

Interfisc-Arbo Privacy Regulations

Interfisc-Arbo provides services in the fields of safety, health, absenteeism, and prevention. As part of these services, Interfisc-Arbo collects and processes various personal data regarding the relevant employees and employers. Interfisc-Arbo's guiding principle in this is the strict confidentiality and privacy of the data received from employers and employees. These privacy regulations outline how Interfisc-Arbo handles privacy-sensitive information and provide information on the rights of the data subjects and the method for filing complaints.

Article 1: Some definitions explained further

- a) Statutory context: the General Data Protection Regulation (GDPR) including its implementing act.
- b) Personal data: any piece of information regarding an identified or identifiable natural person;
- c) Personal registration file: a collection of personal data, automated or otherwise, concerning more than one person, required for performing the relevant services;
- d) Personal data of a special nature: Sensitive personal data revealing race, ethnic background, political opinions, religious and philosophical beliefs or trade-union membership, genetic and biometric data, and data regarding health, sex life or sexual orientation;
- e) Health details: personal data that pertain either directly or indirectly to a person's physical or mental state, collected by a healthcare professional as part of their professional practice;
- f) Processing of personal data: Any operation related to the personal data, including the collecting, recording, altering, storing, updating, consulting, using, disseminating, deleting, removing, etc.;
- g) Data controller: any natural person or legal entity that, whether on their own or in conjunction with others, determines the objective of and means for processing personal data. In the present regulations, 'data controller' refers to the employer as defined under (j);
- h) Processor: Interfisc-Arbo;
- i) Subprocessor: another processor engaged by the Processor for carrying out specific processing activities on behalf of the employer;
- j) Data subject: any current or previous employee of the employer whose personal data is included in the personal registration file and processed;
- k) Employer: Interfisc-Arbo's client for whom Interfisc-Arbo provides the relevant services.

Article 2: Scope

These privacy regulations apply to the personal registration file maintained by Interfisc-Arbo for the purpose of the contractually agreed work regarding 'absenteeism/employment condition registration'. The regulations apply to all personal data processed by Interfisc-Arbo, automated or otherwise. The regulations apply to all persons using Interfisc-Arbo's services.

Interfisc-Arbo will only include personal data that is necessary for the agreed work regarding absenteeism management and reintegration. [Appendix 1](#) to these regulations contains an overview of the kinds of personal data that may be processed and recorded.

Article 3: Objective of processing

- a) These privacy regulations are based on the requirements outlined in the General Data Protection Regulation (GDPR). The recording of personal data of a medical nature in connection with tests, preventive activities, absenteeism, and reintegration is based on the applicable legislation and guidelines.
- b) Based on an agreement with the Employer, Interfisc-Arbo carries out activities that involve the processing of personal data of data subjects. In doing so, Interfisc-Arbo takes care to ensure that the personal data is processed in a proper, careful manner in accordance with the law. The personal data is processed by people who are obliged to maintain confidentiality because of their profession or pursuant to this agreement or a legal provision.
- c) Interfisc-Arbo processes no personal data of a special nature, except data regarding health insofar as this is necessary for Interfisc-Arbo to carry out its activities or insofar as this is legally required. Citizen service (BSN) numbers are only processed for the implementation of the relevant legislation or for the legally prescribed objectives.
- d) Interfisc-Arbo processes personal data as part of:
 - (Preventive) occupational healthcare services and employment condition services within the employers' companies;
 - Supervision in the event of sick leave of data subjects;
 - Reintegration due to illness or incapacity for work;
 - Execution of its legally prescribed tasks.
- e) Interfisc-Arbo only processes that personal data that is necessary for its service provision and for the reintegration of the relevant data subject. Interfisc-Arbo does not process personal data for any other purposes than those outlined under (d).
- f) Personal data is only processed in the event that:
 - The data subject has provided their unequivocal permission for doing so;
 - The processing is necessary for the performance of an agreement;
 - The processing is necessary for complying with a legal obligation;
 - The processing is necessary for representing the legitimate interests of Interfisc-Arbo or a third party whom is being provided with the details, all with due observance of the law, the interests of the data subject, and the protection of this party's fundamental rights and freedoms.

Article 4: Access to personal data

- a) Without prejudice to the relevant statutory provisions, only those employees of Interfisc-Arbo and those third parties engaged by Interfisc-Arbo for the purpose of carrying out the relevant activities (including intervention parties and subprocessors) for whom access to personal data is necessary to be able to perform their duties are provided with this access. Appendix 3 provides an overview of the access provided to the various positions.
- b) All Interfisc-Arbo employees and other third parties engaged or appointed by Interfisc-Arbo that have access to personal data must first sign a confidentiality agreement.
- c) Access to personal data of a medical nature is granted to Interfisc-Arbo's occupational physicians who are directly or indirectly involved in employees' absenteeism management/reintegration. Those Interfisc-Arbo employees who support the occupational physicians in the administrative processing of these details are also granted access to this personal data of a medical nature (under the so-called 'extended arm construction').
- d) A system of access rights embedded in the relevant software ensures that only authorised individuals have access to personal data.

Article 5: Provision of personal data

- a) Personal data can only be provided to third parties with due observance of the applicable statutory provisions. In doing so, Interfisc-Arbo adheres to the Royal Dutch Medical Association's (KNMG) Data Traffic and Cooperation in Connection with Work Absenteeism and Reintegration Code'.
If applicable, Interfisc-Arbo will inform the relevant data subject beforehand of provision of their personal data to third parties.
- b) If necessary for the proper execution of the relevant tasks, Interfisc-Arbo will provide the following parties within its own organisation with personal data without obtaining the data subject's prior permission:
 - The data subject has provided their unambiguous permission to that effect;
 - People who are directly involved in the current supervision of or consulting regarding the or are otherwise involved in the actual execution of an order from the employer, such as the occupational physician;
 - People who are directly tasked with the professional supervision of the data subject or people who are involved in the handling of complaints filed by the data subject.
- c) Outside of Interfisc-Arbo's organisation, the following parties will be provided with personal data:
 - The data subject's employer, insofar as permitted by law, (category A and B of appendix 1) without it being possible for them to derive the reason for the incapacity for work, without provision of any personal data of a medical nature - only information that is necessary for determining the data subject's continued payment, absenteeism management or reintegration;
 - The Dutch Employee Insurance Agency UWV – personal data in categories A, B, and C of appendix 1, insofar as this is necessary for the agency to perform its duties;
 - The relevant absenteeism insurers, insofar as this is necessary for the insurer to determine the extent of a benefit;
 - The relevant reintegration agencies – categories A and B of appendix 1;

- The relevant intervention parties – only information that is necessary for these parties to perform their duties as part of (assessing) the reintegration;
 - The relevant subprocessors – only information that is necessary for these subprocessors to perform their duties insofar as they take the place of Interfisc-Arbo on the basis of an agreement or a legal obligation.
- d) Moreover, Interfisc-Arbo may be required to provide personal data based on the applicable statutory provisions or a ruling by the competent court.

Article 6: Information regarding the processing

At a data subject's request, Interfisc-Arbo must inform them in a timely and comprehensive manner about the objectives for which and ways in which their personal data is processed, the applicable rules, the data subject's relevant rights in these matters, and the ways in which the data subject can exercise these rights. The data subject must then also be informed of where the applicable rules can be found.

Article 7: Access by the data subject

- a) The data subject has the right to access the registered data pertaining to their person. To do so, they must submit a written request to that effect with Interfisc-Arbo. The requested inspection moment will take place within one month of the request being submitted. If requested to do so, Interfisc-Arbo will provide the data subject with a copy of their data. Inspection of the data may also be performed by a person authorised in writing by the data subject to do so. Both the data subject and (if applicable) such an authorised person must be able to present valid identification before the inspection may take place.
- b) Interfisc-Arbo is permitted to refuse a request for access. The grounds for such a refusal of access or of a copy of the relevant data may be the important interests of parties other than the requesting party, including Interfisc-Arbo itself. The right to access must never infringe on the rights and freedoms of others, including business secrets or intellectual property rights or copyrights pertaining to software. A request for access may also be refused in the event of excessive requests, e.g. if the data subject files more requests for access with Interfisc-Arbo than the average or than is necessary.
- c) The above applies with due observance of any applicable statutory provisions.

Article 8: Correction: improvement, addition, removal, blocking or limitation

- a) The data subject can request that the personal data in the personal registration file that pertain to them be corrected or added to.
- b) They can also request the removal or destruction of data that is factually inaccurate or incomplete, or data that is processed in a manner that is contrary to the regulations, or in the event that the data is not relevant for the objective of the personal registration file.
- c) The data subject can also request temporary blocking/limitation of the processing of personal data of which the accuracy is contested by the data subject
- d) To do so, the data subject must submit a written request with Interfisc-Arbo and indicate which personal data must be corrected, added to, removed and/or destroyed or blocked. Interfisc-Arbo must then verify the identity of the data subject.

- e) Interfisc-Arbo must make a decision within 4 weeks of receiving this request. This term can be extended by a maximum of 2 months. In the event that Interfisc-Arbo is unable to comply with the request or comply with it fully, it will provide substantiation of its inability to do so.
- f) Interfisc-Arbo is permitted to refuse the request, *inter alia* if the unaltered storage of the data is required by Interfisc-Arbo's legitimate interests or is necessary for exercising freedom of speech and of information, for complying with a legal obligation, for carrying out a task that is in the interest of public health, or for exercising the public authority that the data controller has been bestowed with.

Article 9: Data protection

- a) Interfisc-Arbo has implemented appropriate technical and organisational measures to protect personal data from loss or any form of unlawful processing. Taking into account the state of technology and the costs of implementation, these measures guarantee an appropriate level of protection considering the risks involved in the processing and the nature of the personal data to be protected. In doing so, Interfisc-Arbo utilises the processes outlined in the 'Overview of Security Measures', which will be provided upon request.
- b) Electronic personal data is protected in such a way as to ensure that unauthorised parties cannot obtain access.
- c) Any personal data in physical form is stored in lockable cabinets. Only authorised employees have access to the key to these cabinets.
- d) In the event that Interfisc-Arbo engages a third party (Processor or Subprocessor) for the processing of personal data, Interfisc-Arbo will ensure that this third party provides sufficient guarantees regarding their technical and organisational measures pertaining to the activities to be carried out by them.
- e) If, in spite of the preventive measures that have been put in place, a breach occurs unexpectedly that is substantial enough so as to present a considerable risk to the rights and freedoms of the data subject, Interfisc-Arbo will report this breach to the Dutch Data Protection Authority and the data subject without unreasonable delay.

Article 10: Retention period, removal and destruction

- a) With due observance of the relevant statutory provisions, Interfisc-Arbo determines for how long and in what way personal data is to be stored. [Appendix 2](#) details the retention periods applicable at the time these regulations were established.
- b) After the retention period has lapsed, the personal data is removed from the personal registration file and destroyed as soon as possible.
- c) Personal data is not destroyed in the event that reasonably may be assumed that saving it is of significant importance to a party other than the data subject. Moreover, personal data is not destroyed in the event that keeping it is required pursuant to a legal obligation or in the event that the data subject and the holder of their personal data have reached an agreement to that effect. In the event that the relevant personal data has been processed in such a way that identification of individual persons is reasonably impossible, it may be stored in anonymised format.

Article 11: Duration and transfer

- a) Without prejudice to any relevant legal provisions, these regulations apply throughout the duration of the registration.
- b) In the event of a proposed transfer of the registration of personal data by Interfisc-Arbo to a third party, the data subjects will be informed thereof by Interfisc-Arbo to give them the opportunity to object to the transfer of the personal data pertaining to them.

Article 12: Complaints procedure

- a) In the event that the data subject feels that Interfisc-Arbo is acting contrary to the provisions of these regulations or other relevant statutory provisions, they have the option of filing a substantiated written complaint with Interfisc-Arbo.
- b) Interfisc-Arbo will handle such a complaint in accordance with its complaints procedure, which can be [downloaded here](#).
- c) In the event that the data subject does not agree with how their complaint regarding the registration of personal data has been handled, they have the option of filing a complaint about the matter with the Dutch Data Protection Authority and the Occupational Health & Safety Services Disputes Committee.

Article 13: Concluding provisions

- a) The present privacy regulations came into effect on May 1, 2018 and was amended and published on August 11, 2020 following an amendment to the law, that entered into force on January 1, 2020.
- b) In cases for which these regulations do not provide, Interfisc-Arbo will decide.
- c) Interfisc-Arbo can make changes to these regulations. Any such changes come into effect one month after being announced. Such announcement takes place by way of publication of the modified regulations on www.interfisc.co.uk/privacy-statement/.
- d) The currently applicable privacy regulations can be viewed on Interfisc-Arbo at any time.

Appendix 1: Personal data recorded in the Sick Leave / Employment Conditions Registration File

Category A: Personal and administrative details

Name, address, residence details

Date of birth

Phone number

Email address

Gender

Employer's details

Date: info regarding start / end of employment

Position

Number of hours

Details relating to absence: details of illness and (presumable) recovery reports, number of days' illness, (in)capacity for work percentage

Citizen service number (BSN, formerly SOFI number)*

Income details*

Bank/giro account number*

**: Processed only insofar as permitted by law or insofar as necessary for meeting a legal obligation or depending on specific circumstances.*

Category B: Details regarding absenteeism management and reintegration

Occupational physician's view on the reintegration

Translation by the occupational physician of medical details into limitations and possibilities

'Gatekeeper' reports

Taxability and employment opportunities

Recommendation regarding potential changes or modified work arrangements

Recommendation regarding an intervention geared towards increasing taxability

Reintegration programme planning

Employee's wishes regarding their work, training, employment pattern

Appendix 2: Retention periods and destruction

- a. A reasonable retention period applies to administrative absenteeism data (category A in appendix 1) and the reintegration file. In any case, these details are removed within two years of the data subject leaving employment, but only if the data is no longer needed.
- b. Since 1 January 2020, a retention period of 20 years applies to personal data of a medical nature, unless in the event of an occupational illness. In addition, an exception applies if there is a different legal retention period, if this is necessary for proper assistance or if the data is of great importance to someone else. Until January 1, 2020, medical data was retained for a maximum of 15 years. Since January 1, 2020, the retention period starts for all data that is present in the file at the time when the last change in the file took place. Before January 1, 2020, the retention period started from the moment when the first information about the client was included in the file.
- c. A retention period of 2 years maximum applies to non-medical files.
- d. A retention period of 40 years applies in the event that exposure to carcinogenic or reprotoxic substances, asbestos, or biological agents has taken place.
- e. A retention period of 30 years minimum, or so much longer or shorter as needed till the relevant party has reached the age of 75, applies in the event that their work involved ionising radiation.

Appendix 3: Access to personal data

This appendix concerns all personal registration files mentioned in the overview of personal registration files. The overview below should be regarded as the starting point for accessing these registration files. For each category of personal data, it indicates which type of activity may be undertaken by which position.

| Position | Personal data | Administrative details | Medical details |
|----------------------------------------------|---------------|------------------------|-----------------|
| Occupational medical officer | R | R | M |
| Labour & organisation expert | R | R | X |
| Occupational hygienist | R | R | X |
| Safety expert | R | R | X |
| The practice assistant of the company doctor | R | R | M |
| Absenteeism specialist | M | M | R |
| Case manager | M | M | X |
| Manager | M | M | X |

Explanation of the letters and signs used:

- R = consult, insofar as the relevant employee is covered by a delegation arrangement
- M = consult and add/change
- X = no access