

## **POBOS – privacy policy**

POBOS BV having its registered office at 9831 Sint-Martens-Latem, Philippe de Denterghemlaan 44, with company number 0656.914.853, registered in the Register of Legal Entities in Ghent, duly represented by Christian Agneessens in the capacity of permanent representative of BV Amegau, director

Hereinafter referred to as the 'Controller'.

### **Declares as follows**

The Controller acknowledges the importance of the secure processing of (sensitive) personal data. By means of this privacy policy, the Controller wishes to provide insight into the processing of your personal data. This privacy policy has been drawn up in compliance with the European Data Protection Regulation (GDPR), on 11 May 2018. This Regulation will apply directly in Belgium on 25 May 2018.

This privacy policy clarifies the obligations that rest on both parties, the Customer and POBOS. The obligations of the Customer are therefore explicitly clarified. However, when the text speaks of 'Controller', POBOS BV is meant.

### **1. Scope of the privacy policy**

This privacy policy applies as an appendix to the framework contract 'Partnership in psychosocial well-being' concluded between the Controller and the Client. The privacy policy applies for the term of the framework contract and is included both on [www.pobos.be](http://www.pobos.be) and on [www.poboslink.be](http://www.poboslink.be).

### **2. Definitions**

For the purposes of this privacy policy, the following terms shall have the following meanings in accordance with the text of the GDPR.

- "The person concerned": the identified or identifiable natural person who receives help and advice via POBOS or is counselled and to whom the (sensitive) personal data relate to.
- "Health data" means all (sensitive) personal data relating to the physical and/or mental health of a natural person, necessary in order to provide the most appropriate assistance or advice and/or organise the most appropriate psychosocial counselling.
- "(Sensitive) personal data" shall mean any personal data revealing racial or ethnic origin, religious or philosophical beliefs, or membership of a trade union, and the

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processing of genetic data, data concerning health or relating to a person's sexual behaviour or sexual orientation.

- "Personal data breach" means a breach of security that accidentally or unlawfully results in the destruction, loss, alteration or the unauthorised disclosure of, or access to, transmitted stored or otherwise processed data.
- "Personal Data" means any information relating to an identified or identifiable natural person ("the person concerned"). An identifiable person is considered to be a natural person who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, an address, an online identifier or one or more factors specific to the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person.
- "Pseudonymisation" means the processing of personal data in such a way that it can no longer be linked to a specific concerned person without the use of additional data, provided that these additional data are stored separately and that technical and organisational measures are taken to ensure that the personal data are not linked to an identified or identifiable natural person.
- "Consent of the person concerned" means any free, specific, informed and unambiguous expression of will by which the concerned person, through a statement or an unambiguous active act by which the person concerned consents to his/her relevant processing of personal data.
- "Customer" means any company, organisation, association and government body with which POBOS has concluded a cooperation contract, as a result of which the employees of the Customer can appeal to the assistance organised by POBOS.
- "POBOSlink": the file management system - customer portal of POBOS.
- "Counsellor": a (self-employed) licensed psychologist or social worker, who is contractually bound to POBOS and carries out guidance or support assignments by order of POBOS.
- "Processor": a natural or legal person, a government agency, a service or other body which processes personal data on behalf of the Controller.
- "Processing" means an operation or set of operations involving personal data or a set of personal data, whether or not carried out by means of automated processes, such as collecting, recording, organising, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by forwarding, distributing or otherwise making available, align or combine, block, erase or destroy data.
- "Controller" means a natural or legal person, a public authority, department or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data. Within the context of the present privacy policy, the Controller is POBOS BV.

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### **3. Processing of your (sensitive) personal data**

The Controller guarantees that (sensitive) personal data:

- Processed in a manner that is lawful, proper and transparent.
- Are collected only for specified, explicit and legitimate purposes.
- Are adequate, relevant and limited to what is necessary for the purposes for which they are processed.
- Correct and updated as necessary.
- Are kept in a form which does not allow the person concerned to be identified for longer than is necessary for the purposes for which they are processed.
- By taking appropriate technical and organisational measures, adequate security of the personal data is guaranteed and that the personal data is protected, inter alia, against unauthorised or unlawful processing and against accidental loss, destruction or damage.

The processing of (sensitive) personal data is necessary for purposes of preventive, professional or psychosocial counselling, for assessing the correctness of the reason for registration or of the description of the request for help on the part of the person concerned, for psycho-social diagnosis, the provision of help, advice and guidance. The (sensitive) personal data that the data controller processes relate to data on physical or mental health, in other words the psychological condition, the work (dis)ability, the reintegration assessment (including through the 'confidential advice note'), psychological data, financial situation, injuries following a serious accident, the lifestyle of the person concerned, etc.

The Controller will only process personal data that is at least necessary in the context of providing the requested services.

The personal data that the Controller may process from the person concerned depends on the reason for the registration or the specific request for help: surname, first name, age, address, sex, national register number, affiliation number to a social fund or professional association, insurance policy number, company position, employer, e-mail address, telephone and/or mobile phone number, written approval for the sharing with third parties of information that is beneficial to the further counselling (on the basis of the 'Document for the Protection of Your Privacy').

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In addition, data concerning health - physical and mental health - may be processed (e.g. on the basis of the "confidential advice note").

The (sensitive) personal data of the person concerned will only be accessible to the internal staff of POBOS and the Counsellors. All are strictly bound by their specific (legal, contractual and/or deontological) professional secrecy.

### 4. Explicit Consent of the person(s) concerned

In the context of the services organised by POBOS and where personal data is requested directly from the concerned person(s), the Controller will inform the person(s) concerned in advance about the following elements (Article 13 point 1 GDPR):

- The identity and contact details of the Controller: BV POBOS - registered office: Philippe de Denterghemlaan 44 - 9831 Sint-Martens-Latem - [info@pobos.be](mailto:info@pobos.be).
- The purpose of the processing: to provide appropriate help and advice and/or to organising preventive, professional psychosocial counselling in the context of shocking events and/or various psychosocial problems at work and in the private sphere.
- The recipients or categories of recipients of the personal details:
  - The internal staff of POBOS, all of whom have signed the charter 'Confidentiality and exchange of information'.
  - Members of the national network of accredited psychologists, who are all legally bound by professional secrecy and have subscribed to the code of deontology. All are in possession of a visa, issued by the FPS Public Health, and of a recognition number, issued by the psychologists' commission. They have also signed a GDPR confidentiality agreement.
  - Members of the national network of social assistants, who have all signed the charter 'Confidentiality and exchange of information' and have signed a GDPR confidentiality agreement.
  - The SPOC - Single Person of Contact - and his back-up person(s), appointed and authorised by the Customer (company / organisation), who have all signed the charter 'Confidentiality and exchange of Information'.
  - The attending physician, the general practitioner, the occupational physician, the control doctor, who are all legally and professionally bound by professional secrecy.

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All of these recipients or categories of recipients of personal data are imposed the same data protection obligations as those that arise from this privacy policy.

- The manner of exercising the rights of the person(s) concerned. See further.
- The fact that the Data Subject can still withdraw his/her explicit consent and the way in which this can be done. See further.
- The fact that the person concerned has the right to lodge a complaint with the supervisory authority. See further.
- The period of time the personal data are kept. See further.

### **5. DPO - Data Protection Officer**

Mr Christian Agneessens has been appointed DPO (registration number LV5TZVML with the Data Protection Authority - GBA). He can be contacted via the e-mail address [info@pobos.be](mailto:info@pobos.be) or at the address of BV POBOS.

### **6. Processing activity**

#### **Creation of a file in POBOSlink by the external call centre**

- A third party (e.g. the SPOC of a Customer), or a person concerned, can contact the emergency number of POBOS, if help and guidance is needed. This emergency number is manned by an external call centre.
- Every telephone call is recorded, which is reported in advance. In concrete terms, it is clearly stated that you have come to POBOS and that the calls are recorded for quality purposes only. POBOS can access the recordings to assess and evaluate the quality of the service provided by the external call centre.
- Following a request for assistance by telephone, the external call centre will enter the recordings into the file management system POBOSlink in the name of the person concerned. Once POBOS completes the file, the external call centre will no longer have access.
- A processing agreement has been concluded between POBOS and the external call centre.

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### **Creation of a file in POBOSlink by POBOS**

- If a general practitioner makes an application for assistance at the request of the person concerned, this is done via [info@pobos.be](mailto:info@pobos.be), through the contact form on the website [www.pobos.be](http://www.pobos.be) or through the field 'register your request for help here' at [www.poboslink.be](http://www.poboslink.be). In this case, POBOS creates a file.
- For all requests for assistance that are not registered through the external call centre, POBOS will create a file in POBOSlink itself.

### **'Confidential registration form'**

As a result of the creation of a file, the SPOC (authorized Single Person of Contact, who has signed a charter 'Confidentiality and information exchange') of the Customer is given a "confidential registration form" to inform the SPOC of the new file concerning the person concerned. The name and details of the person concerned are not mentioned if the person concerned clearly expressed his/her wish to remain anonymous when registering the request for help.

### **Completion of the file by the treating POBOS counsellor**

The treating counsellor (independent psychologist or social worker) who, by order of POBOS, manages a file is regarded as a Joint Controller. In the free field in the file (in POBOSlink) the treating counsellor can only enter data that are relevant for the purposes of POBOS and that are beneficial for the support of the person concerned.

### **Cross-border Processing**

Since POBOS also assists person(s) concerned from EU countries other than Belgium and since POBOS has its registered office in Belgium, a supervisory authority has been appointed. The supervisory authority is the Commission for the Protection of Privacy (CBPL).

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### **Use of the screening tools 'POBOS Trauma Scan' and 'POBOS Burnout Scan'**

The screening tools - 'POBOS Trauma Scan' and 'POBOS Burnout Scan' - can be used freely, as much as necessary. The results of the completed scans are not stored and belong exclusively to the person completing the survey. These two screening tools are accessible via [www.pobos.be](http://www.pobos.be).

### **7. Retention period**

Personal data shall only be retained for the period of time necessary or achieving the purpose of the processing.

The Controller regularly finds that person(s) concerned sometimes contact POBOS again years after an initial request for help to initiate a new request for help, whereby they specifically request to be assisted by the same counsellor.

In some specific situations of accidents at work or situations of aggression, disasters and attacks, the legal procedure can sometimes take many years. In order to be able to serve the needy person concerned in the best possible way, the storage period for personal data relating to psycho-social files is therefore set at 20 years, the statutory retention period.

POBOS does provide an annual opportunity to remove or anonymise data that are no longer essential.

Personal data obtained in the context of an application for an internal vacancy and/or from a (spontaneous) application to join the POBOS network as a counsellor, will be completely removed from all available media at the moment they are no longer relevant with regard to the vacancy or application.

### **8. Processing of Personal Data for Marketing Purposes**

With regard to the processing of personal data for marketing purposes, the Controller guarantees that personal data shall only be used for purposes that are part of the organisation of the welfare services of POBOS, and thus never for commercial or marketing purposes.

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In this respect, the personal data are used to mail a satisfaction survey, on the one hand when the file is closed by the treating counsellor and on the other hand about a year after the file was opened. The results of these two satisfaction surveys are processed internally and only serve to improve the quality of the services of POBOS. The anonymised and non-identifiable ('Pseudonymisation') overall results are made available to the Clients.

### **9. Appropriate technical and organizational measures**

Taking into account the state of the art, the implementation costs, as well as the nature, the scope, context and purposes of the processing, and the, in terms of probability and seriousness various risks to the rights and freedoms of individuals, the Controller will take appropriate technical and organisational measures to ensure that the personal data are processed securely.

In accordance with Article 32 of the GDPR, the Controller guarantees to take the necessary measures, which relate to, among other things:

- Pseudonymisation and encryption of (sensitive) personal data.
- The ability to ensure, on an ongoing basis, the confidentiality, integrity and availability of the processing systems and services.
- The ability to restore availability and access to personal data in a timely manner in the event of a physical or technical incident. For this purpose, POBOS has a cooperation contract with an external IT partner and makes a monthly external backup.
- A procedure for testing, assessing and evaluating the effectiveness of the technical and organisational measures to secure of processing.

With regard to the specific technical and organisational measures, we mention hereafter the most important measures taken:

- HTTPS - certificate related to [www.pobos.be](http://www.pobos.be) and [www.poboslink.be](http://www.poboslink.be). All web traffic is encrypted. Wildcard certificates are renewed annually.
- Confirmation of terms of use and cookie policy at login.
- VPS server hosting with only port 80 (http) and port 443 (https) open. An end-point protection is provided.
- VPS server hosted in Germany -> Europe.
- Monthly backup on external hard disk (stored in locked cabinet).



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- Use of 'complicated' passwords on the internal computers of POBOS.
- Passwords/Tokens are encrypted via Rijndael (cryptographic algorithm).
- Antivirus / Antispam on multiple layers (Firewall, servers, mail systems). (Trendmicro - licence certificate via Serso BV).
- Physical and electronic burglary protection in the offices of POBOS.
- Lockable cabinets in which the data is kept on paper carriers.

### **10. Legal grounds**

It is necessary for the Controller to have access to the (sensitive) personal data of the person concerned, on the one hand to be able to register and open a file with a view to initiating counselling, and also to be able to appoint the most suitable Counsellor on the basis of the reason for registration. No file can be created without the necessary (sensitive) personal data.

The processing of personal data is necessary for the performance of the agreement that POBOS has contractually entered into with the Customer.

If the person concerned contacts POBOS himself/herself, on the basis of the previously described legal ground, the person concerned automatically gives POBOS the permission and mandate to process his/her (sensitive) personal data.

If a third party contacts POBOS in the name or on behalf of the person concerned and the person concerned accepts the initiation of a counselling cycle by participating in the counselling, the person concerned confirms that he/she accepts the offer of guidance of his/her own free will and, on the basis of the legal grounds described above, automatically gives POBOS the permission and mandate to process his/her (sensitive) personal data.

For the manner in which the (sensitive) personal data are collected, please refer to point 6.

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### 11. The Rights of the person(s) concerned

Under the GDPR, the person concerned have the following rights in relation to their personal data:

- Right of inspection
- Right to rectification of incorrect and/or incomplete personal data
- Right to erasure of data ('Right of oblivion')
- The right to restriction of processing
- The right to transfer the data
- The right to object

Permission to process personal data can be withdrawn at any time by notifying us at [info@pobos.be](mailto:info@pobos.be). A withdrawal of consent to the processing of personal data may result in the Processed Party's file being discontinued and closed. If necessary, the Counsellor and/or the Customer will be informed by e-mail by POBOS.

The Controller guarantees to respond within 1 month of receiving the request. This is in accordance with the obligations in Article 12 point 3 of the GDPR. Depending on the complexity of the request and the number of requests, this deadline may if necessary, be extended by a further two months. The Controller will notify the person concerned of any such extension within 1 month of receiving the request.

If the person concerned discovers that one of the processors or third parties (see point 4. - third item) is processing personal data in violation of the GDPR, the person concerned may report this to the Controller at [info@pobos.be](mailto:info@pobos.be). After being informed of such a complaint, the Controller shall endeavour to contact the Processor(s) or third party(ies) accused within 3 working days. Within 1 month of receiving the complaint, the Controller will inform the person concerned of the outcome.

As regards exercising one of the rights in relation to his/her psycho-social file, the person concerned must respect to the following internal procedure at the Controller:

- Submitting a request by registered letter addressed to the director of BV POBOS at the aforementioned registered office address.
- Enclose a copy of the identity card.

For more information and model letters, the person concerned can go to the website of the Data Protection Authority via the following link:

<https://www.gegevensbeschermingsautoriteit.be/burger/privacy/wat-zijn-mijn-rechten>

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The person concerned has the right, pursuant to Article 77 of the GDPR, to lodge a complaint directly, if he/she believes that his/her personal data is not protected and/or processed by the Controller in accordance with the GDPR.

<https://autoriteitpersoonsgegevens.nl/nl/onderwerpen/algemene-informatie-avg/rechtenvan-betrokkenen>

### **12. Measures if a breach occurs in relation to the personal data**

The Controller is required to notify the competent Belgian supervisory authority of any breach of personal data security within 72 hours. This is unless it is not likely that the breach in relation to the personal data presents a risk to the rights and freedoms of the person(s) concerned.

The Controller will inform the Customer without unreasonable delay as soon as it becomes aware of a personal data breach. It is agreed that the Controller and the Customer will inform each other within 48 hours of learning of the breach and mutually agree on whether the breach will be notified to the competent Belgian supervisory authority.

The above obligation also applies if the Controller, for example by submitting a complaint by a person concerned, effectively learned of a breach involving the personal data at the appointed processor or third party.

If the personal data breach is likely to represent a high risk to the rights and freedoms of natural persons, the Customer shall notify the person(s) concerned of the breach related to the personal data without delay, in accordance with Article 34 of the GDPR.

Both the Customer and the Controller shall cooperate with the competent Belgian supervisory authority to provide the necessary information and limit the consequences of the breach.

### **13. Other provisions**

In the event of nullity of one or more of the provisions of this privacy policy, the other provisions will remain in full force.

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This privacy policy is governed by Belgian law. The parties shall submit their disputes in connection with this privacy policy exclusively to the courts of Ghent.

The Controller guarantees that it will provide the Customer with the necessary support and information necessary for the Controller to ensure compliance with its obligations under the GDPR. This information obligation does not extend to information that is confidential or cannot be disclosed to the Customer for legal reasons.

The Controller will also provide the necessary cooperation if an audit commissioned by the Customer or an auditor authorised by the Customer is performed at the Controller's premises. The Customer will bear the costs of the appointed auditor and the audit conducted. The audit will always be restricted to the Controller's systems used for the processing operations.

End of the Privacy Policy - last amended on 14 April 2021.