

GDPR HOSPITAL

We take care of your data

PRIVACY NOTICE for the Patients of “Żelazna” Medical Center LLC

(effective from 25 May, 2018) (modification 6 May, 2019)

Who is my personal data controller?

Your Personal Data Controller, i.e., the entity that determines how your data will be used, is “Żelazna” Medical Center LLC in Warsaw (later referred to as ŻMC).

Controller’s contact details:

address: ul. Żelazna 90, 01-004 Warszawa

e-mail address: szpital@szpitalzelazna.pl

tel: 22 25 59 801

How can I contact ŻMC about the issues related to my personal data processing?

You may contact our Data Processing Officer at iod@szpitalzelazna.pl to obtain thorough information on the way your personal data will be used and protected.

What is the purpose of processing patients’ personal data? What are the legal grounds for processing patients’ data?

PURPOSE OF PROCESSING

Ensuring health care
and providing medical services

Keeping and storing medical
records

Compliance with tax and
accounting obligations

Improving Patients' safety
through the use of surveillance
cameras with recording capability
for

Ensuring high quality of services through
recording and monitoring telephone calls

Handling correspondence,
complaints and claims

LEGAL BASIS

Art. 6 (1) (c) of GDPR – compliance with a legal obligation to which the Controller is subject; Art. 24 (1) of the Act of 6 November 2008 on Patient's Rights and the Commissioner for Patient's Rights; the Act of 15 April 2011 on Therapeutic Activity,

Art. 9 (2) (h) of GDPR – processing is necessary for medical diagnosis, provision of health or social care, treatment or management of health and social care systems and services; Art. 24 (1) of the Act on Patient's Rights and paragraphs 74-77 of the Regulation of the Minister of Health on the Types, Scope and Templates of Medical Records and the Methods of their Procession.

Art. 6 (1) (c) of GDPR – processing is necessary for compliance with a legal obligation to which the Controller is subject; Art. 74 (2) of the Accounting Act.

Art. 6 (1) (f) of GDPR – processing is necessary the purpose of legitimate interests pursued by the Controller

Art. 6 (1) (f) of GDPR – legitimate interests pursued by the Controller.

against ŻMC

Art. 6 (1) (b) (f) of GDPR – legitimate interest of the Controller to arrange Patients' affairs and to defend its rights.

Communicating with the Patient by e-mail or by phone (to cancel an appointment, remind about a hospital or ambulatory visit, instruct how to prepare for a scheduled procedure, or to inform where and when to collect medical documentation)

Art. 6 (1) (b) (f) of GDPR – legitimate interest pursued by the Controller.

Vindication of claims arising from ŻMC business activity; e.g., outstanding payments for self-paid healthcare services

Art. 6 (1) (f) of GDPR – the Controller's legitimate interest to defend its rights.

Access to an online Patient Account designed to self-schedule appointments and track health information

Art. 6 (1) (a) (b) of GDPR – upon obtaining the Patient's consent; processing is necessary for the performance of the contract

Ensuring proper care and improving the quality of our services through

Art. 6 (1) (b) (f) of GDPR – the Controller's legitimate interest to improve the quality

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| getting Patients' feedback with short surveys they are requested to fill out after they have used our service | of services and to adapt them to the Patients' needs. |
| Posting the Patient's image on ŻMC website, Facebook page and other social networking sites or in other marketing materials in order to promote the Company's activity | Art. 6 (1) (a) of GDPR – upon obtaining the Patient's consent. |
| Conveying information related to ŻMC activity, especially offers, newsletters, information about available services, special offers and events organized by ŻMC (as a part of the marketing communications plan) | Art. 6 (1) (a) of GDPR – upon obtaining the Patient's voluntary consent to processing her personal data for a specific purpose; Art. 172 (1) of the Communications Law Act; Art. 10 (2) of the Act on Providing Services by Electronic Means. |
| Contact in connection with a query / report submitted via a contact form available on the Company website | Art. 6 (1) (a) of GDPR – upon obtaining the Patient's voluntary consent to processing her personal data for a specific purpose. |

What is the scope of the Patient's personal data processed by ŻMC?

First of all, we need our Patients' data for the purpose of medical record- keeping.

The following data are necessary to initiate a medical record:

- name and surname
- date of birth
- sex
- permanent address
- PIN (or the date of birth in the absence of PIN)

- surname, name /s and resident address of a statutory representative if a patient is fully incapacitated / unable to express a knowing consent to medical treatment or a minor below the age of 18

A medical record shall be initiated and kept for every person who is evaluated or treated as an in-patient or an out-patient in the ambulatory setting.

All information about the Patient's health condition, course of treatment or provided healthcare services will be entered into the medical record.

The Patient's digital image is processed owing to the use of surveillance cameras mounted in the public areas of the Hospital and the Outpatient Clinic to improve her / his safety.

The camera recordings shall not be used for any other purpose than the Patients' security.

Who are the Patient's data transferred to?

Your personal data can be disclosed to legally authorized recipients or the entities providing services to ŻMC. The sharing of your data will be covered with an agreement specifying how the data are to be used.

- software providers
- The Law Firm handling litigations to which ŻMC is a party
- external archives

Are the Patient's data processed in any other ways than these described in the Privacy Note?

One of the ways your data are processed by us is profiling (creating preference profiles). Its sole purpose is to accommodate our services to your needs. ŻMC does not use any special category data for profiling (including the one contained in the medical records kept by ŻMC) and does not process your data using fully automated decision-making systems without human involvement.

Does ŻMC make the Patient's personal data available to countries outside the European Economic Area?

No, it does not. ŻMC shall not transfer the Patient's data to countries outside the EEA or to any international organization.

How long will ŻMC retain and process the Patient's personal data?

- as a health care provider, we will retain our Patients' medical records for the time required under the current legislation, i.e., for at least 20 years from the date of the last entry (pursuant to Art. 29 of the Act of 6 November 2008 on Patient's Rights and the Commissioner for Patient's Rights)
- the data necessary to assert, exercise or defend claims will be processed for the limitation period of the claims
- the data necessary for compliance with accounting and tax obligations will be processed for 5 years after the end of the current tax year
- Data necessary to create an online Patient Account – for the time the data subject continues to use it
- Video surveillance footage – up to 31 days
- Recordings of telephone calls – for 90 days
- Marketing data collected in order to promote ŻMC activity on its website, Facebook and other social networking sites – for the time necessary to attain the pursued goal, unless you raise an objection to processing for that end or unless you withdraw your marketing consent, if you have already given one.

Are the Patients obliged to provide their personal data?

Although the Patient's decision to provide personal data is voluntary, it is essential for us to be able to deliver healthcare services. Consequently, the failure to provide personal data will result in the refusal to deliver such care and inability to issue a VAT invoice.

The failure to provide your e-mail address or phone number will not result in our refusal to deliver a healthcare service, but it will prevent us from confirming or canceling your visit via e-mail or text message.

What are the Patient's rights?

The right to access own personal data

The Patient has the right to request ŻMC to confirm whether her / his personal data are processed.

The right to rectification

The Patient has the right to request the Controller to correct and supplement her / his incorrect or incomplete data without undue delay.

The right to lodge a complaint with a supervisory authority

If the Patient considers that the processing of her / his personal data infringes the Regulation, she / he may lodge a complaint with the Personal Data Protection Office (address: ul. Stawki 2; 00-193 Warszawa).

The right to obtain a copy of the personal data undergoing processing

The right to erasure ("the right to be forgotten")

The Patient has the right to request the Controller to delete her / his personal data. In case of the data included in the medical record, the Patient cannot request their deletion since ŻMC is legally bound to store medical documentation for a period of time determined by law. The Controller's obligation to erase personal information does not apply to the data necessary for the establishment, assertion and defense of legal claims.

The right to objection

The Patient has the right to object to the processing of her / his personal data:

- due to her / his particular situation – when ŻMC is processing the data on the basis of the Controller's legitimate interest. When the Patient objects, ŻMC will no longer process the data unless it demonstrates compelling legitimate grounds for the processing which override the interests, rights and freedoms of the data subject or when the data are necessary for the establishment, assertion or defense of legal claims. ŻMC will explicitly notify the Patient whether her / his request will be met.
- if the data are processed for scientific, historical research or statistical purposes, ŻMC will cease processing on the grounds of the Patient's

particular situation unless the processing is necessary for the performance of a task carried out in the public interest. ŻMC will explicitly inform the Patient whether her / his request will be met.

The right to restriction

The Patient has the right to request ŻMC to restrict processing if:

- the accuracy of the data has been contested by the Patient – for a period of time enabling the Controller to verify the accuracy of the data
- the processing is unlawful and the Patient opposes to the data erasure, requesting restriction of their processing instead
- ŻMC no longer needs the data for processing, but they are necessary for the Patient to establish, assert or defend legal claims
- The Patient has objected to processing pending the verification whether the legitimate grounds of the Controller (ŻMC) override these of the Patient (data subject)

The Controller's obligation to restrict data processing does not apply to the data necessary for the establishment, assertion or defense of legal claims.

The right to portability

The Patient has the right to obtain and reuse her / his personal data in a structured, commonly used and machine-readable format.

The right to data portability may only be exercised where the personal data have been collected in the context of a contract or on the basis of the Patient's consent and where such data are processed by automated means.

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