



Privacy regulations

1. Scope and Policy

Yes We Can Youth Clinics (YWCC) is committed to optimal data security and guarantees the right to privacy. To this end, Yes We Can takes all necessary measures to keep the risks of its violation manageable. The board is ultimately responsible, yet Quality, Policy and ICT staff members take the lead on this matter. Where necessary, we call in external expertise, for example when it comes to assessing risks. The risk inventory is updated annually and measures/policies are adjusted if necessary. This is part of the annual management assessment, which is carried out with a view to the ISO 9001 certification. The policy has been set out in the privacy regulations and the processing register. Both are public and available on request. Internal supervision is carried out by the Data Protection Officer.

These regulations apply within Yes We Can Youth Clinics and pertain to the processing of data of those who are or have been coached or treated at Yes We Can, or have registered with or contacted YWCC. These regulations apply to both data stored in hardcopy and electronically processed data.

2. Definitions

2.1 Definitions of terms

Personal data: Any data that can be traced back to a person.

Health data: Data about the physical or mental health of a person.

Special data: Data on religion or belief, race, political affiliation, health, sexual orientation. Criminal justice data and related data also fall under this category.

Processing of personal data: Any operation or set of operations performed on personal data or on sets of personal data, including in any case the collection, recording, organisation, storage, updating, modification, retrieval, consultation, use, disclosure by means of transmission, dissemination or otherwise making available, alignment or combination, as well as the encryption, blocking, erasure or destruction of data.

File: Any structured set of personal data.

Employee: The person involved in the relevant file. In all cases, this concerns a practitioner, treatment coordinator, main practitioner and an employee of the care administration and/or secretariat.

Processor: The person who processes personal data independently and on his own responsibility for Yes We Can Youth Clinics (for example, an external quality auditor or a research agency).

Data subject: The person to whom a personal data relates, usually the young person or his (legal) representative.

Third party: Any person or body that is not a data subject, processor, or a person who processes personal data on behalf of Yes We Can Youth Clinics or the processor, such as a care provider or P&O employee.

Consent of the data subject: The express and well-informed consent to the processing of his personal data, freely given by the data subject



Dutch Data Protection Authority (AP): The Dutch supervisory authority, the independent body that ensures that personal data is processed carefully and securely and may, if necessary, impose sanctions if this does not happen.

Data breach: breach of the security of personal data (as referred to in Article 4(12) of the GDPR). In the event of a data breach, the personal data are exposed to loss or unlawful processing – i.e. to what the security measures must protect against. A data breach involves access to or destruction, modification or disclosure of personal data of an organisation without this being the intention of this organisation. A data breach therefore includes not only the disclosure (leakage) of data, but also unlawful processing of data.

Cookie: a small file that is sent along with pages from a website and is stored by your browser on your hard drive of your computer.

2.2 Proper and secure processing of patient data

2.2.1 For what purposes may data be processed?

Within Yes We Can Youth Clinics, personal data are only processed:

1. for a clear purpose and no more than necessary: personal data are only processed for specific, explicitly defined and legitimate purposes and must be sufficient, relevant and not excessive.
2. with the consent of the data subject;
3. where necessary for the performance of an agreement to which the data subject is a party, for example the treatment agreement;
4. where necessary for complying with a legal obligation, for example the obligation to file in the Medical Treatment Contracts Act (Dutch Wgbo) or the provision of data in the event of the transfer of a forcibly admitted patient from the moment of transfer: the person responsible for the treatment;
5. where necessary for combating serious danger to the health of the data subject, for example transfer of information to third parties in the event of a crisis or camera surveillance in the observation room;
6. where necessary for the proper performance of a public-law duty by an administrative body, for example the information that the municipality needs in connection with a re-indication of support under the Social Support Act (Dutch Wmo) 2015; or
7. where necessary for the interests of Yes We Can Youth Clinics or of a third party, provided that the interest of the person whose data is processed does not prevail;

2.2.2 What security measures are taken?

Yes We Can Youth Clinics secures personal data against loss or any form of unlawful or unnecessary processing. When taking security measures, a balance is struck between, on the one hand, the state of the art and the costs of implementation and, on the other hand, the risks associated with the processing and the nature of the data to be protected. For the provision of data via email, the secure email connection is used wherever possible.

2.2.3 Who is allowed to process health data?

Care providers and employees of Yes We Can Youth Clinics may only process health data that are necessary for the proper treatment or care of the data subject or the management of Yes We Can Youth Clinics. Every employee within Yes We Can Youth Clinics has agreed to maintain confidentiality by signing the terms and conditions of employment. If interns or other external parties are (temporarily) employed there, they must also sign to confirm that they agree to the duty of confidentiality.



2.2.4 Data processing by (external) Processor

Yes We Can Youth Clinics may outsource the processing activities (externally) to a processor. The processor to which part of data processing has been outsourced is also independently liable for any damage or part of the damage resulting from his work. How that liability is divided will be assessed by the non-life insurer or the court. Yes We Can Youth Clinics has laid down sound agreements in a processing agreement.

2.2.5 Liability of Yes We Can Youth Clinics and/or processor / processing agreement

Yes We Can Youth Clinics is in principle responsible and liable for damage resulting from the attributable failure or insufficient compliance with the GDPR, including the security requirements in Article 13.

2.2.6 When may special data be processed?

Special data may only be processed as a supplement to health data if this is necessary for the proper treatment or care of the data subject.

2.2.7 When can data be provided to another person for scientific research and public health statistics?

If the data have been anonymised, as a result of which these data cannot be traced back to the data subject and only with the consent of the data subject, unless: a. requesting permission is not reasonably possible but when carrying out the research, safeguards apply that are such that the privacy of the patient is not disproportionately harmed, or b. in view of the nature and purpose of the research, requesting permission cannot reasonably be required, and the care provider ensures that data are provided in such form that tracing them back to individual natural persons is reasonably prevented.

Furthermore, the research must serve a public interest and it must have been demonstrated that the research cannot be carried out without the data.

2.2.8 Agreements with the researcher

Yes We Can Youth Clinics and the researcher make written agreements about the measures that the researcher takes to protect the privacy of the person concerned.

2.2.9 Duty of confidentiality

Personal data are only processed by persons with a duty of confidentiality on the basis of the law or agreement. When providing data to third parties, the regulations of GGZ Nederland are followed: "Wegwijzer Beroepsgeheim in samenwerkingverbanden" and "Handreiking Beroepsgeheim" (in Dutch)

2.2.10 How are personal data stored?

Yes We Can Youth Clinics stores data in a secure manner, which is in accordance with the applicable laws and regulations.

2.2.11 How long will personal data be retained?

Personal data will not be retained longer than necessary for achieving the purposes for which the data are processed, unless a. they are anonymised or b. insofar as they are retained exclusively for historical, statistical or scientific purposes. In the Wgbo, the general rule is that data are retained for a period of twenty years after the end of the treatment. YWCC also uses this as a maximum. The retention periods are listed in its processing register. Camera images made for security purposes and images made in the watch room are intended to be viewed live and will be deleted within 1 week at the latest.

2.2.12 Obligation to report data breaches

Yes We Can Youth Clinics is obliged to report a data breach to the DPA if the data breach leads to serious adverse consequences for the protection of personal data, or if there is a significant chance of this happening. This is done via the data breach notification desk. Yes We Can Youth Clinics is obliged to inform the data subject(s) about a data breach if the data breach is likely to have adverse



consequences for their privacy. When determining whether there are serious adverse consequences for the privacy in general or the privacy of data subject(s) in particular, the Policy Rules on the obligation to report data breaches of the DPA are used.

2.3 Rights of the data subjects

2.3.1 Duty to provide information

If Yes We Can Youth Clinics requests data from the data subject himself, it shall inform the data subject, prior to obtaining his personal data, about: a. the identity of the applicant; b. the purposes for which his data are intended; and c. why it is necessary for the requested data to be processed; d. additional information if this is necessary for proper care; e. the rights of the data subject and how the data subject can invoke these rights.

If Yes We Can Youth Clinics (i.e. a YWCC employee) requests data of the data subject from another person, the employee informs the data subject, insofar as the latter does not already know this, about the employee's identity and the purposes of the processing and provides the data subject with the necessary further information: at the time of recording of the data concerning him, or b. when the data are intended to be provided to a third party, no later than at the time of the first provision. Yes We Can Youth Clinics does not have to inform the data subject if informing the data subject proves impossible or requires a disproportionate effort or if the provision is mandatory on the basis of laws and regulations. In that case, Yes We Can Youth Clinics must inform the data subject at his request about the legal requirement that obliges YWCC to record or provide the data concerning him.

2.3.2 Access and copy/copy

The data subject aged 12 years or older has the right to request access to and obtain a copy of the processed data relating to his person. This concerns information in both the digital and the paper patient file. This does not include notes from the practitioner.

The following items are not included in the file and will be pseudonymised or erased no later than 7 years after the end of the treatment:

- Work notes (such as drafts, notes of consultation) of therapists, psychiatrists and nurses;
- Registration of coaches (for the performance of supervisory duties);
- Research data that are not traceable to the person and registration such as the measurement of treatment motivation, satisfaction survey.

Registration of the parent programme and contact with parents are not part of the patient file of the fellow. This is also the case for the registration of group reports insofar as this does not relate to the fellow. The same applies to the person who, as a legal representative, has to give permission for the treatment agreement. The requested access and/or the requested copy must be provided as soon as possible, but no later than within four weeks. Yes We Can Youth Clinics may charge a fee for the provision of a copy. Access or copy may be refused if this is in the best interests of the child or if the privacy of another person is harmed. For example, in the event of a suspicion of child abuse, a parent may be refused access to the child file, and divorced parents do not have access to information about each other. It can be requested for substantive reasons that the file can only be accessed under the supervision of a therapist.



2.3.3 Supplementation, rectification or deletion, destruction and blocking of personal data

The data subject may ask in writing or by e-mail via info@yeswecanclinics.com to supplement his data or to add his own statement to his file, b. to rectify his data if they are incorrect, incomplete or irrelevant, or the processing appears to be contrary to the law, c. to protect certain data from certain persons and to have access to those data blocked to them, d. to destroy data relating to him. The right of destruction only applies to the data stored pursuant to the Wgbo in the context of the obligation to file and does not apply to financial and administrative data and registrations that are not traceable to the person and are collected for quality purposes and scientific research.

The applicant is asked to provide the document number of his Identity Document so that we can verify the identity of the applicant. The request for destruction is stored in the file for a possible material check or fraud investigation by a health insurer.

Yes We Can Youth Clinics informs the applicant within four weeks of receipt of a written request for supplementation, rectification or destruction of his data, whether and if so, in what way the request will be fulfilled, with statement of reasons. The decision to delete and/or destroy health data is recorded in the patient's file. A request for data destruction may only be refused if: a. the law opposes the destruction; b. a third party has a significant interest in the retention of those data, for example a child of a patient has a hereditary disease; c. the patient has initiated proceedings against the care provider or is likely to do so; d. the file contains information about (suspected) child abuse; such information can only be destroyed on the basis of the Domestic Violence and Child Abuse (Obligatory Reporting Code) Act at the request of the child himself and only if the child has reached the age of 16 years and can be considered decisionally competent.

2.3.4 Right to object

The data subject may object to a processing operation as necessary for the proper performance of a public-law duty by an administrative body, or in the interest of Yes We Can Youth Clinics or of a third party, unless they are legal public registers. Within four weeks of receipt of the objection, Yes We Can Youth Clinics will assess whether the objection is justified. If the objection is justified, YWCC will immediately terminate the processing.

2.4 Representation

The decisionally competent young person of twelve years or older independently exercises his rights regarding his personal data and health data. Destruction of data about (suspicions of) child abuse only takes place with the consent of a decisionally competent young person of sixteen years and older.

If the person concerned is over eighteen years of age and decisionally incompetent, the curator or mentor will act as his representative; if there is no curator or mentor; this will be the person authorised by the data subject in writing; if there is no authorised representative, the spouse or life companion of the person concerned and if this person is also lacking, a child, brother or sister of the person concerned. In extreme cases, Yes We Can Youth Clinics sees to it that a legal representative acts for the data subject as soon as possible. If necessary, if family or next of kin is unable or unwilling to do this, YWCC will ask the court to appoint a representative.



2.5 Mandatory notification of data processing operations

Processing of personal data and health data within Yes We Can Youth Clinics will be reported to the AP to the extent required.

2.6 On-line data

2.6.1 How do we use cookies?

Yes We Can Youth Clinics places "analytics cookies" from Google on your computer. We use this service to keep track of and receive reports on how visitors use the website and whether our site is working properly. Google may provide this information to third parties if Google is legally obliged to do so, or insofar as third parties process the information on behalf of Google. We have no influence on this. The information that Google collects is anonymized as much as possible. Your IP address is explicitly not provided. The information is transferred to and stored by Google on servers in the United States.

2.6.2 How do we use forms?

When submitting this form, you give permission for the use of the data in this form for the purpose of the form concerned. This may be the registration for a treatment, the contact form, the complaint form or a form for registering for an information meeting. This data will not be used for purposes other than those for which you have given permission and will not be provided to third parties. The data will not be kept longer than is necessary for the proper handling of the completed form and any follow-up actions, if required. The data can be deleted at any time if you request that we do so.

2.7 In the event of a complaint

In the event of a complaint about compliance with these regulations or any other complaint, the data subject can contact our Data Protection Officer Brigitte de Jager, Laan van Diepenvoorde 325582 LA Waalre, brigitte.dejager@yeswecanhealthcaregroup.com.

2.8 Amendments to and inspection of these regulations

These regulations apply as from 1 January 2018 and can be inspected on the website of Yes We Can Youth Clinics.

Sources:

Laws and regulations via: <http://wetten.overheid.nl/zoeken/> The website of the AP 6 Het naslagwerk Persoonsgegevens AP Beleidsregels handhaving door de AP, Hooghiemstra/Nouwt, Sdu Commentaar Wet bescherming persoonsgegevens, Sdu Uitgevers, Den Haag 2014, GGZ Nederland (editor), Vraagbaak Psychiatrie en recht, 400 veelgestelde vragen, second edition (2007) GGZ Nederland, Handreiking WGBO (2013) GGZ Nederland, Handreiking beroepsgeheim. Stappen voor zorgvuldig handelen (2012). GGZ Nederland, Over sommige patiënten moet je praten (2012) KNMG, GGZ Nederland c.s. Wegwijzer Beroepsgeheim in Samenwerkingsverbanden (2014).