

Klinik Pirawarth privacy policy

Dear Ladies and Gentlemen,

The protection of your personal data is very important to us. As per the European Union's General Data Protection Regulation (GDPR), in force since 25/05/2018, we are obliged to inform you about how we process your personal data.

You can also find this information on our website at www.klinik-pirawarth.at.

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1. Name and address of the controller

The controller within the meaning of the General Data Protection Regulation, other national data protection laws of the Member States, as well as other data protection regulations is

Kurhotel Bad Pirawarth GmbH & Co KG
Kurhausstrasse 100
A - 2222 Bad Pirawarth
Ph.: +43 (0) 2574 29160
Fax: +43 (0) 2574 29160 60
info@klinik-pirawarth.at
www.klinik-pirawarth.at

2. Name and address of the data protection officer

Please direct your enquiries concerning data protection to the following email address:

Kurhotel Bad Pirawarth & Co KG
Mr Christian Weber
Kurhausstraße 100
2222 Bad Pirawarth
datenschutz@klinik-pirawarth.at

3. Processing activities

3.1. Collection of personal data within the context of a processing activity

3.1.1. Categories of processed personal data:

In order to carry out treatments at our clinic, we collect personal data in the form of administrative data (e.g., name, date of birth and contact details) as well as necessary medical data (e.g., diagnoses, results and therapies). In addition, we may store personal data on accompanying persons, relatives or your attending doctors.

3.1.2. Purpose of processing your data

The term “processing” includes any handling of data such as collection, storage, use and transmission.

Medical processing

In order to carry out your rehabilitation, it is especially necessary to process your data for preventive, diagnostic, therapeutic, curative and post-treatment purposes. We also draw up a medical discharge report in this context.

Organisational processing

However, data are also required for administrative processing. This primarily concerns the organisation of your stay at the clinic (e.g. scheduling), billing and the assertion, exercise and defence of legal claims.

Video surveillance

Furthermore, we secure the main entrance as well as the lobby by means of video surveillance for the purposes of self-protection, the protection of the controller’s staff and patients as well as for the purposes of prevention, containment and clarification of criminally relevant behaviour. We process the personal data on the basis of point (f) of Article 6(1) of the GDPR (legitimate interest). Legitimate interest is established by the prevention of interference with the legal interests of the controller or the controller’s patients or employees. We process the personal data for up to 72 hours, measured from the time of collection of the video footage.

3.1.3. From whom do we receive your data?

Your data will be provided to us by your social security body or your health insurance scheme. Furthermore, we generally also collect data from you ourselves. In some cases, however, we may also request data or preliminary results from other institutions, such as doctors in private practice, specialists or hospitals.

We will only do this with your consent.

3.1.4. Who has access to your data?

The persons involved with your treatment at our clinic have access to your data as part of an authorisation scheme. This includes doctors and/or departments within the scope of interdisciplinary treatment.

Our administrative staff also has access to your data within the scope of their responsibilities and for the purpose of the administrative processing of your treatment.

3.1.5. Legal basis for processing your data

The processing of your personal data is a requirement for rehabilitation at Klinik Pirawarth. For data protection reasons, the processing of your data is only permitted if it is permissible on a legal basis or if you have declared your consent.

The legal basis for our processing of your data is Articles 6 and 9 of the GDPR, which explicitly stipulate that health data may be processed.

In addition, the Austrian Hospitals Act (Krankenanstaltengesetz) contains obligations concerning the storage of data as per Section 21 para. 2 of the NÖ KAG.

3.1.6. Possible recipients of your data

Your data will be forwarded or transferred to other bodies within the framework of the respective data protection regulations, in compliance with the purpose limitation and/or on the basis of your consent.

In particular, such recipients may include:

- The funding body (e.g., the insurance provider, health insurance scheme)
- General practitioners and specialists, if requested by you
- External support service providers (e.g., external laboratories, medical aid suppliers)
- Maintenance companies for IT and medical devices

These bodies only receive data to the extent permitted by law or as necessary.

Especially in the case of external service providers, contracts ensure that the level of data protection guaranteed by us is also adhered to by these bodies.

The transfer of data to certain authorities, especially government authorities (e.g., police, courts, etc.) may also be permitted or required by special legal provisions.

3.1.7. How long we store your personal data

Klinik Pirawarth is obliged to keep a record of your treatment in accordance with Section 21 para. 2 of the NÖ KAG and the medical professional code of conduct. We comply with this obligation in the form of a patient file kept in paper form or electronically.

Generally speaking, in the case of inpatient rehabilitation, a retention period of 30 years is stipulated for medical documentation.

If there are no legal retention periods or these have expired, the data will be destroyed in accordance with data protection law as soon as the purposes for retention no longer apply.

3.2. Collection of personal data in the context of an application process

3.2.1. Scope and legal basis of the processing of personal data

The controller processes personal data on the legal basis of point (b) of Article 6(1) of the GDPR for the purpose of initiating or implementing contractual relationships.

We process the following categories of personal data:

- Applicant data: Name, date of birth, CV, nationality/work permit
- Private contact details: Address, phone number, email address

3.2.2. Data erasure and storage period

The personal data of data subjects will be erased or blocked as soon as the purpose of storage ceases to apply. Storage may also take place if it is provided for by the European or national legislator in Union law regulations, laws or other provisions to which the controller is subject.

If an application is rejected, we will erase the applicant's data within seven months.

This period is derived from Sections 12 and 15 of the Equal Treatment Act (Gleichbehandlungsgesetz) as well as for reasons of proof on part of the controller.¹

¹ GZ: DSB-D123.085/0003-DSB/2018 vom 27.8.2018.

If, after completion of the application process, the applicant is hired, we continue to process the personal data received as part of the application process for the purpose of the employment relationship. In this case, the data will not be erased.

3.2.3. Data processing contract

In order to render the services that we provide in conjunction with the processing of personal data, it may occur that we employ the services of third parties (so-called processors as defined in Article 28 of the GDPR). Should we transmit personal data to these processors, then this will occur exclusively on the basis of the data processor agreement. If we transmit personal data to third-party countries, we will verify whether the third-party country in question has a level of data protection that corresponds to the risk. In the risk assessment, we take into account risks to the rights and freedoms of the data subject. We enter into standard contractual clauses as defined in Article 44ff of the GDPR with processors that have a registered office in a third country.

3.3. Collection of personal data as part of website use

When you use our website, we process personal data in the form of cookies (see <https://de.wikipedia.org/wiki/HTTP-Cookie>) or IP addresses (see <https://de.wikipedia.org/wiki/IP-Adresse>).

We use Google Analytics to analyse website usage (see https://de.wikipedia.org/wiki/Google_Analytics). We have entered into a processing agreement with Google LLC, 1600 Amphitheatre Pkwy, Mountain View, CA 94043, United States. The legal basis for said data processing is Article 6 lit f of the GDPR.

4. Rights of the data subject

If your personal data is processed, you are a data subject as defined by the GDPR and you have the following rights vis-à-vis the controller:

4.1. Right of access

You may request information from the controller as to whether personal data concerning you is being processed. If such processing is taking place, you may request information about the following:

- (1) The purposes for which the personal data is being processed
- (2) The categories of personal data which are being processed
- (3) The recipients or categories of recipients to whom the personal data concerning you have been or will be disclosed
- (4) The envisaged period of time that personal data concerning you will be stored or, if no specific information is available, criteria used to determine that period
- (5) The existence of the right to request rectification or erasure of personal data concerning you, a right to request restriction of processing by the controller or to object to such processing
- (6) The existence of a right to lodge a complaint with a supervisory authority
- (7) Any available information on the source of the data, if the personal data are not collected from the data subject
- (8) The Existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) of the GDPR and – at least in these cases – meaningful information about the logic involved as well as the significance and envisaged consequences of such processing for the data subject

You have the right to request information about whether personal data concerning you are being transferred to a third-party country or to an international organisation. In this context, you may request to be informed about the appropriate safeguards pursuant to Article 46 of the GDPR concerning the transfer.

4.2. Right to rectification

You have a right to rectification and/or completion vis-à-vis the controller should the personal data concerning you be incorrect or incomplete. The controller must make the rectification without undue delay.

4.3. Right to restriction of processing

You may request the restriction of the processing of personal data concerning you under the following conditions:

- (1) If you contest the accuracy of the personal data concerning you for a period enabling the controller to verify the accuracy of the personal data
- (2) If the processing is unlawful
- (3) If the controller no longer requires the personal data for the purposes of processing but if you need them for the establishment, exercise and defence of legal claims
- (4) If you have objected against processing pursuant to Article 21(1) of the GDPR and it has not yet been determined whether the legitimate grounds of the controller override your grounds.

Where processing of personal data concerning you has been restricted, such data may only be processed – with the exception of storage – with your consent or for the establishment, exercise or defence of legal claims or for the protection of the right of another natural or legal person for reasons of substantial public interest of the Union or a Member State.

If the restriction of processing has been carried out in accordance with the above conditions, you will be informed by the controller before the restriction is lifted.

4.4. Right to erasure

4.4.1. Obligation to erasure

You may request the controller to erase the personal data concerning you without undue delay and the controller is obliged to erase such data without undue delay if one of the following grounds applies:

- (1) The personal data concerning you are no longer necessary for the purposes for which they were collected or otherwise processed.
- (2) You withdraw your consent on which the processing was based pursuant to point (a) of Article 6(1) or point (a) of Article 9(2) of the GDPR and where there is no other legal ground for processing.
- (3) You object to the processing pursuant to Article 21(1) of the GDPR and there are no overriding legitimate grounds for the processing or you object to the processing pursuant to Article 21(2).
- (4) The personal data concerning you have been processed unlawfully.
- (5) The erasure of the personal data concerning you is necessary for compliance with a legal obligation under Union or Member State law to which the controller is subject.
- (6) The personal data concerning you has been collected in relation to the offer of information society services referred to in Article 8(1).

Information for third parties

If the controller has made the personal data concerning you public and is obliged to erase it pursuant to Article 17(1) of the GDPR, the controller, taking account of available technologies and the cost of implementation, must take reasonable steps, including technical measures, to inform controllers that are processing the personal data that you, as the data subject, have requested that they erase all links to or copies or replications of these personal data.

4.4.2.Exceptions

The right to erasure does not apply insofar as the processing is necessary:

- (1) For exercising the right of freedom of expression and information
- (2) For compliance with a legal obligation which requires processing under Union law, the law of Member States to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
- (3) For reasons of public interest in the area of public health in accordance with points (h) and (i) of Article 9(2) as well as Article 9(3) of the GDPR.
- (4) For archiving purposes in the public interest, scientific or historical research purposes or for statistical purposes in accordance with Article 89(1) of the GDPR, insofar as the right referred to in section a) is likely to render impossible or seriously impair the achievement of the objectives of the processing.
- (5) For the establishment, exercise and defence of legal claims.

4.5. Right to be informed

If you have asserted the right of rectification, erasure or restriction of processing against the controller, the controller is obliged to inform all recipients to whom personal data concerning you have been disclosed of this rectification or erasure of the data or restriction of processing, unless this proves impossible or involves disproportionate effort. You have the right to be informed about those recipients by the controller.

4.6. Right to data portability

You have the right to receive the personal data concerning you that you have provided to the controller in a structured, commonly used and machine-readable format. Furthermore, you have the right to transfer this data to another controller without hindrance from the controller to whom the personal data has been provided, insofar as:

- (1) the processing is based on consent pursuant to point (a) of Article 6(1) of the GDPR or point (a) of Article 9(2) of the GDPR or on a contract pursuant to point (b) of Article 6(1) and (2) the processing is carried out by automated means.

In exercising this right, you also have the right to have the personal data concerning you transmitted directly from one controller to another, insofar as this is technically feasible. The freedoms and rights of other persons must not be affected by this.

The right to data portability does not apply to processing of personal data necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

4.7. Right to object

You have the right to object at any time, on grounds relating to your particular situation, to the processing of personal data concerning you which is carried out on the basis of point (e) or (f) of Article 6(1) of the GDPR. The controller shall no longer process the personal data concerning you unless the controller can demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedom or for the establishment, exercise or defence of legal claims.

If the personal data concerning you is processed for direct marketing purposes, you have the right to object at any time to the processing of personal data for the purpose of such marketing. This also applies to profiling to the extent that it is related to direct marketing. If you object to processing for direct marketing purposes, the personal data concerning you will no longer be processed for these purposes.

You have the option, in the context of the use of information society services, notwithstanding Directive 2002/58/EC, to exercise your right to object by means of automated means using technical specifications.

4.8. Right to withdraw the declaration of consent under data protection law

You have the right to withdraw your consent at any time. The withdrawal of consent does not affect the lawfulness of processing based on consent before its withdrawal.

4.9. Automated individual decision-making, including profiling

You have the right not to be subject to a decision based solely on automated processing – including profiling – which produces legal effects concerning you or similarly significantly affects you. This does not apply if the decision:

- (1) Is necessary for entering into or the performance of a contract between you and the controller
- (2) Is authorised by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests
- (3) is based on your explicit consent.

However, these decisions must not be made on special categories of personal data referred to in Article 9(1) of the GDPR, unless point (a) or (g) of Article 9(2) and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place. In the cases referred to in (1) and (3), the controller shall implement suitable measures to safeguard your rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, the right to express one's point of view and to contest the decision.

4.10. Right to lodge a complaint with a supervisory authority

Without prejudice to any other administrative or judicial remedy, you have the right to lodge a complaint with a supervisory authority, in particular in the Member State of your habitual residence, place of work or place of the alleged infringement if you consider that the processing of personal data concerning you infringes on the GDPR. The supervisory authority with which the complaint has been lodged shall inform the complainant on the progress and the outcome of the complaint, including the possibility of a judicial remedy pursuant to Article 78 of the GDPR.