



Data Protection at Nardini Klinikum



NARDINI KLINIKUM
Landstuhl · Zweibrücken



Dear Patients,

In the context of your treatment or care, it is necessary to process personal and medical data about you. Since the processes within our hospital as well as in interaction with other persons and institutions of the health care system involved in your treatment are not easy to survey, we have compiled the following information for you:

Purposes for which your personal data will be processed

As part of your treatment, data about you, your social status and the medical data necessary for the treatment will be collected, recorded, stored, processed, queried, used, transmitted, etc. Altogether one speaks of the „processing“ of your data. This concept of „processing“ is the generic term for all these activities. For data protection reasons, the processing of patient data in hospitals is only possible if this is prescribed or permitted by law or if you as a patient have given your consent.

For your patient-related care and treatment, it is particularly necessary to process your data for preventive, diagnostic, therapeutic, curative and aftercare reasons. Processing also takes place - in the sense of the best possible care - with regard to interdisciplinary conferences for the analysis and discussion of diagnostics and therapy, for pre-, co- and further care with regard to diagnostics, therapy, findings as well as disease and vital status. In addition, medical letters and reports are written and processed for quality assurance reasons, to identify and combat hospital infections, as well as for pastoral and social care and discharge management.

In addition to this patient-related processing, your treatment must also be processed administratively. This essentially requires the processing of your data for the settlement of your treatment, for reasons of controlling and invoice verification, for the assertion, exercise and defence of legal claims, etc.

Furthermore, data processing is carried out for the purposes of training, further education and training of physicians and members of other professions in the health care system, for research or for statutory reporting obligations (e.g. to the police on the basis of reporting law, to state health authorities on the basis of the Infection Protection Act, to cancer registers) and not least for reasons of the support and maintenance of IT systems and applications, etc.

From whom do we receive your data?

As a matter of principle, we collect the corresponding data from you ourselves - if possible. In some cases, however, we may also receive personal data concerning you from other hospitals that have carried out your initial or preliminary treatment, from general practitioners, medical specialists, medical care centres (MVZ), etc. We merge these with your other data in the sense of uniform documentation.

Who has access to your data?

The persons involved in your treatment have access to your data, including physicians of other departments who participate in interdisciplinary treatment or administration that invoices your treatment.

Your data will be processed by professionals or under their responsibility. These professionals are either subject to so-called professional secrecy or an obligation of secrecy.

The confidential handling of your data is guaranteed!

Legal basis for the processing of your data by the hospital operator

The basis for the fact that the hospital operator is allowed to process your data in accordance with data protection law mainly results from the fact that the hospital operator is responsible for the care and treatment of patients. On this basis, there are various laws and regulations that allow the hospital operator to process the data.

In particular, the so-called EU General Data Protection Regulation (DSGVO) e.g. Art. 6, 9 DSGVO and the Act on Church Data Protection (KDG) e.g. Sections 6, 11 KDG should be mentioned here, which expressly regulate that patient data may be processed. In addition, the basic principles of German law can be found, for example in the Fifth Book of the Social Code (SGB V), e.g. Sec. 301 SGB V, in the Federal Data Protection Act (BDSG), in particular Sec. 22 BDSG and in the Civil Code.

Examples of legal bases for processing are given here:

Data processing for the purpose of carrying out and documenting the treatment process, including intra-medical and interprofessional exchange in the hospital about the patient for the treatment (Art. 9 Para. 2h, Para. 3, Para. 4 DSGVO), Para. 3 KDG in conjunction with Sections 630a et seqq., 630f BGB in conjunction with corresponding national regulations, if any)

Data transmission to „external professionals“ in the sense of joint treatment (in a team), consultation of external consultants, e.g. laboratory, telemedicine and consultation of external therapists (Art. 9 Para. 2h), Para. 3, Para. 4 DSGVO), Para. 3 KDG in connection with corresponding national regulations, if available)

Data transfer to the statutory health insurance funds for billing purposes (Art. 9 Para. 2h, Para. 3, Para. 4 DSGVO), Para. 3 KDG in conjunction with Sec. 301 SGB V)

Data transmission for quality assurance purposes (Art. 9 Para. 2i DSGVO) KDG in conjunction with Sec. 299 SGB V in conjunction with Sec. 136 SGB V or the G-BA guidelines), etc.

In addition, processing is also permitted in cases in which you have given us your consent. The processing and storage of your data may also take place at the other Nardini Klinikum GmbH locations.

Necessity to provide your personal details

The proper administrative handling of your treatment requires the recording of your personal data. This does not apply to cases of confidential birth.

Possible recipients of your data

Your data will be collected within the scope of the intended purpose and in compliance with the relevant data protection regulations or any existing declarations of consent and may be transferred to third parties.

Examples of such third parties are, in particular, the following:

- » statutory health insurances, if you are covered by statutory health insurance
- » private health insurance, if you are privately insured
- » Accident insurer
- » Family doctors
- » doctors providing further, follow-up or co-therapeutic treatment
- » other health care or treatment facilities
- » Rehabilitation facilities
- » Nursing facilities
- » external data processors (so-called processors)
- » pastors (in ecclesiastical institutions)
- » etc.

Which data are transmitted in detail?

If data is transmitted, it depends in individual cases on the respective recipient which data this is.

For example, the following data is involved in a transmission in accordance with Section 301 SGB V to your health insurance fund:

- » Name of the insured person
- » Date of birth
- » Address
- » Health insurance number
- » Insured status
- » The date, time and reason for admission, as well as hospitalization diagnosis, admission diagnosis, in the event of a change in the admission diagnosis the subsequent diagnoses, the expected duration of hospital treatment and, if this is exceeded, at the request of the health insurance, the medical justification, in the case of infants up to one year of age the admission weight
- » Date and type of operations and other procedures performed in the hospital
- » Date, time and reason for discharge or transfer, as well as the principal and secondary diagnoses relevant to hospital treatment
- » Information about the rehabilitation measures carried out in the respective hospital as well as statements about the ability to work and suggestions for the type of further treatment with indication of suitable facilities.

Treatment due to aesthetic operations, tattoos or piercings

In the event of a disease which is suspected to be the result of a non-medically indicated aesthetic operation, tattoo or piercing, a report must also be made to the health insurance company.

Revocation of consents given

If the processing of your data is based on a consent that you have given to the hospital operator, you have the right to revoke your consent at any time. You can address this declaration - in writing / by mail / fax - to the hospital operator. It is not necessary to give reasons for this.

However, your revocation only applies from the point in time at which it is received by the hospital operator. It has no retroactive effect. The processing of your data up to this point remains lawful.

Protecting the legitimate interests of the hospital operator

If the hospital operator is forced to use legal or judicial assistance to enforce its claims against you or your health insurance company, because the invoice issued by the hospital operator is not paid, the hospital operator has to disclose the necessary data about you and your treatment (for purposes of rights prosecution).

How long is your data stored?

In accordance with Sec. 630 et seq. of the German Civil Code (BGB), the hospital operator is obliged to keep documentation on your treatment. This obligation can be fulfilled in paper form or electronically stored patient file. This patient documentation will be kept by the hospital for a long time even after your treatment has been completed.

The hospital operator is also legally obliged to do this. Many special legal regulations deal with the question of how long the individual documents are to be kept in the hospital. These include the Radiation Protection Act (StrlSchG), the Pharmacy Operating Regulations (ApBetrO), the Transfusion Act (TFG) and many more. These legal regulations stipulate different retention periods.

It should also be noted that hospitals keep patient files for up to 30 years for reasons of preserving evidence. This follows from the fact that claims for damages asserted by patients against the hospital become statute-barred after 30 years at the latest in accordance with Sec. 199 (2) of the German Civil Code (BGB). A liability lawsuit could therefore only be brought against the hospital operator decades after the end of treatment. If the hospital were confronted with a patient's claim for damages due to an alleged medical error and the corresponding medical records were destroyed in the meantime, this could lead to considerable procedural disadvantages for the hospital. For this reason, your patient file will be kept for up to 30 years.



Right of access, rectification, deletion, etc.

You are entitled to so-called data subject rights, i.e. rights that you can exercise as a data subject in an individual case.

You can assert these rights against the hospital operator. They result from the EU General Data Protection Regulation (DSGVO) / the Act on Church Data Protection (KDG):

Right to information, Art. 15 DSGVO / Sec. 17 KDG

You have the right to information about the stored personal data concerning you.

Right to rectification, Art. 16 DSGVO / Sec. 18 KDG

If you find that incorrect data concerning your person are being processed, you may request rectification.

Incomplete data must be completed taking into account the purpose of the processing.

Right to deletion, Art. 17 DSGVO / Sec. 19 KDG

You have the right to demand the deletion of your data if certain reasons for deletion exist. This is in particular the case when they are no longer necessary for the purpose for which they were originally collected or processed.

Right to limitation of processing, Art. 18 DSGVO / Sec. 20 KDG

The right restricts processing of your data. This means that although your data will not be deleted, it will be marked to restrict its further processing or use.

Right of objection against unreasonable data processing, Art. 21 DSGVO / Sec. 23 KDG

In principle, you have a general right to object, including to lawful data processing that is in the public interest, in the exercise of official authority or due to the legitimate interest of a body.

Complaint to the supervisory authority about data protection violations

Irrespective of the fact that you are also free to take legal action, you have the right to complain to a supervisory authority if you are of the opinion that the processing of your data is not permitted under data protection law. This results from Art. 77 EU Data Protection Basic Regulation / Sec. 48 KDG.

The complaint to the supervisory authority can be made informally.

Data protection officer of the hospital

The hospital operator has appointed a data protection officer. His contact details are as follows:

Christian Simon

datenschutz@nardiniklinikum.de

For further questions please do not hesitate to contact us.



NARDINI KLINIKUM
Landstuhl · Zweibrücken

Nardini Klinikum GmbH
Kaiserstraße 14 · 66482 Zweibrücken
www.nardiniklinikum.de