

Privacy policy

Procornea Netherlands B.V. (hereinafter referred to as 'Procornea') attaches great importance to carefully dealing with Personal Data. The General Data Protection Regulation (hereinafter: 'GDPR') sets out principles and safeguards to protect the privacy of individuals with regard to the processing of personal data. Procornea guarantees that it complies with the applicable privacy laws and regulations, including the GDPR, the Personal Data Protection Act (PDPA) and the Medical Treatment Contracts Act (if applicable). This Privacy Policy further elaborates on these statutory standards and explains the working method that Procornea uses as Processing Controller with regard to the Processing of Personal Data.

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Article 1: Definitions

Personal Data	Any item of information relating to an identified or identifiable natural person ('Data Subject');
Processing	Any operation or any set of operations concerning Personal Data, including in any case collection, recording, organisation, storage, updating or modification, retrieval, consultation, use, dissemination by means of transmission, distribution or making available in any other form, merging, linking, as well as blocking, erasure or destruction of data;
Health Data	Personal data that directly or indirectly relate to the physical or mental condition of the Data subject;
Processor	The person who processes Personal Data for the benefit of the Processing Controller, without being subject to his direct authority;
Processing Controller	The natural person, legal entity or any other entity which, alone or in conjunction with others, determines the purpose of and the means for processing Personal Data.
File	Every structured set of Personal Data, irrespective of whether this set of data is centralized or distributed in a functionally or geographically determined manner, that is accessible according to certain criteria and relates to different persons;
Third Party	Any party other than the Data Subject, the Processing Controller, the Processor, or any person under the direct authority of the Processing Controller or the Processor, who is authorised to process Personal Data;
Recipient	The person to whom Personal Data are provided;
Consent	From the Data Subject: any freely-given, specific and informed expression of will whereby data subjects agree to the processing of Personal Data relating to them.

Article 2: Scope

This Privacy Policy regulations apply to all instances of Personal Data Processing of Data Subjects by Procornea as Processing Controller, whether or not automated. This Privacy Policy is an elaboration of the European privacy legislation and is an elaboration of article 13 of the GDPR, and can also serve as a practical guide for the Data Subjects and the Processing Controller.

Article 3: Purpose and processing of Personal Data

- 3.1 The Processing Controller and any Processor and/or Third Parties engaged by the Processing Controller will only process Personal Data if necessary to carry out Procornea's assignments or to provide follow-up care.
- 3.2 The Processing Controller and any Processor and/or Third Party engaged by the Processing Controller will only process Personal Data if:
 - The Data Subject has given explicit and unambiguous Consent for the processing, or;
 - The data processing is necessary for the execution of an agreement in which the Data Subject is a party, or for pre-contractual measures following a request from the Data Subject and which are necessary for the conclusion of an agreement, or;
 - The data processing is necessary to fulfil a legal obligation to which the Processing Controller is subject, or;
 - The data processing is necessary to safeguard a vital interest of the Data Subject, or;
 - The data processing is necessary to represent the legitimate interest of the Processing Controller or of a Third Party to whom the data are provided, unless the interests or fundamental rights and freedoms of the Data Subject oppose this.
- 3.3 Personal data will only be processed to the extent that they are adequate, relevant and not excessive in view of the objectives stated in this article.

Article 4: Access, transmission and processing of Personal Data

- 4.1 Access to Personal Data
 - 4.1.1 Only the following people have access to the Personal Data within the organisation of Processing Controller:
 - Persons working for the Processing Controller insofar as this is necessary for the proper performance of their duties. The persons concerned have all signed a confidentiality agreement.
 - 4.1.2 Outside the organisation of the Processing Controller (and Processors engaged by it), the Personal Data can only be accessed by the Recipients/Third Parties engaged by the Processing Controller or otherwise appointed within the framework of the execution of the agreement with the Processing Controller. The persons concerned have all signed a confidentiality agreement.
- 4.2 Transmitting Personal Data
 - 4.2.1 The Processing Controller only processes Personal Data in accordance with the purposes set out in Article 3.
 - 4.2.2 The Processing Controller will not provide personal data to Third Parties, subject to the principles laid down in Article 3, unless the Data Subject has expressly and unambiguously given his consent for this or if the data may be provided based on a legal basis, or otherwise based on an obligation on the Processing Controller to provide this data under the law.
 - 4.2.3 The Processing Controller will under no circumstances further process/transmit the Personal Data than specified above. If the Personal Data are processed/transmitted for other purposes, then the Data Controller will notify the Data Subject as soon as possible.
- 4.3 Processing of (Personal) data
 - 4.3.1 Personal Data will only be processed by the Processing Controller and/or Processors/Third Parties engaged by the Processing Controller, if necessary for the purposes set out in Article 3. Personal Data that can be processed for this purpose concern at least the following data:
 - a. surname, first names, initials, titles, gender, date of birth, address, postal code, city, telephone number and similar data required for communication;
 - b. data as referred to under a., of the parents, guardians or caregivers of minor Data Subjects;
 - c. medical data such as, for example, the eyesight of the Data Subject, but only with explicit and unambiguous Consent of the Data Subject;

Article 5: Rights of the Data Subject

- 5.1 The Data Controller is responsible for ensuring that the Data Subject can exercise all his/her legal rights.
- 5.2 At the first written request of the Data Subject, the Processing Controller will, as quickly as possible, but no later than within four (4) weeks after a request has been made:
 - a. provide in writing all necessary information requested by the Data Subject;
 - b. rectify, supplement, delete or block the Personal Data.
- 5.3 The Processing Controller is entitled to charge the Data Subject reasonable costs for the activities as referred to in Article 5.2.
- 5.4 The Data Subject is entitled to access and receive a copy of his Personal Data, the processing purposes, the relevant categories of Personal Data, to which Third Party the Personal Data may be provided and possibly: to which countries, the period in which the Personal Data will be stored.
- 5.5 The Data Subject is entitled to file a complaint with the Dutch Data Protection Authority;
- 5.6 The Data Subject has the right - if the processing basis is based on explicit and unambiguous consent of the Data Subject - to withdraw his consent at any time without this affecting the legitimacy of the processing on the basis of the explicit and unambiguous consent before the withdrawal;
- 5.7 The Data Subject has the right to rectify his Personal Data if they are incorrect;
- 5.8 The Data Subject has the right to be forgotten. The Processing Controller must, at the request of the Data Subject, erase the Personal Data if:
 - The Personal Data are no longer required for the purposes for which they were collected and/or processed;
 - The Personal Data have been processed unlawfully;
 - The Personal Data must be deleted in order to comply with the legal obligation that applies to the Processing Controller;
- 5.9 The Data Subject has the right to restrict the processing of personal data if:
 - The accuracy of the data is disputed by the Data Subject and, after checking the Personal Data, appears to be evidently incorrect;
 - The processing is unlawful and the Data Subject opposes deletion of the Personal Data and requests that the use be restricted;
 - The Processing Controller no longer requires the Personal Data for the processing purposes, but the Data Subject requires this for the establishment, exercise or substantiation of a legal claim;
- 5.10 The Data Subject has the right to object to the processing of the Personal Data concerning him.
- 5.11 The Data Subject has the right to obtain the Personal Data relating to him, which he has provided to the Processing Controller, in a structured, current and digital form.
- 5.12 The Processing Controller ensures that the amendment of the Personal Data of the Data Subject which have also been provided to Third Parties, is informed of this amendment in a timely manner, unless this obligation to provide information is impossible or requires a disproportionate effort.

Article 6: Obligations of the Processing Controller

- 6.1 Retention periods for Personal Data The Processing Controller will not store Personal Data made available to it in the context of the execution of the assignment for longer than necessary for the execution of this assignment/activities as well as for the follow-up care to be provided by Procornea. Personal Data may be kept longer if they are anonymised or if they are only kept for historical, statistical or scientific purposes. For the retention period, Procornea adheres to the statutory retention period that applies to patient data of 15 years, or as much longer as is necessary for a good care provider, because Procornea, as a specialist, is regularly involved in aftercare or with specific care related questions. For minors, the retention period of 15 years starts from the eighteenth year of life. If the law indicates a different retention period, on the basis of which the Personal Data must be kept for less than or longer than stated above, the relevant statutory period will be maintained. If the Data Subject makes use of the right to destruction, then Procornea will destroy the Personal Data.
- 6.2 Protection of Personal Data
 - 6.2.1 The Processing Controller takes appropriate technical and organisational measures to adequately secure the Personal Data and to keep it safe against loss or any form of unlawful use or processing, taking into account the state of the art, the costs of implementing these measures and the nature of the Personal Data to be protected.
 - 6.2.2 The Processing Controller will in any case take the following measures with regard to the Personal Data:
 - a) encryption of digital files;
 - b) If there are physical files, the Controller will keep these files in lockable cabinets that are only accessible to the designated persons.
- 6.3 Obligation to report incidents concerning security
 - 6.3.1 If a security incident is to be classified as a data leak as referred to in Article 33 of the GDPR, the Processing Controller is obliged to report this to the Dutch Data Protection Authority and, if necessary (Article 34 of the GDPR), to the Data Subject(s).
- 6.4 The Processing Controller imposes the same obligations on the Third Party(ies) and/or Processor(s) it engages as the obligations imposed on Processing Controller under the GDPR. If necessary, the Processing Controller will impose these obligations on those Third Parties and/or Processors by means of a Processing Agreement.

Article 7: Final provisions

- 7.1 If and in so far as this Privacy Policy does not provide, then the applicable Dutch (and/or European) Privacy Legislation is decisive/guiding.
- 7.2 This Privacy Policy is published on (date) and available digitally on the website of the Processing Controller (www.procornea.nl).
- 7.3 Changes in the present regulations are applied by the Processing Controller, stating the change date. Changed rules will take effect one month after the announcement.

Eerbeek, 24 May 2018