeutic treatment within the framework of the implementation of the treatment agreement. This also entails the collection of all the data relevant for the settlement.

However, data processing primarily serves purposes of documentation of a diagnosis and its treatment. Likewise, the sequence of the therapy, the anamnesis, other previous findings (if existent), medication plans and illustrations can be processed.

For the aforementioned purposes, your physician | surgery | hospital remains the controller and contact party for you, also with a view to data processing.

Over and above this, it is however necessary to forward data to the PVS for processing for administration and settlement concerning your doctor's | hospital's services on the basis of Art. 9, subsection 2, lit. h in conjunction with Art. 9, subsection 3, GDPR in conjunction with § 22, subsection 1, no. 1 b, Federal Data Protection Act, and also, if applicable, collection of these claims. If the preconditions have been fulfilled, data are forwarded to the PVS for the purpose of advance financing of medical fee invoices and collection of the claim.

PVS produces a fee invoice from private medical treatment on the basis of the fee ordinances valid at the time in question on the basis of the patient's and treatment data completely transmitted by the surgery | hospital for the services for which charges can be made. In this context, in particular the patient's name, date of birth, address, diagnosis, examination and treatment data must be forwarded to us for the purpose of production of an invoice.

The PVS is the controller and contact party for you, also with a view to data processing, for the data processing described above for the purpose of settlement and administration of the services rendered and also claim management, advance financing and claim collection.

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3.2 Within the framework of the legitimate interests (Art. 6, subsection 1, lit. f, GDPR)

To the extent necessary, the PVS also processes data under its own responsibility in order to safeguard legitimate interests exceeding performance of the settlement.

An example of this is data occurring when our internet site is accessed, in order to evaluate the system stability and system security and to attend to further administrative purposes.

3.3 On the basis of your consent (Art. 6, subsection 1, lit. a/Art. 9, subsection 2, lit. a, GDPR)

To the extent that you grant us voluntary consent for the processing of your data for specific purposes, such a processing is lawful. A consent can be withdrawn at any time within the statutory scope with an effect for the future and without substantiation. The lawfulness of the processing already done is not affected up to the time of the withdrawal.

3.4 On the basis of statutory requirements (Art. 6, subsection 1, lit. c in conjunction with Art. 9, subsection 2, lit. h, GDPR)

In addition, we as the controller, just like the surgery | hospital, are subject to statutory requirements from which a duty to processing and forwarding of your personal data may result.

4. How long are my data stored

Both the PVS and also the surgery | hospital are subject to statutory archiving periods with a view to your health data. For general treatments, invoices etc., they are 10 years. In addition, a legitimate interest of the surgery | hospital to store these data even longer, up to 30 years after the end of a treatment, may exist in order to avert possible claims to damages.

5. Who has access to the personal data?

The physician | surgery | hospital bears the responsibility for the safety of your data in the surgery | hospital. With a view to the data of the settlement of the medical services done by the PVS, only the employees who need the data to fulfil the purpose have access to them at the PVS. IT consultants or IT security coordinators may have contact to your data in the course of technical maintenance work. For this reason, we have also obligated them contractually to medical non-disclosure pursuant to § 203, German Penal Code, likewise all other service providers.

5.1 Settlements

Data are forwarded to the PVS for settlement purposes via an encrypted interface between physician | surgery | hospital and the PVS or by handover of the documents.

With a view to private medical settlement, the physician | surgery | hospital and the PVS work according to § 26, GDPR, as the joint controllers of the data processing, although they are not mutually bound by instructions. Like the controllers themselves, the employees of the joint controllers are all subject to medical non-disclosure pursuant to § 203, German Penal Code.

You can claim your rights as a data subject with a view to the settlements pursuant to Art. 26, subsection 3, GDPR, both against the physician | surgery | hospital and also against the PVS.

6. Are my data transmitted to a third country?

No patient's data are transmitted to a third country outside the EU.

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7. Does automatic decision-making or profiling take place?

A so-called "profiling" or an automatic decision-making does not take place.

8. Data subjects' rights

You have the right to receive information about the personal data concerning you. You can also demand rectification of incorrect data. In addition, you have the right to erasure of data, the right to restriction of the data processing and also the right to data portability under certain prerequisites.

Please send your questions about data protection - to the extent that they are concerned with processing of data in joint responsibility - directly to the data protection coordinator of the PVS (datenschutz@pvs-se.de).

9. Right to object

Within the statutory framework (Art. 21, GDPR), you also have a right to objection against processing of data on the basis of Art. 6, subsection 1, lit. e or lit. f, GDPR.

10. Providing the information according to Art. 13, GDPR

The physician | surgery | hospital provides the information on data subjects' rights according to Art. 13, GDPR, by handing a form to you as the patient.

11. Complaints

You further have the right to complain to the competent supervisory authority for data protection if you are of the opinion that processing of your personal data is not lawful. The contact data of the competent supervisory authority are:

Independent State Centre for Data Protection, Schleswig-Holstein
P.O. Box 71 16, 24171 Kiel
Telephone: 0431 988-1200
Fax: 0431 988-1223
www.datenschutzzentrum.de
mail@datenschutzzentrum.de

Bad Segeberg, 25.05.2018