

PATIENT PRIVACY NOTICE

EFFECTIVE: APRIL 1ST, 2020

DaVita spółka z ograniczoną odpowiedzialnością, with its registered seat in Wrocław, ul. Legnicka 48 bud. F, 54-202 Wrocław, entered into the register of entrepreneurs of the National Court Register maintained by the District Court for Wrocław-Fabryczna in Wrocław, VI Commercial Division of the National Court Register, under KRS number 0000402438, NIP number 5252521356, REGON number 145884498 ("**We**" or "**DaVita**") acts as the data controller regarding the collection, use, transfer, and processing (together referred to as "processing") of certain personally identifiable information about you ("**Personal Information**").

1. *What Personal Information do We process?*

We may process the following categories of Personal Information in connection with the treatment provided to you:

- **Master data:** identification data, contact details, national identifiers, medical records number, data related to your health insurance status, signature;
- **Health data:** data related to treatment, including diagnoses, test results, treatment protocols, medications, statements or information in medical file, as well as other data related to your health, necessary to perform our medical services, date of death, data related to unexpected (adverse) occurrences, including type of incident;
- **Third party contact information:** identification data, contact details (if provided by you) of a family member or other person indicated by you to be contacted in an emergency or where such person was authorised by you to access information about your health or to access your medical documentation.

2. *What is source of my Personal Information?*

We collect Personal Information directly from you. However, to the extent that this is necessary for your care, DaVita can request your Personal Information including your health data held by your general practitioner or by the hospital treating you. This enables DaVita to receive any central documentation from your general practitioner or a hospital which is required for the current treatment.

3. *For what purposes do We use and process Personal Information and what is the legal basis of the Processing?*

We process your Personal Information for the purposes outlined in this section ("**Treatment Purposes**") and based on the following legal bases:

- a) **Necessity for compliance with a legal obligation (Article 6 Section 1 (c) GDPR) and necessity for the purpose of medical diagnosis, the provision of health care or treatment (Article 9 Section 2 (h) of GDPR)**
 - **To fulfill the legal obligations of DaVita as the provider of health care services** financed from public funds and to provide health services, to keep and to manage medical records, to settle with the National Health Fund for health care services provided and to report to the National Health Fund in relation to managing by the National Health Fund queues of patients, DaVita processes your master data, health data and third party

contact information.

- **To provide medical documentation** to patients and other authorized persons, DaVita processes your master data, health data and third party contact information.
- **For the purpose of archiving the medical documentation**, DaVita processes your master data, health data and third party contact information.
- **To conduct internal proceedings** aimed at ensuring compliance of DaVita and its employees with the law, DaVita processes your master data, health data and third party contact information;
- **To run medicines programs**, DaVita processes your master data and health data;
- **To carry out BI analysis** for internal monitoring of the quality of treatment and reporting in the case of external monitoring, DaVita processes your master data, health data and third party contact information.

b) Necessity to conclude and perform the agreement (Article 6 Section 1 (b) GDPR) and for the purpose of medical diagnosis, the provision of health care or treatment (Article 9 Section 2 (h) of GDPR)

- **To schedule an appointment** with you and to remind you about such appointment, DaVita processes your master data and health data.
- **To provide you with our medical services**, based on agreement with you, including to conclude such agreement, DaVita processes your master data, health data and third party contact information.
- **To provide you with our medical assistance**, including the registration process, insurance verification, research and appropriate treatment (within the clinics, outpatient clinics and hospital ward), DaVita processes your master data, health data and third party contact information.
- **To order patient examinations** to external entities for laboratory tests and radiological examinations (as part of a clinics, outpatient clinics and a hospital ward), DaVita processes your master data and health data.
- **For the purpose of settlement of services** provided to patients who are not covered by NFZ refund and who have private insurance, DaVita processes your master data and health data.

c) Necessity for the purposes of our legitimate interests (Article 6 Section 1 (f) of GDPR)

- **To monitor and improve the quality of services** provided by DaVita, including monitoring of telephone conversations and verifying the satisfaction of patients with DaVita's services, DaVita processes your master data and third party contact information;
- **To ensure physical security** at DaVita's office and premises, DaVita processes your master data;

- To make settlements with our service providers, DaVita processes your master data.
- d) **Necessity for the purposes of our legitimate interests and for the establishment, exercise or defense of legal claims (Article 9 Section 2 (f) and Article 6 Section 1 (f) of GDPR)**
- For the purposes of establishing, exercising and defending legal claims, including in particular situations also relating to services provided by service providers, DaVita may process in particular your master data, health data and third party contact information.
- e) **Your consent (Article 6 Section 1 (a) and Article 9 Section 2 (a) of GDPR)**

In other situations, if We wish to process your Personal Information and We cannot rely on other legal basis, We may ask you to provide your consent to process your personal data for a specific purpose. In such case, your Personal Information will be processed to the extent and for the purpose specified in the consent. In particular, We may ask you to provide your consent for the processing of your Personal Information for the purpose of pre-screening of patients for the purpose of their initial qualification for the clinical trial.

Whenever your Personal Information is or will be processed based on your consent, you can withdraw your consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

DaVita will not process Personal Information for any other purpose incompatible with the purposes outlined in this section, unless it is required or authorized by law, or as authorized by you.

4. Under what conditions is Personal Information transferred to third Parties?

DaVita may transfer Personal Information to third parties for Treatment Purposes as described in Section 3 as follows:

- **Regulators, authorities, and other third parties.** As necessary for the Treatment Purposes described above, Personal Information may be transferred to regulators, courts, and other authorities (e.g., National Health Fund, law enforcement authorities), independent external advisors (e.g., auditors), insurance carriers, including entities in the jurisdictions where DaVita or DaVita Inc. is located, as well as persons authorized to represent you or authorised by you to have access to your medical documentation or to information about your health.
- **Laboratories, general practitioners and hospitals.** As necessary for Treatment Purposes described above, Personal Information may be disclosed to laboratories if a corresponding examination is required and to the extent that this is necessary for your care, DaVita can disclose your health data to general practitioner or to the hospital.
- **Other Third parties.** under separate informed consent given by You and for the purpose indicated therein, as well as if permitted by applicable law and as necessary for Treatment Purposes, Personal Information may be shared with one or more third parties to process Personal Information on behalf of DaVita and will be subject to contractual obligations to implement appropriate technical and organizational security measures to safeguard the Personal Information, and to process the Personal Information only as instructed.

5. What security measures does DaVita implement?

DaVita implemented appropriate technical and organizational security measures to safeguard Personal Information following industry best practice. We ensure the confidentiality and protection of all data is preserved through compliance with legal requirements and data protection legislation.

6. How long your Personal Information will be stored?

The retention of your Personal Information takes place in accordance with legal retention requirements. Your Personal Information will be processed for the period necessary for purposes indicated in Section 3. We will retain your Personal Information for the period defined in our retention schedule unless we agree with you otherwise or we are required due to legal requirements.

7. What are Your rights?

Under the applicable laws, you have the following rights, among others, concerning your Personal Information:

- **a right to information about your Personal Information** stored by DaVita i.e. the right to access your Personal Information and the right to obtain a copy of this data;
- **a right to the rectification (amendment) of your Personal Information** – if the data is inaccurate or incomplete;
- **a right to request erasure of your Personal Information (the so-called "right to be forgotten")** - in particular if the data is stored unlawfully or the reason or purpose for its collection and storage ceased to exist;
- **a right to obtain restriction of processing of your Personal Information** – in particular if the data is inaccurate, processed unlawfully or when We no longer need to process your Personal Information, and you oppose to the deletion of such data;
- **a right of data portability of your Personal Information** – if (i) the processing takes place on the basis of an agreement concluded with you or on the basis of your consent and (ii) the processing is carried out by automated means; and
- **a right to lodge a complaint with a supervisory authority** – i.e. the President of the Personal Data Protection Office

If We have requested your consent for specific processing activities, you have the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal.

If you wish to ask DaVita a question or would like to exercise any of your rights, you may contact Us using contact details listed at the bottom of this notice.

8. Can I object to the processing of my Personal Information?

You have the right to object to the processing of your Personal Information, including profiling, when: (i) there are grounds relating to your particular situation, and (ii) data processing is based on the necessity for purposes of the legitimate interest pursued by DaVita, referred to in Section 3 letter c) or d) above (Article 6 Section 1 (f) of GDPR).

9. Am I obliged to provide my Personal Information?

- a) **you are obliged to provide your Personal Information**, according to the provisions of the Act on Patient Rights and the Patient's Rights Advocate or the Act on healthcare services financed from public funds. In the absence of providing all required Personal Information, depending on the circumstances, it may be not possible to provide you with the medical treatment;
- b) **provision of other Personal Information is voluntary** however, if you do not provide such data, depending on the circumstances, it may have an impact on provision of our services to you.

10. How do I contact DaVita?

If you wish to contact us in regard to processing of your Personal Information, below you can find our contact details:

- **DaVita sp. z o.o.**, ul. Legnicka 48 bud. F, 54-202 Wrocław, phone no. 71 342 98 50
- **Data Protection Officer:** PL_IOD@davita.com.

11. Declaration

I confirm that I have received and read this Patient Privacy Notice version 2.

NAME _____

DATE _____

SIGNATURE _____