

# Privacy statement

## HumanCapitalCare B.V.

**Version 4**

**Classification: public**

*HumanCapitalCare B.V. is part of HumanTotalCare B.V. and is registered with the Chamber of Commerce under number 06082138*

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## Introduction

This Privacy Statement applies to the processing of personal data by HumanCapitalCare B.V. ('HumanCapitalCare').

In this Privacy Statement, we inform you about the personal data we process, the purposes for which we process the data and the way in which we manage the data. Processing of personal data is understood to include among other things the collection, storage, recording, modification, retrieval, consultation or erasure of personal data.

HumanCapitalCare is an innovative service and healthcare provider. We advise and support employers with regard to the implementation of integrated health management and help employees remain durably employable throughout their working life. For that purpose we offer custom-made services on the basis of an extensive portfolio of products and services in the field of prevention, absence and interventions, intended to keep employees competent, motivated and healthy.

We handle any personal data which we process with a great deal of care and in accordance with the applicable legislation and regulations, including the General Data Protection Regulation ('GDPR')<sup>1</sup>.

That means among other things that HumanCapitalCare:

- will inform you in clear terms and in a transparent way about the way in which and purposes for which your personal data is processed;
- will only process personal data for a specific purpose and only in case a lawful basis of the processing exists as referred to in the GDPR;
- will take appropriate technical and organisational measures to protect personal data against destruction or loss;
- will inform you about your rights with respect to the personal data;
- has appointed a Data Protection Officer who monitors and ensures that the processing of personal data within the organisation of HumanCapitalCare complies with the GDPR. The Data Protection Officer also acts as a contact person for the Dutch Data Protection Authority ('Autoriteit Persoonsgegevens').

This Privacy Statement contains three Sections – Section A, B and C.

### Section A

As a provider of healthcare HumanCapitalCare processes personal data of employees of its customers. HumanCapitalCare is, on the basis of *inter alia* The Working Conditions Act ('Arbeidsomstandighedenwet') and the Medical Treatment Contracts Act ('Wet op de geneeskundige behandelingsovereenkomst'), required to process this data. If HumanCapitalCare provides healthcare to employees it compiles an occupational healthcare file of these employees. In that file, data, including personal data, is stored. In this Privacy Statement we explain how we handle the

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<sup>1</sup> The Dutch name of GDPR is 'Algemene Verordening Gegevensbescherming' ('AVG'). Our privacy statement is also available in Dutch on our website.

personal data of the employees to whom we provide healthcare for this purpose. This is addressed in **Section A** of this Privacy Statement.

### **Section B**

In addition to personal data of employees, we also process several other categories of personal data in our organisation, including personal data of our suppliers and personal data of the visitors of our website. In **Section B** we explain how we handle these other categories of personal data.

### **Section C**

**Section C** contains a number of general provisions. Here, you can read among other things how we secure your personal data and who is available for your questions about this Privacy Statement.

This Privacy Statement has been drawn up and is managed under the responsibility of the management of HumanCapitalCare.

## SECTION A

### Personal data processed by HumanCapitalCare

Acting as a provider of healthcare HumanCapitalCare processes the following personal data of employees of its customers:

- Personal data, including:
  - Name and address data;
  - Email address;
  - Telephone number;
  - Date of birth;
  - Gender;
  - Nursing address of sick employee;
  - Employee ID<sup>2</sup>;
  - Citizen Service Number.
  
- Sensitive personal data, including:
  - Health information, such as the date of the employee's sickness notification, date of the recovery notification, presumed duration of absence, whether one of the fall-back provisions of the Dutch Sickness Benefits Act ('Ziektewet') applies, whether the Dutch Work and Income according to labour capacity Act ('Wet Werk en Inkomen naar Arbeidsvermogen') applies to the employee, whether a sick employee has been involved in a traffic accident, and health information which is obtained by means of questionnaires completed by the employee for the purpose of preventative healthcare;
  - Medical information concerning your health, which is processed by us and which is subject to medical confidentiality, which is needed for the evaluation of your work capacity (or disability), support during absence and reintegration, progress of treatment and information required for the purpose of providing preventative healthcare to the employee;

### Purposes

HumanCapitalCare processes the above personal data in order to be able to perform services in the field of integrated health management, labour conditions, absence support, reintegration, interventions, prevention, health examinations, evaluations and vaccinations to employers and employees.

We may process personal data for research purposes, to the extent that this is permitted under privacy legislation and regulations. An example of such research includes the preparation of reports,

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<sup>2</sup> This refers to the Employee ID or a different code that is specifically linked to an employee and replaces the Citizen Service Number as a key value, as described in the Nationale Verzuimstandaard ('NVS') 2017. This standard is endorsed by health and safety services that are members of the OVAL sector association and is managed by Stichting Sivi.

such as absence reports and group reports or (absence) statistics for employers (our customers). In addition, we conduct research for the purpose of improving the quality of our services to employees. Activities with regard to research, analysis and statistics are only conducted with anonymised data. The reports and statistics for an employer or his employee participation body only contain data at a group level and do not contain personal data that can be traced back to an individual person.

HumanCapitalCare ensures that the personal data is safely stored and cannot be accessed by unauthorised persons.

In order to ensure that the healthcare we provide is and remains of a high standard, a designated and qualified healthcare professional may have access to personal data stored in our medical files to perform quality checks. Such checks are only performed by healthcare professionals who are bound by a duty of medical confidentiality. The checks take place as much as possible using data which cannot identify an individual. In this regard, HumanCapitalCare complies with the guidelines of the Royal Dutch Medical Association ('Koninklijke Nederlandse Maatschappij ter bevordering der Geneeskunst', 'KNMG').

### **Basis for processing**

HumanCapitalCare processes the personal data because it is legally obliged to do so on the basis of the Dutch Medical Treatment Contracts Act ('Wet op de geneeskundige behandelingsovereenkomst' 'Wgbo'), the Dutch Working Conditions Act ('Arbeidsomstandighedenwet') and contractual obligations with employers and employees. HumanCapitalCare processes only the personal data which it requires for the performance of these statutory and contractual obligations, such as compilation of an occupational health file for each employee we support.

HumanCapitalCare is obliged to process the citizen service number of employees in accordance with the Act containing Additional Provisions on the Processing of Personal Data in the Healthcare Industry ('Wet aanvullende bepalingen verwerking persoonsgegevens in de zorg').

Necessary personal data of employees will only be made available to HumanCapitalCare when the law obliges HumanCapitalCare to process such data, i.e. at the moment at which the provision of healthcare to an employee starts. In case no care is provided, no personal data of employees will be made available to HumanCapitalCare. This is ensured by the software which we make available to employers and employees for the purpose of the performance of integrated healthcare management.

In addition to our statutory or contractual obligations, we may process your personal data in case you specifically consent to the processing for a certain purpose.

## **Retention period**

Personal data processed by us on the basis of the Dutch Medical Treatment Contracts Act will be retained by us for at least 15 years after termination of your employment with your employer or after termination of the agreement between your employer and HumanCapitalCare.

When determining the retention period of the personal data processed by us, HumanCapitalCare complies with the general guidelines for the retention and erasure of medical records of the KNMG.

Subject to the KNMG guidelines the following summarised principles apply to the retention and erasure of medical data:

- A. We will retain your personal data during a period of 15 years after:
  - termination of your employment with your employer;
  - termination of our service contract with your employer;
  - your death.
  
- B. In case of exposure to hazardous substances – depending on the substance to which you have been exposed - we will retain your personal data for 30 or 40 years after termination of your employment with your employer, termination of our service contract with your employer or your death.
  
- C. After termination of your employment or termination of our service contract with your employer we may receive a request to transfer your personal data to your new occupational physician or health and safety service. In that case we will transfer your personal data related to current cases of disease to your new occupational physician or health and safety service, after which we will not retain such data any longer. Personal data that relates only to resolved cases of disease will be retained by us during the statutory retention period of 15 years, or 30 or 40 years in case of exposure to hazardous substances. In case of exposure to ionizing radiation, we retain personal data until the employee has reached, or would have reached, the age of 75 years, in accordance with the Decree
  
- D. In cases other than those referred to under A through C we will retain your personal data for a longer period of time in case the law requires us to retain your personal data for a longer period of time or in case longer retention of your personal data should result from due care of a medical practitioner. In addition to that we may retain your personal data for a longer period of time after your express approval.

## **Transfer of personal data to third parties**

Below we will explain in which cases we may transfer your personal data to third parties.

### **The employer**

We may transfer only the following (personal) data of employees to their employer:

- A. Work which the employee is no longer or still able to perform (functional limitations, remaining possibilities and implications for the kind of work which the employee is still able to perform);
- B. Expected duration of absence;
- C. The extent to which the employee is disabled (on the basis of functional limitations, remaining possibilities and implications for the kind of work the employee is still able to perform);
- D. Any advice on modifications, work-related facilities or interventions which the employer needs to introduce for the reintegration of the employee.

Before we transfer the above data to the employer, the employee will be informed about the content matter of the information to be transferred.

Any other data of that is processed by us is subject to medical confidentiality of the occupational physician and will not be disclosed to the employer, unless the employee has given us express approval to do so. For that purpose the employee will sign an authorisation which is stored in the occupational health file.

The absence statements or group reports which we may transfer to your employer are anonymised and do not contain any personal data.

### **Intervention parties**

We may, after express approval of the employee, make \ personal data available to persons who are directly involved in the treatment or occupational health support, to the extent that this is necessary for the performance of their duties. This may be for instance a physiotherapist or psychologist to whom the employee is referred in consultation with the occupational physician as part of the reintegration. We transfer personal data to those intervention parties only in case these persons are registered under the Dutch Healthcare Professionals Act ('Wet op de beroepen in de individuele gezondheidszorg, Wet BIG') and we have made contractual agreements with them on the processing of the personal data of the employee.

### **UWV**

We may transfer personal data to the Dutch Institute for Employee Benefit Schemes ('Uitvoeringsinstituut Werknemersverzekeringen', 'UWV') to the extent that this is necessary for the performance of the duties of UWV under the Dutch SUWI Act ('Wet SUWI'). That may for instance be the case if the employee applies for benefits under the Dutch Work and Income According to Labour Capacity Act ('Wet Werk en Inkomen naar Arbeidsvermogen', 'WIA'). In that case, the occupational physician will provide among other things a current evaluation of the sickness and medical information which are necessary for the insurance physician of UWV to evaluate the medical situation.

### **Absence insurers**

We will transfer non-medical data, including data concerning the sickness and recovery notification and administrative information, to absence insurers to the extent that such data is necessary for the insurer to determine the amount of the benefit.

### **Dutch Centre for Occupational Disease ('Nederlands Centrum voor Beroepsziekten')**

We have a statutory obligation to notify the Dutch Centre for Occupational Disease of occupational diseases for scientific and statistical purposes. We only transfer data which cannot be traced back to one person.

### **Parties with which we cooperate for scientific and research purposes**

In case we cooperate with third parties for the purpose of research we will transfer to these third parties only anonymised data to the extent that this is necessary to conduct the research. Personal data will never be made available to third parties for this purpose.

# SECTION B

## Data of visitors to the website of HumanCapitalCare

### Categories of Personal data

In case you visit our website and ask a question or request information from us by means of the contact form, the following personal data of you may be processed:

- A. Name;
- B. Email address;

In case you register for subscription to one of our newsletters, training sessions, webcasts or online tools through our website, the following personal data may be processed:

- A. Name;
- B. Gender;
- C. Email address;
- D. Company name;
- E. Position;
- F. Telephone number;

In case you wish to submit a complaint through our website, , we will process the following personal data of you:

- A. Name
- B. Email address;
- C. Company name;
- D. Telephone number;
- E. Address.

### Purposes

HumanCapitalCare processes the above personal data for the following purposes:

- To respond to your question;
- To deal with your complaint;
- To send you the information requested;
- To provide the requested service;
- To process your subscription to our newsletter and sending you our newsletter.;
- To enable you to participate in a training or course.

### **Basis**

In case you contact us through the contact form on our website, file a complaint or apply for a training session, webcast or online tool, HumanCapitalCare has a legitimate interest to process the above personal data. Processing of this data is necessary for the proper handling of your question or complaint, to enable you to participate in the training or to deliver the requested service to you.

In case you subscribe to our newsletter we will process your personal data only after your explicit approval. You can withdraw your approval at all times by notifying us of this in writing.

### **Retention period**

Personal data of visitors to the website will be deleted after your request or question has been responded to, , you have unsubscribed from our newsletter, or the training session has taken place.

## **Data of suppliers of goods and services to HumanCapitalCare**

### **Categories of personal data**

In case HumanCapitalCare enters into a business relationship with a supplier of goods and services for operational (business) purposes, the following personal data may be processed:

- A. First name and surname;
- B. Email address;
- C. Business telephone number;
- D. Business address and place;
- E. Position;
- F. Name of the company you work for.

### **Purposes**

HumanCapitalCare processes the above personal data for the following purposes:

- To process invoices;
- To maintain the business network of HumanCapitalCare.

### **Basis**

HumanCapitalCare processes the above personal data because it is necessary to be able to perform agreements with suppliers.

### **Retention period**

The personal data or data carriers containing personal data, which is necessary to comply with our duty to keep records, will be retained by us during the statutory retention period. Other personal data will be deleted after termination of the relationship with our suppliers.

### **Data of employees of HumanCapitalCare**

We process personal data of our employees. The processing of employee personal data is not addressed in this Privacy Statement. At the time the employment commences, we explain to our employees how we handle their personal data.

### **Data of job applicants**

#### **Categories of personal data**

HumanCapitalCare processes the following personal data of job applicants:

- A. Name;
- B. Email address;
- C. Address;
- D. Telephone number;
- E. Other data that is relevant for assessing the application of the job applicant, such as curriculum vitae and references.

#### **Purposes**

The above personal data is processed in order to ensure a proper application procedure, including:

- To be able to contact the job applicant for making an appointment or giving feedback;
- To be able to evaluate the profile of the job applicant for the position for which he applied.

#### **Basis**

HumanCapitalCare has a legitimate interest in processing the above personal data. The processing of this data is necessary in order to ensure a proper application process.

#### **Retention period**

The personal data will be deleted four weeks after the vacancy has been filled, unless the applicant has given us their express approval for storage of their personal data for a longer period of time.

## **Processing of personal data for commercial communications**

### **Categories of personal data**

We may use (public) contact information of (potential) customers for sending information on the services we provide. In that case we will process the following personal data:

- A. Name;
- B. Email address.

### **Purposes**

The above personal data is processed to send targeted commercial communications to (prospective) customers in order to provide information on the services and products of HumanCapitalCare.

The (potential) customer can at all times unsubscribe from receiving commercial communications from HumanCapitalCare.

### **Basis**

HumanCapitalCare has a legitimate interest in processing personal data of its customers in order to send commercial information. We consider it important to properly maintain our customer relationships and provide our customers with relevant information.

We will send commercial messages to prospective customers only after having obtained their express approval for this, unless this is not required by law.

### **Retention period**

Your personal data will be deleted when:

- the customer does not have any relationship with HumanCapitalCare any longer;
- a prospective customer has withdrawn its express approval for sending commercial messages;
- The (potential) customer has unsubscribed from receiving commercial communications of HumanCapitalCare.

# SECTION C

## Security

Adequate security of your personal data is very important. HumanCapitalCare has implemented all reasonable and appropriate technical and organisational measures in order to secure the confidentiality, integrity and availability of your personal data. We will process your data only in the Netherlands. Personal data is not transferred to countries outside the European Economic Area ('EEA').

In order to demonstrably guarantee the security of your personal data HumanCapitalCare has an ISO 9001, ISO 27001 and NEN 7510 certification.

In case, despite the security precautions taken, a security incident would occur, we will take the appropriate measures to limit any consequences for your privacy as much as possible.

## Disclosure of personal data to third parties

In cases other than those referred to in Section A, HumanCapitalCare does not actively disclose any personal data to third parties. In case HumanCapitalCare would disclose personal data to third parties, HumanCapitalCare will always obtain prior permission from you, unless such permission is not required by law.

## Your rights

You have the right to request from us in writing:

- **Access to your personal data.** You may ask us whether we process personal data of you. If that is the case we will explain what personal data of you is processed by us, in what way and for what purposes we do this. You may also request from us a copy of your personal data that we process;
- **Rectification of your personal data.** If in your opinion, your personal data processed by us is incorrect or incomplete, you may request us to complete or modify your data;
- **Erasure of your personal data.** You may request us to delete your personal data processed by us. After receipt of a request to that effect we will erase your personal data without undue delay if:
  - the data is no longer necessary for the purpose for which it has been processed by us;
  - you do not give us your consent to process your personal data any longer;
  - you object to the processing of the personal data and there is no reason why we may process the data any longer;

- the data was processed by us for the purpose of direct marketing;
- the personal data should not have been processed by us ( 'unlawful processing');
- the law requires us to erase the personal data.

We are not allowed to erase personal data upon request if we are obliged by law to retain the personal data.

- **Restriction of processing of your personal data.** You may request us to restrict the processing of your personal data. We will comply with such a request in the following cases:
  - It is your opinion that your personal data which we process, is incorrect. We will not use this personal data until the data has been verified and possibly modified or completed;
  - We should not have processed the personal data but you do not wish us to (fully) erase your personal data;
  - We do not need your personal data any longer but you wish to be able to use this data in order to establish a claim or instigate legal proceedings;
  - You object to our processing of your personal data and we have not yet evaluated your objection.

If processing of your personal data is subject to a restriction, we will process this data only with your consent. Before the restriction is lifted, we will inform you of that.

- **Transfer of your personal data in a commonly used format ('right of data portability')**. You may request from us a copy of your personal data which we process. We will provide you with a copy in a commonly used format which can be used for instance if you wish to transfer the data to a different service provider, such as a different health and safety service. In case this is technically possible for us and if you wish, we can directly transmit the personal data to your new service provider.

## Notification

Upon your request, we can rectify or erase your personal data, or we can restrict the processing of your personal data. It may be possible that we have transferred your personal data to third parties. In that case, we will notify the third party that we have rectified or erased your personal data, or that we have restricted the processing, unless this is not possible for us. Upon your request, we will provide you with information about the third parties we have notified.

## Right to object

You also have the right to **object** in writing to the processing of your personal data. In case you object, we will request you to explain to us why you do not agree with processing of your personal data.

## How we deal with your request

After we have received a request to exercise the rights indicated above, we will inform you about the action we have taken upon your request as soon as possible and no later than one month upon receipt of your request. In some cases, we may need more time to respond to your request. If that is

the case, we will notify you as soon as possible and no later than one month upon receipt of your request. We may in such a case extend the term to respond to your request by a maximum of two months. In case we do not take any action upon your request, we will inform you as soon as possible and no later than one month upon receipt of your request. In that case, you have the right to lodge a complaint with the Dutch Data Protection Authority.

### **Complaints Procedure**

If, in your opinion, we do not comply with the provisions of this Statement or we do not respect your rights with regard to processing of your personal data, you may submit your complaint using the [complaint form](#) on our website. Our complaints procedure applies. The procedure is available on our website.

### **Cookies**

HumanCapitalCare uses cookies on its website. In our [cookie statement](#) you can find more information about what cookies are and which cookies HumanCapitalCare uses on its website.

### **Contact Information**

In case you have any questions about this Privacy Statement, our Cookie Statement or the processing of your personal data by HumanCapitalCare, please contact our Data Protection Officer by means of the contact information below.

HumanCapitalCare B.V.  
Attn. Data Protection Officer  
Science Park Eindhoven 5127  
5692 ED Eindhoven  
Telephone: 040-20 66 900  
Email address: [privacy@humancapitalcare.nl](mailto:privacy@humancapitalcare.nl)

### **Where to find this Privacy Statement?**

The Statement is available on and can be downloaded free of charge from the website [www.humancapitalcare.nl](http://www.humancapitalcare.nl).

### **Third party websites**

This privacy statement does not apply to third party websites of which links are included on our website.

## **Modifications**

We reserve the right to modify this Privacy Statement. Modifications will be published on our website. It is recommended to consult this Privacy Statement regularly, so as to be informed of any modifications.

**This Privacy Statement was last updated on 8 July 2022**