

TRANSPARENCY DECLARATION

of Privatärztlichen Verrechnungsstelle Südwest GmbH

concerning the processing of patient data in joint responsibility with the treating physician

(Articles 12 et seq. and 26 of the EU General Data Protection Regulation (GDPR) in conjunction with sections 32 et seq. of the German Federal Data Protection Act (*Bundesdatenschutzgesetz, BDSG*), new version)

Dear patient,

The following provides you with information about the processing of personal data in connection with billing, which Privatärztliche Verrechnungsstelle GmbH handles in joint responsibility with your physician, for the services provided by your physician's surgery in connection with the treatment contract.

1. Who is the controller of data processing?

You are receiving the following information concerning data processing and data protection on the basis of legal provisions from

Privatärztlichen Verrechnungsstelle Südwest GmbH

C 8, 9

68159 Mannheim

Tel: 0621-1640

Fax: 0621-164250

rechnung@pvs-suedwest.de

Our company processes data concerning your treatment in joint responsibility with your treating physician for the purposes of billing and collection.

You can find the address and contact data of your physician and, if applicable, the declaration of your consent to the disclosure to us of the data necessary for billing and claim management in the declaration posted in the surgery, an original of which is retained by the treating physician as part of the patient file.

Appointed as data protection officer for the joint billing process:

Datenschutzbeauftragter der PVS Südwest GmbH

C 8, 9, 68159 Mannheim

Fax: 0621-1645370

datenschutz@pvs-suedwest.de

2. What data do we use?

A treatment contract within the meaning of section 630a of the German Civil Code (*Bürgerliches Gesetzbuch, BGB*), was concluded for the purposes of treatment. Such a contract also comes into effect even if a written contract was not signed and you were simply treated in the surgery.

The treatment contract places duties concerning medical treatment on the physician and all members of the surgery. Conversely, you are obligated to pay for this treatment, unless a third party (in particular, your health insurance provider) directly assumes the costs. On the basis of this contract, personal (in some cases, also sensitive) data are collected and processed, including your name, date of birth, address, medical data, diagnosis, examination and treatment data, and other biometric data.

These data may be forwarded to PVS Südwest GmbH if this is necessary to generate the billing statement and to assert claims against you or third parties. If the billing statement also includes the collection of the claim by PVS Südwest GmbH and ASZ GmbH (subsidiary of PVS Südwest GmbH for printing and sending invoices:

ASZ-Abrechnungs- und Servicezentrum GmH, Zeppelinstraße 7 d, 76185 Karlsruhe), data are also transmitted and processed that are necessary for assigning the claim for the purpose of collection.

If personal data are processed on a legal basis other than the treatment contract, an express reference will be made to this fact. In addition, all employees of the jointly responsible parties and other involved parties named in this Declaration are subject to doctor-patient confidentiality as set forth in section 203 of the German Criminal Code (*Strafgesetzbuch*, StGB).

We process your personal data that are transmitted to us by the surgery/hospital. If our invoice is unable to be delivered to the address provided to us, we determine your address from publicly available sources or obtain it in a permissible manner, e.g. from resident registration offices, probate courts, debtor records, or commercial or association registers. Personal data may also be transmitted to us by other third parties (e.g. credit agencies like SCHUFA or companies that handle address enquiries).

3. Why do we process your data (purpose of processing) and on what legal basis do we do so?

All personal data are processed in conformity with the GDPR and the BDSG (new version):

3.1 For performing the treatment contract (section 630a BGB in conjunction with Article 9(2)(h) and (3) GDPR)

Data are processed by your physician's surgery for the purposes of treatment in connection with performance of the treatment contract. This also consists of the collection of all data relevant for the billing statement.

However, data processing by your physician's surgery primarily serves to document a diagnosis and your treatment. Similarly, the progress of therapy, medical history, other findings (if they exist), medication plans, and images may also be processed.

Your physician remains the controller for the aforementioned purposes, as well as the contact person for you with respect to data processing.

In addition, however, in order to manage and bill for the services of your physician's surgery on the basis of Article 9(2)(h) in conjunction with Article 9(3) GDPR in conjunction with section 22 (1) (b) BDSG (new version), as well as, if applicable, to collect these claims, it is also necessary to disclose data to PVS Südwest GmbH for the purpose of processing. In addition, if the requirements are met, data are disclosed to PVS Südwest GmbH also for the purpose of prefinancing invoices for physician's fees, as well as to collect the claim.

PVS Südwest GmbH issues a proper fee invoice for private medical treatment on the basis of the applicable fee ordinances using the patient and treatment data concerning billable services that are transmitted in full by your physician's surgery. In the process, for the purpose of invoicing, your name, date of birth, address, diagnosis, and examination and treatment data must be disclosed from your patient file.

PVS Südwest GmbH is the controller for the above-described data processing for the purposes of billing and managing the provided services, as well as for claim management and, if applicable, for the purpose of prefinancing and claim collection.

3.2 In connection with legitimate interests (Article 6(1)(f) GDPR)

If necessary, PVS Südwest GmbH processes data also in its own responsibility for the purposes of legitimate interests, which go beyond the performance of billing. An example of this is:

- Data that accrue when visiting our website in order to perform assessments of system stability and security, as well as for other administrative purposes.

3.3 On the basis of your consent (Articles 6(1)(a) and 9(2)(a) GDPR)

If you provide us with your voluntary consent to the processing of your data for certain purposes, such processing is thus lawful. Consent may be withdrawn at any time to the legal extent with prospective effect and without having to provide reasons. This does not affect the lawfulness of processing that has already been performed up to the time of withdrawal.

3.4 On the basis of legal requirements (Article 6(1)(c) in conjunction with Article 9(2)(h) GDPR)

In addition, we as the controller, as well as your physician, are subject to legal requirements, which may result in a duty to process and disclose your personal data.

4. How long are your data stored?

Both PVS and your physician are subject to legal retention duties with respect to your medical data. For general treatments, invoices, etc., these amount to 10 years. In addition, there may be a legitimate interest in storing your data for a longer period, such as in order to defend against potential claims for compensation of damages.

5. Who has access to personal data?

The physician in the surgery is responsible for the security of your data. With respect to data concerning the billing of medical services by PVS Südwest GmbH, access to your data is granted only to those employees of PVS Südwest GmbH who require them for fulfilling the purpose. In connection with technical maintenance, IT consultants or IT security officers may also come into contact with your data. Therefore, we have also placed a contractual obligation on them to maintain doctor-patient confidentiality. Similarly, our cleaning service is obligated to maintain confidentiality.

5.1 Billing statements

Data are forwarded to PVS Südwest GmbH for billing purposes using an encrypted interface between the surgery and PVS. With respect to billing for private medical treatment, your physician and PVS Südwest GmbH are joint controllers pursuant to Article 25 GDPR, although neither is obligated to follow the other's instructions. The joint controllers are subject to doctor-patient confidentiality pursuant to section 203 StGB.

Pursuant to Article 26(3) GDPR, you can directly exercise your rights with respect to billing statements both against your physician and against PVS Südwest GmbH

6. Are my data transferred to a third country?

No patient data are transferred to a third country outside the EU.

7. Does automated decision-making or profiling take place?

No, so-called “profiling” or an automated decision-making procedure does not take place either to establish or perform the treatment contract.

8. Rights of data subjects

You have the right to obtain information about the personal data concerning you. You may also demand that incorrect data be rectified. In addition, under certain conditions, you have the right to erasure of data, the right to restriction of data processing, and the right to data portability.

Please direct any concerns about data protection – insofar as they relate to the processing of data in joint responsibility – directly to the data protection officer of PVS Südwest GmbH:
email: datenschutz@pvs-suedwest.de or fax: 0621-1645370

9. Right to object

Within the scope of the legal framework, you have a right to object to data processing, which is based on Article 6(1)(e) or (f) GDPR.

10. Provision of information in accordance with Article 13 GDPR

Pursuant to Article 13 GDPR, your physician provides information about the rights of data subjects by handing out a form to the patient. With his or her signature or in other appropriate fashion, he or she confirms that he or she was made aware of the previously described rights of data subjects. The original is placed in the patient’s file for documentation purposes.

11. Data protection impact assessment

Should the performance of a data protection impact assessment be necessary with respect to data relevant to billing, the data protection officer of PVS Südwest GmbH is responsible for this.

12. Complaints

Furthermore, you have the right to complain to the responsible supervisory authority for data protection if you consider the processing of your personal data to be unlawful.

The contact data for the responsible supervisory authority are:

Landesbeauftragte für den Datenschutz und die Informationsfreiheit Baden-Württemberg

Postfach 10 29 32, 70025 Stuttgart

Tel: 0711/615541-0

Fax: 0711/615541-15

email: poststelle@lfdi.bwl.de

(Sensitive data should not be sent unencrypted by email or fax.)

PGP-Fingerprint: E4FA 428C B315 2248 83BB F6FB 0FC3 48A6 4A32 5962

Homepage: www.baden-wuerttemberg.datenschutz.de