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Regulations for the Protection of Personal Data Health, Safety and Environment University of Groningen

Article 1: Definitions

In these Regulations, the following definitions apply:

- a. **Health, Safety and Environment department:** the internal, independent health, safety and environment service of the University of Groningen, certified under the Health and Safety Guideline, in charge of providing preventive and curative occupational healthcare services
- b. **personal data:** any data that can be directly or indirectly traced back to a natural person
- c. **processing of personal data:** any action relating to personal data, such as registration, provision, collection, transfer and storage
- d. **filing system:** the collection of medical and/or psychosocial personal data of staff members of the University of Groningen and the administrative personal data relating to the University of Groningen's radiological workers and emergency response team members managed by Health, Safety and Environment
- e. **data subject:** the staff member to whom the personal data relate
- f. **the responsible party:** the Board of the University of Groningen
- g. **administrator:** the person responsible for the filing system on behalf of the Board of the University
- h. **medical data:** personal data relating directly or indirectly to the data subject's physical or mental state, collected by a professional healthcare practitioner in the course of practising their profession
- i. **psychosocial data:** personal data relating directly or indirectly to the data subject's psychosocial state, collected by a professional psychosocial healthcare practitioner in the course of practising their profession
- j. **medical records:** all personal data in the filing system that relate to the data subject
- k. **the GDPR:** the General Data Protection Regulation
- l. **the Dutch Data Protection Authority:** an independent body that is responsible for monitoring the application of the GDPR and the processing of the personal data in accordance with Article 51 of the GDPR
- m. **DIV:** Documentary Information Service (in Dutch: *Dienst Informatievoorziening*), part of the University Services department (in Dutch: *Facilitair bedrijf*) which is the central administrator of the University's records in accordance with the University of Groningen Records Management Regulations
- n. **University of Groningen:** the University of Groningen.

Article 2: Form and content of the filing system

1. The filing system consists of both paper files and the electronic registration system.
2. The following categories are distinguished within the filing system:
 - a. **Medical registration**
The registration of medical data supports the delivery of occupational healthcare services and the development of absenteeism policy.
 - b. **Registration of staff welfare services**
The registration of psychosocial data supports the delivery of individual care services and the development of staff policy.
 - c. **Registration of radiological workers (University of Groningen radiation protection unit)**
This registration serves to document exposure to radiation doses and to monitor compliance with legal provisions.
 - d. **Registration of emergency response team members**
This registration is for the purpose of the University of Groningen's accident insurance, participation in training for emergency response services, the

results of medical examinations of compressed air mask wearers and the payment of the annual reimbursement.

3. The categories have been registered in accordance with Article 30 of the GDPR.
4. The filing system contains the various personal data, including data regarding a person's health as set out in Article 9 of the GDPR.

Article 3: Access to the filing system

1. The head of Health, Safety and Environment department is the administrator of the filing system.
2. Staff members who are directly involved in providing treatment have access to the data subject's medical records without that person's prior permission *to the extent that this is necessary in order to carry out their work*. Only these staff members are authorized to modify the data.
3. Within Health, Safety and Environment, the following individuals are directly involved in providing the treatment referred in Article 3.2:
 - a. the occupational health physician
 - b. the medical secretary
 - c. the occupational health nurse
 - d. the staff welfare officer
 - e. the physiotherapist.
4. The head of Health, Safety and Environment department does not have access to the filing system.
5. In connection with the maintenance of the electronic registration system, application managers have access to the personal data in the electronic registration system *to the extent that this is necessary to carry out their work*. An application manager is not authorized to alter the personal data in the filing system.
6. The head of Health, Safety and Environment department grants authorization to access the filing system.

The table below shows the authorization schedule for the electronic registration system. A distinction has been made between 'consultation content' and 'recommendation'. A recommendation does not contain confidential medical information, whereas the content of a consultation does.

Table 1: Authorization schedule

	Medical		Psychosocial		Physiotherapy	
	Recom mendat ion	Consult ation content	Recom mendat ion	Consultati on content	Recommen dation	Consultatio n content
Occupational health physician	S	S	L	X	L	X
Medical secretary	L	X	L	X	L	X
Occupational health nurse	S	S	L	X	L	X
Staff welfare officer	L	X	S	S	L	X
Physiotherapist	L	X	L	X	S	S

S = Permission to modify

L = Permission to view

X = No access

Article 4: Confidentiality

1. The rules of medical confidentiality apply to occupational health physicians and occupational health nurses.
2. The other individuals who have access to the filing system under Article 3 have a duty of confidentiality by virtue of Article 9.3 of the GDPR. These staff members have signed a confidentiality agreement which is kept in the personnel file.

Article 5: Disclosure to third parties

The written consent of the data subject is required for the disclosure of personal data from the filing system, unless the disclosure serves to comply with a legal obligation.

Article 6: Rights of data subjects: access to data

1. Data subjects are entitled to view their medical records and to obtain a copy of them. Exceptions to this are the personal notes of the occupational health physician, the occupational health nurse or the staff welfare officer.
2. Data subjects are entitled to view and to obtain a copy of any data concerning them disclosed to third parties in the calendar year in question under Article 5.
3. A data subject may submit a request in accordance with Article 6.1 or 6.2 once a calendar year at the most. No charge is involved for the data subject in connection with requesting a copy.
4. In all cases, the request must be submitted in writing to the head of Health, Safety and Environment and must be signed by the data subject.
5. The head of Health, Safety and Environment department will issue a decision in writing on behalf of the Board of the University no later than eight weeks after the request to inspect records is submitted.

Article 7: Rights of data subjects: rectification of data

1. Data subjects may request rectification or deletion of data in the filing system which relate to them.
2. A data subject may submit a request in accordance with Article 7.1 once a calendar year at the most.
3. A request of this kind, stating the reasons, must be submitted in writing to the head of Health, Safety and Environment department and must be signed by the data subject.
4. The data are only rectified or deleted if they are factually incorrect, incomplete or irrelevant or in some other way in conflict with these regulations or with any legal provision.
5. The head of Health, Safety and Environment department will issue a decision in writing on behalf of the Board of the University regarding a request for rectification or deletion no later than eight weeks after the request is submitted, after consulting with the occupational health physician with regard to medical records or with the staff welfare officer regarding psychosocial records.

Article 8: Rights of data subjects: right to transfer of the data

1. Data subjects are entitled to transfer of the data in the medical records.
2. A data subject can exercise the right referred to in Article 8.1 by submitting a written and signed request to the head of Health, Safety and Environment department.

3. Only data which data subjects have actively and consciously provided themselves and data indirectly provided through the use of a service or device can be transferred to the data subject.
4. The head of Health, Safety and Environment department will transfer the data on behalf of the Board of University no later than eight weeks after the request is submitted.

Article 9 Rights of data subjects: objection

1. The data subject may submit a notice of objection in writing to a decision as referred to in Article 6.5 or Article 7.5 to the Board of the University within a period of six weeks.
2. The General Administrative Law Act applies.

Article 10: Rights of data subjects: right to restriction of processing

1. In cases in which the data subject submits a request or a notice of objection as referred to in Article 7 and Article 9 respectively, the processing of all data will be suspended until a decision has been made.
2. Suspension of processing does not apply to storage of the data.
3. In the period during which the right under Article 10.1 is exercised, the data may only be processed with the permission of the data subject, for the exercise or defence of a legal claim, to protect the rights of other natural persons or for reasons of compelling public interest.

Article 11: Rights of data subjects: complaints

1. If the data subject is of the opinion that the provisions of these regulations are not being complied with and their interests are being impaired, they may submit a complaint to the head of Health, Safety and Environment department within six weeks of becoming aware of the breach.
2. The University of Groningen General Complaints Procedure applies.

Article 12: Security

The head of Health, Safety and Environment department is responsible for ensuring effective protection of the filing system, both physical and electronic, in order to prevent unauthorized access to the medical records and processing of the data contained in them.

Article 13: Retention periods

1. The medical records are kept for 15 years after the data subject has left employment.
2. Notwithstanding Article 13.1, the medical records of a data subject who has been exposed to a dangerous substance as referred to in the Working Conditions Decree and has had a work-related health examination in connection with this will be retained for 40 years after this exposure.
3. Notwithstanding Article 13.1, the medical records of a radiological worker as referred to in the Radiation Protection (Basic Safety Standards) Decree will be kept until the worker has reached or would have reached the age of 75 years, but in any case for at least 30 years after the data subject stopped carrying out the actions during which they were exposed to ionizing radiation.
4. After the retention periods referred to in Articles 13.1–3 have expired, the medical records will be destroyed.

Article 14: Rules and guidelines

1. The *Gedragsregels van artsen* (Rules of Conduct for Physicians) of the Royal Dutch Medical Association (KNMG) and in particular the *Richtlijnen inzake het omgaan*

- met medische gegevens* (Guidelines for Handling Medical Data) apply to the processing of personal data by the occupational health physician.
2. The *Beroepscode voor de Maatschappelijk Werker* (Professional Code of Conduct for Social Workers) of the Beroepvereniging van professionals in sociaal werk (Dutch Association of Social Workers, NVMW) applies to the processing of personal data by the staff welfare officer.
 3. The *Professioneel statuut* (Professional Statute) of the Beroepsorganisatie Arboverpleegkundige (Dutch Organization of Occupational Health Nurses, BAV) applies to the processing of personal data by the occupational health nurse.

Article 15: Filing after termination of employment

1. At some point after the data subject has left employment, medical records on paper are passed on for filing to the head of the DIV.
2. As administrator of medical records on paper, the head of the DIV then ensures that the records are effectively protected in order to prevent unauthorized access to them.
3. After the medical records on paper have been passed on to the head of the DIV, only the occupational health physician is authorized to request the records and possibly to grant access to the records to the individuals referred to in Article 3.3. Article 4.2 applies *mutatis mutandis*.
4. The head of the DIV does not have access to the filing system.
5. The provisions of these regulations regarding the rights of data subjects and provision to third parties continue to apply in full after the medical records on paper have been passed on to the head of the DIV.
6. After the expiry of the retention periods referred to in Article 11, the head of the DIV will ensure that the medical records on paper are destroyed.
7. After the data subject has left employment, digital medical records remain under the administration of the head of Health, Safety and Environment.
8. After the expiry of the retention periods referred to in Article 13, the head of Health, Safety and Environment department will ensure that the digital medical records are destroyed.

Article 16: Concluding provisions

1. These regulations and any amendments to them will come into force after adoption by the Board of the University of Groningen.
2. These regulations will be referred to as:
The Regulations for the Protection of Personal Data: Health, Safety and Environment, University of Groningen.

Board of the University of Groningen,

Approved on 28 January 2020

These regulations replace the regulations of 18 November 2014