Body Stress Release
Gail van Beest

PROCESSING ACTIVITIES

Introduction
Since 25 May 2018, the General Data Protection Regulation (GDPR) has been in force. This is a new European privacy law. As a result, privacy is the same in all countries of the European Union. At present, the Member States still have their own national laws. The General Data Protection Regulation has replaced the old Personal Data Protection Act (Wbp). The GDPR lists a number of mandatory measures that must be complied with as a therapist because data is recorded in a client file.

Mandatory measures
The mandatory measures that the GDPR specifically mentions are:

1. keeping a record of processing activities;
2. carrying out a security check of the digital client file. This can be done by the supplier, but also by yourself, if the knowledge is in-house or by an external party engaged;
3. keeping a record of data breaches that have occurred; and
4. demonstrating that a patient or client has actually given permission for data to be recorded in the client file.

Register of processing activities
The register of processing activities contains information about the personal data that is recorded in the client file or a digital program. You can choose how the register is drawn up. However, the GDPR prescribes what information the therapist must put in the register. If the Authority Personal Data (AP) requests it, the register must be able to be shown immediately.

The register of processing activities must include:

a. a description of the categories of personal data (client data) that are processed;
b. a description of the purposes for which personal data is processed;
c. what rights data subjects (clients) have and how they can exercise those rights. Such as the right to access, modify, delete and receive all registered data (see Privacy Statement Body Stress Release (BSR) with Gail;
d. what organisational and technical measures have been taken to secure the personal data;
e. how long the personal data is stored; and
f. how to deal with a data breach.

Based on the following steps, it has been determined how Body Stress Release (BSR) with Gail/practitioner Gail van Beest complies with the GDPR.

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General personal data

Name, address, postal code, place of residence of the client	yes
Date of birth of the client	yes
Client's phone number and email address	yes

Underage clients

Phone number and email address of contact parent	yes

Extra gegevens in belang is van de begeleiding/behandeling

General practitioner; only in the event of a direct referral by the GP and where feedback to the GP is requested. Only with the client's consent	yes
School of the minor client	no

Recording of special personal data

Data about religion or belief, health, matters relating to sexuality or criminal data are called special personal data.

In principle, the processing of special personal data is prohibited, unless a legal exception can be invoked. If the data are processed in the context of health care, assistance or social services, processing is permitted, but only if it is done by a professional who is bound by professional secrecy or other person who is bound by confidentiality.

Based on the Medical Treatment Agreement Act (WGBO), this exception also applies to complementary or alternative care providers who are registered with the Complementary Care Professionals Register (RBCZ).

Special personal data

Religion or belief	no

Health	yes
Matters relating to sexuality; only with the client's consent	yes
Possible criminal data such as a report to Safe Home, guidance by youth care, violent conflicts in the family. Only if there is a 'Domestic violence / child abuse' protocol.	yes

Citizen Service Nummer (BSN)
Organizations outside the government may only use a citizen service number if this is provided for in a law and only for the purpose described in the law.

For example, care providers may use the BSN if they work under the Healthcare Insurance Act and the Long-Term Care Act (Wlz). This is not the case with a complementary or alternative therapist. They are therefore not allowed to record the BSN. The claim in the context of the supplementary health insurance does not fall under the Health Insurance Act and is not a ground for the use of the BSN.

Citizen service number	no
Check proof of identity at intake interview	no

Description of possible reason why the citizen service number is recorded and also the legislation on the basis of which this is done. N/A

More information recorded in the client file

Health insurance	yes
Health insurance policy number	no
Profession	yes
Social situation	
Health complaints physical and mental health & health history	yes
Operations	yes

Medication use	yes

Purposes of the personal data processed
In addition to the GDPR, the WGBO, the professional code of the professional association VBAG and the RBCZ also apply to work. These affect the purposes for which personal data is recorded.

Obligation to keep records
Under the WGBO, the healthcare provider is obliged to keep a client file.

Retention period
The main rule for the retention of medical client files is set out in the WGBO. The retention period is 20 years, calculated from the date of recording each individual data. The period may be longer if this is necessary for the purpose of treatment (for example, if someone has a chronic condition).

Professional secrecy
As a BSR practitioner, a duty of confidentiality applies on the basis of the professional code and the legally regulated medical confidentiality. Employees of psychosocial or complementary practices are bound by a duty of confidentiality through an employment contract or professional association.

Minors
According to the WGBO, patients' rights belong to the mentally competent minors between the ages of 12-16 and the parent(s) with authority. Parent(s) of minors up to the age of 16 have the right to co-decide on the treatment. Parents have the right to information and access to the file if this is linked to the right of co-decision for the treatment. There is an exception to this right of access, namely when the professional believes that the exercise of certain patients' rights is contrary to the interests of the patient.
Mentally competent patients aged 12 and older are authorised to give permission for the confidentiality to be breached.

Any other purposes of the client file n/a

How the client is informed

Clients are informed verbally about the obligation to keep records during the intake.	no
The treatment agreement and privacy statement contain all information about the working method, file obligation and obligations as a result of the WGBO, Wkkgz and the professional code.	yes

If children are under the age of 16, (both) parents give written permission for the treatment and thus for the recording thereof.	yes
Data in a file. See Treatment Agreement and Consent Form Body Stress Release (BSR) with Gail.	
Clients are asked to enter their personal data and information in the file themselves, via a secure digital link. This link will be sent by email prior to the first appointment.	no

Who actually works with the client files

As a self-employed person, Gail van Beest is the only one who has access to the files. There is professional secrecy under the professional code.	yes
Several colleagues have access to the patient files. They are also subject to professional secrecy and apply the same rules.	no
There are employees who have access to the patient files. The employment contract regulates confidentiality.	no
For learning purposes, practical case histories are discussed with colleagues or in an intervision group. This is always done anonymously and unrecognizably.	yes

How the recording of the security of personal data (client files) is arranged

When observing the clients of colleagues, paper client files are used. These files are kept in a locked cupboard.	yes
Body Stress Release (BSR) with Gail works with a digital client file. This is protected by a password.	yes
The digital client file is encrypted and protected with a password. In order to access the file, a two-step verification is also used.	yes

To properly protect the computer against intrusion by third parties, the password of the computer is changed every quarter. Where the last four characters/digits have not been used in the last six months.	yes
The client files are automatically backed up.	yes
By regularly installing the latest version software update, the software is optimally protected.	yes

Addition
If you work on an outpatient basis, indicate how the client data is secured while on the road.

The client file program is closed for transport.

External persons or companies that have access to the personal data and who therefore belong to the group of processors with whom a processing agreement or confidentiality agreement has been concluded:
1. BSR Manager/TIZM, Ron Beskers – supplier of the digital client file and accounting program;
2. Administratiekantoor Winkelaar, Danielle Rekers - accountant and his employees.

Supporting colleague with whom an observation agreement has been signed:
1. Renee Heetland – BSR-Heetland

Executors who will represent my interests in the event of long-term illness or death or will handle matters, with which a confidentiality agreement has been signed:
1. Renee Heetland - executor
2. executor

Obligation to report data breach to the Dutch Data Protection Authority
Since 01 January 2016, the obligation to report data breaches has been in force. This reporting obligation means that organizations (including therapists) must report the data breach to the Dutch Data Protection Authority (AP) immediately (within 72 hours) after a data breach. Sometimes the data breach must also be reported to the data subjects, those whose personal data has been leaked.

Examples of data breaches
A lost USB stick with personal data, a stolen laptop, phone or a hacker's break-in into a database.

When should a data breach be reported?
A data breach only needs to be reported to the Dutch Data Protection Authority if the data breach leads to serious adverse consequences for the protection of personal data or if there is a significant chance that this will happen. This is the case when personal data has either been lost in the data breach (they can no longer be retrieved and there was no backup) or unlawful processing of the personal data cannot be ruled out (someone may have had access to the personal data), while they were not authorised to do so and there is no control over what they have done or will do with the data).

It is only necessary to inform the data subjects (clients whose data is processed) if a data breach is likely to have adverse consequences for their privacy. This may be the case if data of a sensitive nature (e.g. health data) has been leaked, which can be misused by third parties.

The organization is in possession of a step-by-step plan Data Breach	yes
The processing agreement with the supplier states that the organisation will be informed in a timely manner if there has been a data breach at a supplier.	yes

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Bijlagen: behandelovereenkomst Body Stress Release (BSR) with Gail
privacyverklaring Body Stress Release (BSR) with Gail
toestemmingsformulier minderjarige
verwerkersovereenkomst BSR Manager/TIZM
waarnemingsovereenkomst
geheimhoudingsverklaringen