

## II-001 Privacy regulations of AMD, registrations of clients' (medical) data

*Last revision: April 2022 following an annual internal audit, LS*

### Scope

A. Registration of personal and medical and paramedical data in the automated filing system of the Occupational Health and Safety Service (and to the extent still applicable, in paper files) in the context of occupational health counseling and absenteeism management.

B. Registration of personal and medical data in Orion Globe (and to the extent still applicable, in paper files) in the context of travel vaccinations and advice.

### Regulations

#### General

1. The registrations have been included in the Processing Register. The board of the AMD (Department of Occupational Health and Safety and Environmental Service) is responsible for ensuring this registration is accurate and up to date. The Privacy Office of Radboudumc monitors this and advises on this.
2. Radboudumc's internal regulations ('**Information Security Policy**' and the '**Radboudumc Personal Data Processing Regulation**') apply to the personal data registered.
3. All AMD employees who could come in contact with privacy-sensitive information from clients have signed a written **confidentiality statement**.
4. The Medical Treatment Contracts Act (WGBO), the professional charter of the Netherlands Society of Occupational Medicine (NVAB) and the **physician's duty of secrecy** are applicable to the conduct of the occupational health officers and the medical data collected in that context.
5. A duty of secrecy derived therefrom applies for employees who are involved in treatment and in data archiving under the responsibility of the occupational health officers. The occupational health officer can **delegate tasks** involving accessing and/or processing data to others who are engaged in the counseling and management. This delegation of tasks has been set up in accordance with the 'Task Delegation Working Guide' published by the Minister for Social Affairs and Employment (SZW) (May 2019). Task delegation applies to the Occupational Nurse, company social worker, doctor's assistants and, to a more limited extent, the AMD's medical secretarial office. The nature and scope of the authorizations has been set out in the individual task delegations. The occupational health officer ensures that he/she has constant oversight of the delegated tasks.
6. An **internal audit** of compliance with the provisions contained in the regulations is conducted regularly.

7. Via the AMD's website, and elsewhere, clients and employers are informed about the privacy regulations and how clients can exercise their right to **inspect** or obtain a copy of their data or have their data corrected or destroyed.

8. A data protection officer (DPO) has been appointed at Radboudumc. The DPO supervises compliance with the privacy legislation and advises Radboudumc on the privacy legislation. The DPO is independent and serves as a contact person for both you as data subject and for the supervisory authority in relation to all questions concerning privacy. If you have any questions about the protection of your personal data, i.e. data that can be traced back to you, please contact the Data Protection Officer of Radboudumc by email: [gegevensbescherming@radboudumc.nl](mailto:gegevensbescherming@radboudumc.nl)

Or by regular mail:

Radboudumc, Attn: Data Protection Officer  
internal mailbox 27  
PO box 9101  
NL-6500 HB  
Nijmegen

<https://www.radboudumc.nl/patientenzorg/rechten-en-plichten/privacy/functionaris>

9. If you have complaints about how client data are handled, please use the [AMD complaints procedure](#) or contact the Data Protection Officer directly. You can read more about this at <https://www.radboudumc.nl/patientenzorg/rechten-en-plichten/privacy>. You can also submit a complaint to the Dutch Data Protection Authority.

10. In the event of a data leak, the employees of the Occupational Health & Safety and Environmental Service follow Radboudumc's internal protocol. Data leaks are reported to Radboudumc's Privacy Office.

#### A. Registration of data for occupational health counseling and absenteeism management

1. The basis for the registration is the role of occupational health officers, doctor's assistants, nurses, company social workers, therapists and administrative staff members of the AMD in the occupational health counseling and absenteeism management of employees and students of Radboud University and UMC and any other clients. In that context (Eligibility for Permanent Incapacity Benefit (Restrictions) Act and the WGBO), it is necessary and mandatory for the client to share data. If the client does not share these data, no medical treatment or eligibility advice can be established. In that context,

it is also necessary to guarantee careful documentation and archiving of data. All those who play a direct client-facing role in the counseling and guidance also have access to the medical file, with due observance of clause 4 'general'. If the client in question so desires and indicates this, or if the professional deems this to be important, the occupational health officer or company social worker can include the information as a personal note in the file. In that case, access is restricted to only the person who made the note.

2. Medical information is never accessible for persons other than mentioned above, particularly not for management and, outside the AMD, not for other departments of Radboud University and Radboudumc.

3. The purpose of the registration is to record data that are necessary for performance of occupational healthcare in accordance with professional guidelines and legislation and regulations (in particular the WGBO, the Working Conditions Act and the Eligibility for Permanent Incapacity Benefit (Restrictions) Act). The substantive data can be used for anonymized analyses for absenteeism statistics. The personal data can also be used for internal quality assurance and improvement of the occupational health and safety service and of the professionals.

4. The registered data consist of name and address details and the sick report (from the employer), job details, notes from the consultation and, if applicable, laboratory data, consultation with and information from other care providers from both inside and outside of Radboudumc, key experts and reports (particularly in the context of the Eligibility for Permanent Incapacity Benefit (Restrictions) Act) and reports to the Netherlands Center for Occupational Diseases. The data are stored in the digital file in the Verzuimexpert package, and the requisite system security (ISO 27001:2013) applies to this.

When documenting and using (medical) data in the context of sickness absence management, the KNMG code 'Data exchange and cooperation for occupational absenteeism and re-integration' is applied.

5. Access to the data is laid down in the authorization schedule control of registrations/retention periods (appendix). The statutory retention periods are also recorded there.

6. Except in situations in which this is required or permitted by law, data are NOT provided to third parties without the explicit consent of the client. The consent is documented in the file. Medical data are NEVER provided to the employer. If desired, clients/employees can obtain a copy of certain data and provide these to third parties themselves. No notice is given to the employer of visits to the occupational health professional's office hours (or working conditions office hours) or participation in voluntary occupational health surveys. Recommendations following on such visits to the offices hours or participation in surveys are only issued to the employer with the explicit and specific consent of the client.

7. In the context of absenteeism management (Eligibility for Permanent Incapacity Benefit (Restrictions) Act), the Occupational Health and Safety Service is required to report to the employer/supervisor in non-medical terms. The policy rules of the Dutch Data Protection Authority are used in this context.

8. If a client wishes to exercise the right to access or obtain a copy of their data or have their data corrected or destroyed, they must indicate this to their own occupational health officer. He/she will inform the client about the practical steps to be taken.

9. The occupational health officers (and those to whom they have delegated tasks) form a single treatment team. They can work in/with the occupational health files without authorization.

#### B. Registration for travel vaccinations and advice

1. The basis for the registration is the role of doctor's assistants and nurses in the context of travel vaccinations and advice and the necessary careful documentation and archiving of data in that context.
2. The purpose of the registration is to record data that are necessary for responsible performance of travel healthcare in accordance with certification and professional guidelines and legislation and regulations.
3. The registered data consist of personal data, notes from advisory discussions and consultation with other care providers, laboratory data and information from other care providers. The data are stored in the digital file in the Orion Globe package.
4. Access to the data is laid down in the authorization schedule 'Control of registrations/retention periods' (appendix). The statutory retention periods are also recorded there.
5. Except in situations in which this is required/permitted by law, data are NOT provided to third parties without the explicit consent of the client. The consent is documented in the file. Medical data are NEVER provided to the employer. If desired, clients/employees can obtain a copy of certain data and provide these to the employer themselves.
6. If a client wishes to exercise the right to access or obtain a copy of their data or have their data corrected or destroyed, they must indicate this to the employee of the Radboud Travel Clinic. He/she will inform the client about the practical steps to be taken.

APPENDIX: Authorizations and retention periods

**Control of the registration of personal data**

Archive	Further details	Authorization*	Retention location	Retention period (at a minimum, if the data serve a purpose, in particular quality of services and continuity of care, it can be decided on the basis thereof to extend the retention periods)	Regulation
Medical files generally	Individual data in relation to absenteeism management and occupational health office hours	BA RMV AVK RM*** BGA RM*** MA RM*** BMW RM***	VX	20 years from end of service provision by the occupational health and safety service or 20 years after employee leaves company	Section 7:456 Medical Treatment Contracts Act
Medical files specifically	Noise	the same as for medical file generally	VX	20 years	Working Conditions Decree
	Biological agents in the event of infections which: - are latent or stubborn; - can be recognized and possibly treated years later; - have a long incubation period;	the same as for medical file generally	VX	40 years after exposure (maximum 40 years)	Working Conditions Decree
	Carcinogenic substances and processes, including data from occupational medical research and list of employees	the same as for medical file generally	VX	40 years after exposure	Working Conditions Decree
	Radioactive radiation (category-A workers)	the same as for medical file generally	VX	30 years from termination of work duties or 75th year	Radiation Protection Decree
Medical files specifically	Individual data in relation to pre-employment medical examination	BA RMV BGA RMV	VX	If no employment commences, the data are kept for 6 months (objection period) Module E: 6 months, max 1 year Modules A, B, C, D, H, K: are documented in medical file (retention periods: see there)	Medical Examinations Act
Medical file RTC	Travel vaccinations and advice	BGA RMV	Orion Globe	20 years	Medical Treatment Contracts Act LCR certification
Psychosocial files	Individual data in relation to the BMW office hours	BMW RMV	VX	15 years from end of service provision by the occupational health and safety service or 15 years after employee leaves company	Dutch Association of Social Workers (NVMW)
Reports from confidential advisor	Individual data in relation to confidential advisor office hours	RMV confidential advisor	Personal notes in locked cabinet/drawer	10 years	National Association of Confidential Advisors (LVV)

- R = view, M = change, V = delete
- Authorizations are granted by and are under the management of the functional manager AMD.

### Control of other registrations and documents

Archive	Further details	Authorization*	Retention location	Retention period	Regulation
General documents	files of clients, suppliers and partners	see H disk instructions	H disk	7 years after loss of current value (applies for contracts, agreements and other arrangements)	Art. 2:10, Art. 3:15i DCC, Art. 52 AWR
	documents relating to the internal organization	see H disk instructions	H disk	5 years	N/A
KeW file		ASD RMV SD RM	H disk, application SIRS**	5 years	Radiation Protection Decree
GGO administration		BVF RMV	H disk, application BRIS) **	20 years	Delegated legislation GMO
Environment	permits government documents	see instructions H:\unitVSM\milieu	H:\unitVSM\milieu	7 years after loss of current value	Art. 2:10, Art. 3:15i DCC, Art. 52 AWR
Employee files	- Certificate (key experts) + acknowledgement (VSD, BVF). - Reports from annual appraisal interviews. - Information that has consequences for legal position.	Supervisor RMV Mw. RMV P adv. RMV	Supervisor's office  HR department	3 years (official file at HR) after leaving company End of employment (shadow file with supervisor)	Personal Data Protection Act
Quality registrations	- Complaints archive - Improvement proposals - Audit reports - Customer satisfaction measurement reporting	Board representative RM Quality employee RMV	H disk	5 years	N/A

- \* R = view, M = change, V = delete

- \*\* Authorizations are granted by and are under the management of the manager of the particular applications

- \*\*\* for all activities with medical data that take place in delegation of tasks between (an) occupational health officer and the particular Medical Administration (MA) and BMW officers, view and change are authorized in an authorization statement by one of the occupational health officers to this officer in which the limits on viewing and changing are individually recorded.