

## DECLARATION ON PERSONAL DATA PROCESSING

NEXTCLINICS Czech a.s., with its registered office at Jankovcova 1518/2, Holešovice, 170 00 Prague 7, Company Reg. No.: 042 87 576 (hereinafter referred to as the “**Company**”), issues this Declaration on Personal Data Processing and Information Notice (hereinafter referred to as the “**Declaration**”), in accordance with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data (General Data Protection Regulation) (hereinafter referred to as the “**GDPR Regulation**”), which comes into force on 25 May 2018, and the Adaptation Act No. 110/2019 Coll., on the processing of personal data.

The Czech version of the GDPR Regulation can be found at the following address: <https://eurlex.europa.eu/legalcontent/CS/TXT/?uri=CELEX:32016R0679>.

Information for employees and other staff of the Company regarding the GDPR Regulation is regulated in a separate Information Notice issued by the Company for its employees,

This Declaration is issued by the Company primarily for the purpose of informing its clients (patients) and contractual partners (in particular health service providers) who are considered to be data subjects, and as part of its activities the Company, as the data controller, processes their personal data.

### I. Introduction

The Company greatly appreciates the trust placed in us by our clients and contractual partners, which is why the protection of their privacy and personal data is very important to us. For this reason, the Company issues this Declaration in order to provide our clients and contractual partners with sufficient information regarding the handling of personal data and the rights they have in this regard.

### II. What can you learn in this document?

- Explanation of the main terms (Section III)
- Purpose of processing and legal basis for processing (Section IV)
- Categories of personal data processed (Section V)
- Processing of personal data on the basis of consent (Section VI)
- Contact information for personal data protection (Section VII)
- Categories of recipients of personal data (Section VIII)
- Personal data retention period (Section IX)
- Rights of data subjects in relation to the protection of their personal data (Section X)
- Consequences of failure to provide personal data (Section XI)

### III. Explanation of main terms

First of all, we would like to explain the main terms that will be used in this Declaration. These terms are taken from the GDPR Regulation, where you will find their exact legal definitions.

For the purposes of this Declaration and its clarity, we have taken the liberty of simplifying and clarifying some legal definitions.

The following terms used in this Declaration have the following meanings:

**“personal data”** = all information on the data subject

**“data subject”** = a unique natural person identifiable, directly or indirectly, on the basis of certain data

**“collection”** = any operation with personal data, in particular their collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

**“personal data controller”** = a natural or legal person or public authority which determines the purposes and means of the processing of personal data

**“personal data processor”** = a natural or legal person or public authority which processes personal data on behalf of the controller

## IV. Method of processing personal data

The processing of personal data is primarily carried out at the Company's premises by properly trained staff of the Company, or the processing takes place in specified cases at processors – third parties authorized by the Company for this purpose. The processing is carried out by means of computer technology, or manually for personal data in paper form, observing the adopted security principles for ensuring the proper handling of personal data, including the data and security integrity of the relevant systems.

To this end, the Company has taken technical and organizational measures to ensure the protection of personal data, in particular measures to prevent unauthorized or accidental access to personal data, their change, destruction or loss, unauthorized transfers, their unauthorized processing, as well as other misuse of personal data.

In accordance with the GDPR Regulation, the Company may transfer personal data to other countries of the European Union, in particular as part of the use of information systems when the operators of the relevant cloud services have server repositories in other countries of the European Union.

All entities to which personal data may be disclosed respect the right of data subjects to privacy protection and are obliged to proceed in accordance with applicable personal data protection legislation.

## V. Categories of personal data, purposes and legal basis for

## their processing

The Company processes personal data primarily for the purpose of providing health services and related activities (in particular for the purpose of keeping medical records), primarily to **meet its legal obligations**. In principle, these are the following categories of personal data:

- **Identification data** – name, surname, birth number/number of the insured person, date and place of birth, address of residence/registered office, health insurance company, number of the insured, signature
- **Contact details** – contact address, telephone number
- **Health data (this is a special category of personal data)** – medical history, diagnosis, laboratory test results, medical records and similar sensitive information regarding the health of their patients

The Company further processes personal data for the purpose of **fulfilling the rights and obligations under contracts related to the Company's activities or in connection with them**, entered into by the Company with its contractual partners (in particular health service providers, patients – self-payers, customers and suppliers), on the basis of and within the limits of these contracts; this applies to the following categories of personal data:

- **Identification data** – name, surname, birth number, date of birth, address of residence/registered office, health insurance company, number of the insured person, Company Registration Number, VAT Number, identification number of the facility/workplace, signature
- **Contact details** – contact address, phone number, email address, fax and other similar information
- **Data on education / qualifications** – professional competence, continuous education and certificates of achieved qualifications and their improvement, and other similar information
- **Payment information** – bank account number, payment history

The above-mentioned personal data processing is **necessary for the fulfilment of the Company's legal obligations as a provider of health services and for the performance of the concluded contracts**. Therefore, in the cases above, the Company **does not need the consent of the data subject for personal data processing**.

The Company also processes some personal data of its clients and contractual partners, or third parties, in cases where it is necessary **to protect its property or other legitimate interests**.

In all these cases, however, the Company consistently ensures that these interests are not outweighed by the interests or fundamental rights and freedoms of the data subjects whose personal data are to be processed.

In order to protect the Company's own property, it operates a CCTV system in some of its premises.

The operation of the CCTV system is subject to strict rules and is only carried out to the extent necessary to make sure it does not unduly interfere with the privacy of people.

This processing of personal data is **necessary for the purposes of the Company's legitimate interests, and therefore the Company does not need the consent of the data subject to process such personal data.**

## VI. Processing of personal data on the basis of consent

There is a small category of personal data that the Company processes based on the data subject's consent.

In case of data processing that does not fall into any of the above categories, we generally need your consent to process personal data. In this small category of personal data, we process, for example, data on visits to the Company's website (in particular using cookies, or the IP address of the website visitor and similar data).

You are not obliged to provide us with these data and they are only processed on the basis of your consent.

**You have the right to withdraw your consent to the processing of the above data at any time at the email address [gdpr-cz@next-clinics.com](mailto:gdpr-cz@next-clinics.com).**

**However, the withdrawal of consent will not affect the lawfulness of the processing of personal data prior to its withdrawal.**

## VII. Contact information of the Company as the personal data controller

Business name: **NEXTCLINICS Czech a.s.**

Reg No.: 042 87 576

with its registered office at Jankovcova 1518/2, 170 00 Prague 7, incorporated in the Commercial Register kept by the Municipal Court in Prague, Section B, File 20830

## VIII. Contact information of the Data Protection Officer

In any matter relating to personal data, you may contact the Company through the Data Protection Officer, namely:

**electronically at the following email address:**

[gdpr-cz@next-clinics.com](mailto:gdpr-cz@next-clinics.com)

**or in writing at:**

Data Protection Officer of NEXTCLINICS Czech a.s.

Jankovcova 1518/2, Holešovice, 170 00 Prague 7

## IX. Categories of recipients of personal data

Although the aim of the Company is to process the received personal data using its own resources, in some cases it is necessary to transfer personal data to other entities (recipients of personal data). In order to protect personal data, the Company has set up internal processes so that these personal data are transferred only to designated third parties, and only in justified cases and to the extent necessary.

In order to fulfil its obligations specified by legislation or concluded contracts, the Company transfers data on its clients (patients) and contractual partners to fulfil its legal obligations to certain third parties, including, in particular, health insurance companies, other health service operators, tax administrators, as well as processors authorized by the Company to process personal data in order to fulfil its legal and/or contractual obligations (data archiving operator, auditors, external lawyers, operators of the Company's IT systems, entities accounting for the provided health services, call centre, etc.).

## X. Personal data retention period

The Company has set up internal rules so that it retains your data only for the necessary period of time. Therefore, the data that the Company must process in order to fulfil its legal obligations are stored for the period imposed on the Company by the relevant legal regulations.

The period of data processing and storage in the Company is primarily determined by the statutory time limits set out especially in Decree No. 98/2012 Coll., on medical documentation, as amended, in Act No. 582/1991 Coll., on the organization and implementation of social security, as amended, Transplantation Act No. 97/2019 Coll. (the time limit is 10 years here) and in Act No. 563/1991 Coll., on accounting, as amended (e.g. in case of medical documentation, it is up to 100 years in certain cases).

Personal data processed on the basis of your consent are processed exclusively for the duration of this consent.

Records made by the Company's CCTV system are continuously deleted from the relevant data repository within 3 working days of their acquisition (these data are replaced by the currently recorded record). A longer period of archiving recordings from the CCTV system is only permissible if the recordings show that there has been an unlawful interference with the property or other rights and protected interests of the Company.

## XI. Rights of data subjects in relation to the protection of their personal data

In relation to the processing of your personal data by the Company, under the conditions set out in the GDPR, you have in particular the following rights:

- **Right of access to personal data** concerning you – you have the right to obtain from the

Company confirmation as to whether or not personal data are being processed. If they are being processed, you have the right to access them (including obtaining a copy of personal data free of charge<sup>1</sup>) and receive information regarding their processing;

- **Right to rectification or completion of personal data** in the event of inaccurate data or incomplete personal data;
- **Right to erasure of personal data** concerning you (the right to “be forgotten”), when the Company destroys your personal data and will no longer process them, if:
  - a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed,
  - b) you withdraw your consent and there is no other legal ground for processing,
  - c) you object to the processing and there are no overriding legitimate grounds for the processing,
  - d) the personal data have been processed unlawfully,
  - e) the personal data must be erased in order to comply with a legal obligation of the Company, or
  - f) the personal data have been collected in connection with an offer of information society services to a child, unless the GDPR Regulation allows further processing.
- **Right to restrict the processing of personal data** concerning you if:
  - a) you contest the accuracy of the personal data,
  - b) you consider the processing of personal data to be unlawful and request the restriction of processing,
  - c) the Company no longer needs the personal data for the purposes of processing, but you require them for the establishment, exercise or defence of legal claims, or
  - d) you have objected to the processing and it has not yet been settled.
- **Right to object to the processing** of personal data concerning you in relation to the processing of personal data by the Company for the performance of a task carried out in the public interest or in the exercise of official authority (however, such processing is not carried out by the Company in principle), on the basis of legitimate interests or for direct marketing purposes. Unless the Company demonstrates compelling legitimate grounds for processing that outweigh your interests or rights and freedoms, or for the establishment, exercise or defence of legal claims, personal data will no longer be processed. If you object to the processing of personal data for direct marketing purposes (including profiling), the Company will no longer process personal data for these purposes, regardless of whether there are serious legitimate grounds for their processing.
- **Right to lodge a complaint** with a supervisory authority, which is the Personal Data Protection

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<sup>1</sup> In the event of a repeated request for a copy, the Company will have the right to charge a reasonable fee to cover the costs incurred.

Office (with its registered office at Pplk. Sochora 27, 170 00 Prague 7), if you believe that the processing of personal data violates the GDPR Regulation or other legal regulation;

- **Right to data portability** if the automated processing of personal data takes place on the basis of your consent or in connection with the negotiation or performance of a contract, on the basis of which you have the right to obtain your personal data in a structured, commonly used and machine-readable format. At the same time, the right to transfer such data to another controller or to request the Company, if technically feasible, to transfer them directly to this other controller. However, if the exercise of this right could adversely affect the rights and freedoms of others, the Company will not be able to comply with the request for data transfer.

## **XII. Consequences of failure to provide personal data**

The provision of personal data of the Company's clients or contractual partners that the Company needs for the purposes of keeping medical records to the extent specified by applicable law and for the fulfilment of its legal obligations as a provider of health services is a legal requirement and, from the Company's point of view, is also necessary for the performance of the relevant contract. Without the provision of such personal data, the Company would not be able to properly fulfil its legal and contractual obligations; therefore, failure to provide personal data may result in the Company not being able to enter into the relevant contract or not being able to provide its services.

In the case of personal data that are processed on the basis of your consent, the provision of this consent is entirely voluntary. Failure to provide or withdraw consent in such a case will not have any consequences for you. However, even if the consent is withdrawn, the processing of personal data before the withdrawal of consent will remain in accordance with the law.