

HSE PERSONAL DATA PROCESSING REGULATIONS VRIJE UNIVERSITEIT AMSTERDAM

Version 1.3

HSE Personal Data Processing Regulations Vrije Universiteit Amsterdam

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Introduction

The Health, Safety and Environment Department (hereinafter: **HSE**) is the certified¹ internal Health, Safety and Environment Department of VU Foundation (hereinafter: **VU**). The VU enlists the services of HSE for disability assessments, absenteeism support and employee reintegration. Employees can also turn to HSE on their own initiative for: consultation with the company doctor, company social worker or confidential counsellor, advice on occupational risks, psychosocial workload or dangerous substances, workplace assessments and visual acuity measurements for computer glasses.²

In the course of these activities, HSE processes sensitive and special personal data of employees. In many cases, these personal data directly or indirectly convey information about an employee's physical and/or mental health. The processing of special personal data is subject to strict legal requirements.

These Regulations (hereinafter: **Regulations**) outline the duties, responsibilities and procedures and describe how employees can exercise their rights when their personal data are processed by HSE.

The purpose of these Regulations is to promote and ensure that:

- HSE complies with the applicable laws and regulations on the protection of personal data;
- employees and other data subjects receive sufficient information about the manner in which HSE processes personal data.

These Regulations are applicable to the personal data that HSE processes for the purposes of employee disability assessments, absenteeism counselling and reintegration as well as for the purposes of consultations or personalized advice for employees and other data subjects. These Regulations are not applicable to the general processing of personal data of employees. The general processing of employee personal data is governed by the 'Employee Personal Data Processing Regulations Vrije Universiteit Amsterdam'.

Article 1. Definitions

The terms used in these Regulations have the meaning as defined in the General Data Protection Regulation and related laws and regulations (hereinafter: the **Law**), unless explicitly stated otherwise.

- a. **Filing System:** every structured set of Personal Data which can be accessed according to certain criteria, irrespective of whether this is entirely centralized or decentralized or disseminated on functional or geographical grounds.
- b. **Data Subject:** the person to whom the Personal Data relate. In the context of these Regulations, this at least concerns the Employee whom the Employer has referred to HSE for the purposes of disability assessment, absenteeism counselling or reintegration or who has approached HSE on his own initiative for advice (including preventative advice). In addition, individuals who have a contract of employment with a VU partner organization can in certain cases use the services of HSE, such as employees of VUmc or the University of Amsterdam in the context of ACTA.
- c. **Authorized Officer:** the person whom the VU has authorized to access certain Personal Data for the performance of his professional duties. In addition to Employees, this may also include people working at

¹ In view of the social importance of occupational health & safety, the legislator has opted to impose mandatory certification for the provision of HSE services. To obtain and retain certification, the HSE must at all times meet the certification criteria. These criteria are contained in the Working Conditions Regulations and also relate to data protection.

² For a full listing of the duties and activities of the HSE Department (only available in dutch):

<https://vunet.login.vu.nl/services/pages/practicalinformation.aspx?cid=tcm%3a165-454870-16&category=tcm:165-292164-1024&>

the VU without a permanent contract of employment with the VU, such as temporary employees, seconded employees and self-employed persons.

- d. **Special Personal Data:** Personal Data relating to racial or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership, genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health and data concerning a natural person's sex life or sexual orientation.
- e. **Executive Board:** the board of the VU.
- f. **Third Party:** a natural or legal person, public authority, agency or other body, not being the Data Subject, HSE, the VU, a Processor or the persons directly authorized by HSE, the VU or a Processor to process the Personal Data.
- g. **Third Country:** all countries outside the European Economic Area (= all countries in the European Union, Liechtenstein, Norway and Iceland).
- h. **Data Protection Officer (DPO)** of the VU: an internal officer within the meaning of Article 37 ff. of the General Data Protection Regulation (AVG). The DPO independently supervises the compliance with data protection laws and regulations and the policies of the VU regarding the protection of personal data.
- i. **Employee:** a person who has a contract of employment with the VU Foundation.
- j. **Personal Data:** all information about an identified or identifiable natural person (the Data Subject). Personal Data is a broad term comprising virtually all data relating to a natural person. This includes both objective and subjective data, irrespective of whether the information is correct. It thus comprises information about a person (such as his name, date of birth and gender) as well as value judgements and impressions. Only in exceptional cases does information concerning a natural person not qualify as Personal Data.
- k. **UWV:** Employee Insurance Agency.
- l. **Processor:** a natural or legal person, a public authority, an agency or other body that processes Personal Data on behalf of and under the responsibility of HSE. HSE gives the Processor instructions and determines the purposes and means of the processing of the Personal Data. The Processor may only process the Personal Data on the instructions of HSE. If HSE outsources a Processing Operation to a Processor, additional statutory rules apply, such as the obligation to draw up a Data Processing Agreement. An Employee of HSE falls within the HSE hierarchy (internal management) and is not regarded as a Processor for HSE.
- m. **Data Processing Agreement:** the Controller and Processor are legally obliged to provide for envisaged Processing Operations in an agreement or other legal act. A Data Processing Agreement is the most commonly used instrument for this purpose. A Data Processing Agreement shall at least stipulate that: the Processor provides sufficient guarantees relating to the implementation of appropriate technical and organizational security measures, the Processor shall exclusively process the Personal Data on the basis of written instructions from HSE and the Processor assures that the persons authorized to process the personal data are subject to a confidentiality obligation. Furthermore, arrangements are made regarding, inter alia: the subject matter and duration of the Processing, the nature and purposes of the Processing, the type of Personal Data and the categories of data subjects and the rights and obligations of the Controller and Processor.
- n. **Controller:** a natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the Processing of Personal Data. In the context of these Regulations, this is HSE. HSE has the authority to determine the purposes and means of the processing operations.
- o. **Processing:** any operation or set of operations which is performed on Personal Data or on sets of Personal Data, whether or not by automated means, such as the 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 of data.
- p. **Employer:** the VU.

Article 2. Scope

- 2.1 These Regulations apply to the Processing of Personal Data that HSE processes for the purposes of employee disability assessment, absenteeism counselling and reintegration as well as for the purposes of consultations or personalized advice for employees and other Data Subjects insofar as these:
 - a. take place wholly or partly by automated means (via a computer or electronic system); or
 - b. have been or shall be manually entered into a Filing System.
- 2.2 These regulations do not apply to the general processing of Employee Personal Data. These processing operations are subject to the 'Employee Personal Data Processing Regulations Vrije Universiteit Amsterdam'.

Article 3. Purposes of the Processing

- 3.1 HSE only collects Personal Data for specified, explicit and legitimate purposes ('purpose limitation') and exclusively processes Personal Data for these purposes and other compatible purposes. The purposes for which HSE collects the Personal Data are determined before the Processing.
- 3.2 HSE collects and processes Personal Data for the following purposes:
 - a. employee disability assessments;
 - b. employee absenteeism counselling;
 - c. employee reintegration support;
 - d. advice (including preventative advice) on health complaints and occupational diseases;
 - e. advice on work and working conditions;
 - f. implementation of statutory arrangements.
- 3.3 Where Personal Data are to be processed for a purpose other than that for which they were collected without the consent of the Data Subject, HSE shall decide whether further Processing is compatible with the purposes for which the Personal Data were collected, taking account of the following:
 - a. any link between the purposes for which the Personal Data were collected and the purposes of the intended further processing. The closer the link between the purposes, the more compatible the Processing is with the original purpose;
 - b. the context in which the Personal Data were collected. Compatible use is likelier if the Personal Data have been obtained from the Data Subject himself, rather than from a source other than the Data Subject;
 - c. the nature of the Personal Data, notably whether Special Personal Data are being processed. In general, compatible use is less likely if the Personal Data are of a more sensitive nature;
 - d. the possible consequences of the intended Processing for the Data Subject. If further Processing leads to a certain decision being taken about the Data Subject, compatibility is less likely than if the Personal Data are used for research;
 - e. the extent to which appropriate safeguards have been established to protect the Data Subject, including encryption or pseudonymization. Which measures are appropriate is determined on a case-by-case basis.
- 3.4 Further processing of Personal Data for historical, statistical or scientific purposes is not deemed to be incompatible if HSE has made the necessary arrangements to ensure that further Processing exclusively takes place for these specific purposes. Personal Data are pseudonymized and encrypted wherever possible.

Article 4. Personal Data

- 4.1 HSE processes the following Personal Data or categories of Personal Data for the aforementioned purposes and exclusively if necessary:

- a. name, address, place of residence, date of birth, telephone number and email address of the Data Subject;
- b. job title, department, staff number, type of contract of employment of the Data Subject;
- c. gender, marital status, citizen service number (BSN) of the Data Subject;
- d. date of commencement/termination of employment of the Data Subject;
- e. name, address, place of residence, telephone number of the Data Subject's GP;
- f. information about the Data Subject stemming from the surgery, anamnesis, diagnosis and consultation with other health and social service workers;
- g. laboratory data and information from other health and social service workers about the Data Subject;
- h. reports on the Data Subject, notably in the context of the Eligibility for Permanent Incapacity Benefit (Restrictions) Act (Wet Verbetering Poortwachter);
- i. notifications about the Data Subject to the Netherlands Center of Occupational Diseases;
- j. first days of sickness absence and return to work date of the Data Subject;
- k. medical examination data/results of the Data Subject;
- l. medication/ therapy data of the Data Subject;
- m. information about referral;
- n. information about working conditions, including workplace assessments in relation to the Data Subject;
- o. conditions regarding the functional capacities of a Data Subject in relation to the workload;
- p. proposed or implemented reintegration measures relating to the Data Subject;
- q. information obtained from attending doctors;
- r. information about the Data Subject's legal position: UWV decisions, information about legal procedures, expert opinions, debt assistance/budgeting form;
- s. other necessary medical or paramedical and/or psychological data of the Data Subject;
- t. other necessary data for the implementation of statutory requirements.

Article 5. Special Personal Data

- 5.1 The processing of Special Personal Data within HSE is prohibited, unless the Data Subject gives his explicit, informed and specific prior consent for the Processing or the Law provides for an exemption for this Processing. For instance, under the Eligibility for Permanent Incapacity Benefit (Restrictions) Act, HSE is obliged to share certain data about the Employee's health with the Employer.
- 5.2 HSE processes, insofar as necessary, the following Special Personal Data:
 - a. Personal Data on health;
 - b. Personal Data on sex life or sexual orientation;
 - c. Personal Data on racial or ethnic origin;
 - d. Personal Data on political opinions;
 - e. Personal Data on religious or philosophical beliefs;
 - f. Personal Data on trade union membership;
- 5.3 The Personal Data mentioned under b to f of Article 5.2 are only processed by HSE insofar as the Data Subject disclosed these to HSE on his own initiative, the Processing is necessary to assess the Data Subject's disability or to provide absenteeism counselling or reintegration support to the Data Subject and the Data Subject has given his explicit, informed and specific consent for the Processing.
- 5.4 The Processing of the citizen service number (BSN) by HSE is only permitted insofar as required by law. HSE may not use the BSN if this is not required by law. Not even if the Data Subject were to consent to such use.

Article 6. Legal Basis for Processing

- 6.1 A Processing Operation must always have a legal basis. Processing without a legal basis is not permitted. The VU derives the legal basis for personal data processing from the following:

- a. the Processing is necessary to pursue the legitimate interests of HSE, the VU or a Third Party to which the Personal Data are disclosed, except where such interests are overridden by the interests or fundamental rights and freedoms of the Data Subject, particularly the right to the protection of private life. HSE must always consider whether it or the Third Party to whom the Personal Data are disclosed genuinely has a legitimate interest. The Processing must be necessary to achieve this interest. In addition, HSE must consider whether it should refrain from processing the Personal Data because the Data Subject's interests and/or right to protection of private life override the interests of HSE. In this connection, HSE must in all events take account of the sensitivity of the Personal Data and, insofar as the Processing takes place, establish safeguards to ensure the careful use of the Personal Data;
 - b. the Processing is necessary to enable HSE to comply with its legal obligations;
 - c. the Processing is necessary for the prevention or control of a serious threat to the health of the Data Subject;
 - d. the Data Subject has already given his specific, unambiguous and informed consent for the Processing. It is essential that the Data Subject expressed his will in full freedom. This means that the Data Subject must not have consented under pressure of circumstances. The Data Subject must not suffer any negative consequences as a result of refusing to consent to the Processing. In addition, consent must always relate to one or more specific Processing operations. The Data Subject must receive sufficient information to understand what he is consenting to before the Processing takes place.
- 6.2 The Data Subject can withdraw his consent, as referred to in Article 6.1 (d), at all times without stating reasons. This withdrawal has no consequences for the data processing that took place before the withdrawal of the consent. If consent is the legal basis for the Processing and the Data Subject withdraws his consent, the Processing must be discontinued.

Article 7. Transparent information and communication

- 7.1 The VU takes appropriate measures to provide transparent, easily accessible and readily understandable information and communication regarding the Processing of Personal Data. The Data Subjects must be able to easily ascertain that their Personal Data are processed and why, for instance by means of privacy statements and FAQs.
- 7.2 The information is provided in writing or by other means, such as electronic means. If the Data Subject so requests, HSE can also provide information orally provided that the identity of the Data Subject has been proven.

Article 8. Obligation to provide information

- 8.1 If HSE collects Personal Data from the Data Subject, it shall provide the following information to ensure fair and transparent Processing:
 - a. its contact details and, where applicable, those of a contact person;
 - b. the contact details of the Data Protection Officer;
 - c. the purposes of the processing of the Personal Data and the legal basis for the Processing;
 - d. the legitimate interests of HSE or of a third party, if this is the legal basis for the Processing;
 - e. where appropriate, the recipients or categories of recipients of the Personal Data;
 - f. where appropriate, the fact that HSE intends to transfer the Personal Data to a Third Country or an international organization and the appropriate or suitable safeguards that have been established (in the absence of an adequacy decision by the European Commission), the means by which a copy of the data can be obtained or where they have been made available;
 - g. the period for which the Personal Data will be stored or, if that is not possible, the criteria to determine that period;

- h. the fact that the Data Subject has the right to request HSE for access to and rectification or erasure of the Personal Data or restriction of the processing of his Personal Data, as well as the right to object to the Processing and the right to data portability, as referred to in Article 20 of these Regulations;
 - i. the fact that the Data Subject has the right to withdraw his consent at all times if this is the legal basis for the Processing;
 - j. the Data Subject has the right to submit a complaint to the Dutch Data Protection Authority (AP), as referred to in Article 21.2 of these Regulations;
 - k. whether the provision of Personal Data is a statutory or contractual requirement or a requirement that must be met to enter into a contract as well as whether the Data Subject is obliged to provide these Personal Data and the possible consequences of failing to do so;
 - l. the existence of automated decision-making and, insofar as relevant, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such Processing for the Data.
- 8.2 In cases where HSE does not obtain the Personal Data from the Data Subject, the VU shall, in addition to the information mentioned in Article 8.1 of these Regulations, provide the following information:
- a. the categories of Personal Data concerned;
 - b. the source from which the personal data originate, and if applicable, whether they came from publicly accessible sources.
- 8.3 Where HSE intends to further process the Personal Data for a purpose other than that for which the Personal Data were collected, it shall provide the Data Subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in Article 8.1. and insofar as relevant Article 8.2.
- 8.4 The obligation to provide information as referred to in Article 8.1 is not applicable if the Data Subject already has the information.
- 8.5 The obligation to provide information as referred to in Article 8.2 is not applicable if:
- a. the Data Subject already has the information;
 - b. the provision of such information proves impossible or would involve a disproportionate effort, in particular for Processing for archiving purposes in the public interest, or for scientific, historical research or statistical purposes;
 - c. obtaining or disclosure of the Personal Data is expressly laid down by Union or National Law to which HSE is subject and which provides appropriate measures to protect the Data Subject's legitimate interests;
 - d. the Personal Data must remain confidential subject to a professional secrecy obligation.

Article 9. Access to Personal Data

- 9.1 The Personal Data that are processed by HSE are accessible on a 'need to know basis' for:
- a. Authorized Officers who require access to Personal Data for the performance of their specific duties; and
 - b. the Processors engaged by HSE.
- 9.2 Authorized officers are subject to a confidentiality obligation regarding the Personal Data to which they have access.
- 9.3 Personal Data that are subject to medical confidentiality can exclusively be accessed by the HSE company doctor and the employees working under his direct responsibility. The general HSE authorization policy in relation to Personal Medical Data can be found via (only available in dutch):
<https://vunet.login.vu.nl/services/pages/practicalinformation.aspx?cid=tcm%3a164-895526-16>.
- 9.4 A Data Processing Agreement containing adequate safeguards to guarantee the security and confidentiality of the Processing and to ensure that all other requirements laid down by the Law are met is concluded with all Processors who process Personal Data on the instructions and under the responsibility of HSE.

Article 10. Disclosure of Personal Data to Employer

- 10.1 HSE exclusively discloses Personal Data of the Data Subject to the Employer insofar as necessary to make a decision on the continuation of salary payments, absenteeism counselling and reintegration support, all this with due regard to the further provisions in this Article. In addition, HSE may provide Personal Data to the Employer insofar as necessary for the implementation of personalized advice relating to, for instance, workplace adaptations or computer glasses.
- 10.2 HSE shall, insofar as necessary, exclusively provide the following data about the health of a sick Data Subject to the Data Subject's manager/supervisor:
- the activities which the Data Subject is still or no longer able to carry out (functional limitations, residual functional capacities and implications for the type of work that the Data Subject can still do);
 - the expected duration of the absenteeism;
 - the extent of the Data Subject's incapacity for work (based on functional limitations, residual capability for work and implications for the type of work that the Data Subject can still do);
 - any advice about workplace adaptations, facilities or interventions that the Employer must implement for the re-integration.
- 10.3 HSE does not provide any Personal Data to the Employer that are subject to medical confidentiality, unless this is necessary and the Data Subject has given his explicit, informed and specific prior consent for this. HSE shall exercise the utmost discretion in this respect. HSE shall, in principle, only provide this information if the Data Subject has a medical condition and it is necessary for immediate colleagues to know how to act in an emergency. In these cases HSE shall disclose the necessary Personal Data with the explicit, informed and specific prior consent of the Data Subject. A note of this consent is added to the Data Subject's medical file.
- 10.4 The following Personal Data are in any case subject to medical confidentiality:
- diagnoses, name of disease, specific complaints or indications of pain;
 - own subjective observations regarding the Data Subject's mental and physical health;
 - data on therapies, arrangements with doctors, physiotherapists, psychologists, etc.;
 - other situational problems, such as relationship problems, problems from the past, changes of address, death of partner, divorce, etc.

Article 11. Disclosure of Personal Data to Third Parties

- 11.1 HSE only discloses Personal Data to Third Parties insofar as:
- it is legally required to do so; or
 - this is necessary to achieve the purposes mentioned in Article 3 of these Regulations and the Data Subject has given his explicit, informed prior consent for the disclosure.
- 11.2 HSE is required by law to disclose, at the UWV's request, any data on the sick Data Subject that are necessary for the performance of the UWV's tasks.
- 11.3 HSE is legally required by law to report all cases of occupational disease to the Netherlands Center for Occupational Diseases (NCB). In doing so, the HSE must ensure that the reported data cannot be traced back to the Data Subject.

Article 12. Disclosure of Personal Data upon transfer of tasks to another HSE provider

- 12.1 If HSE intends to transfer Personal Data from its records to another certified HSE provider or company doctor in connection with the termination and/or transfer of tasks, it shall inform the Data Subject accordingly and offer the Data Subject an opportunity to object to this intention.

- 12.2 Personal Data that are not subject to medical confidentiality can be transferred to a succeeding certified HSE provider or company doctor insofar as these Personal Data are necessary for the transferred activities.
- 12.3 Personal Data that are subject to medical confidentiality may exclusively be transferred to a succeeding certified HSE provider or company doctor insofar as these concern a current case, i.e. if the Data Subject is being treated by the company doctor at the time of the transfer or contacts the company doctor again within four weeks after the data transfer took place. In all other cases, Personal Data that are subject to medical confidentiality can only be transferred with explicit, informed and specific prior consent from the Data Subject.

Article 13. Quality of Personal Data

- 13.1 HSE shall always make every reasonable effort to ensure that the processed Personal Data are correct and accurate. In addition, HSE shall always keep its Personal Data Processing to a minimum. This means that the Processing must in all events be discontinued or modified if the purpose of the Processing can also be achieved with no or less Personal Data.

Article 14. Retention Periods and Erasure of Personal Data

- 14.1 Personal Data of Data Subjects may not be retained for longer than necessary for the purposes for which they were collected and processed. A list of the retention periods applied by the HSE can be found via: [\[link VUnet\]](#). These also state whether or not a statutory retention period is applicable.
- 14.2 After the expiry of the set retention period, HSE destroys the Personal Data, unless a statutory archiving obligation is applicable.

Article 15. Confidentiality

- 15.1 All Authorized Officers are obliged to maintain confidentiality with regard to the Personal Data. They are only permitted to share, publish or otherwise process Personal Data insofar as necessary for the performance of their work for HSE or insofar as any legal requirement obliges them to do so.
- 15.2 The company doctor is under a professional obligation to maintain medical confidentiality. By extension, this same obligation applies to all employees who are involved in the treatment and in the processing of Personal Data under the responsibility of the company doctor.

Article 16. Security

- 16.1 HSE takes technical and organizational measures with regard to the security of the Personal Data in order to prevent accidental or unlawful destruction, loss, alteration, unauthorized access to or disclosure of personal data transmitted, stored or otherwise processed.
- 16.2 HSE determines the security measures, taking into account the state of the art, the costs of implementation, the nature, the size, the context, the processing purposes and the probability and severity of the risks. HSE shall ensure that the security is always adequate.
- 16.3 HSE takes technical and organizational measures to ensure that Personal Data that are subject to medical confidentiality can exclusively be accessed by the company doctor and the HSE employees working under the direct responsibility of the company doctor.
- 16.4 Any unauthorized Processing, loss of Personal Data or any other form of unlawful Processing, due to a security breach or any other reason, shall be acted on in accordance with the VU 'Duty to Report Data Breaches Protocol'.

Article 17. Privacy by Design and Privacy by Default

- 17.1 HSE shall ensure that the mechanisms used for Processing are designed as much as possible to protect the Personal Data of the Data Subjects as well as to achieve legal compliance ('Privacy by Design').
- 17.2 HSE shall ensure that the standard settings in a Processing operation are selected to assure maximum protection of the Personal Data of the Data Subjects ('Privacy by Default').

Article 18. Register of Processing operations

- 18.1 All HSE Processing operations are recorded in the VU Register of Processing operations (hereinafter: **Register**). The Register is set up in conformity with Article 30 of the General Data Protection Regulation.

Article 19. Data Protection Officer and internal Processing responsibility

- 19.1 The DPO of the VU is tasked with the supervision of compliance with these Regulations. The VU ensures that the DPO is able to perform his supervisory duties in an independent and effective manner. This means that he may not receive any instructions regarding the performance of his duties from the VU (or VU Executive Board) and shall not suffer any adverse consequences of his role as DPO. The DPO of the VU has an advisory role towards the Executive Board.
- 19.2 All Authorized Officers are obliged to comply with every reasonable request for cooperation that the DPO may make in the performance of his duties, unless a statutory confidentiality obligation prevents them from doing so.
- 19.3 HSE is responsible for ensuring compliance with these Regulations with regard to the Processing of Personal Data within HSE that come under Article 2.1 of these Regulations.

Article 20. Data Subject Rights

- 20.1 The Data Subject has the following rights:
- a. Right to access and information. Data Subjects have the right to access their Personal Data. Data Subjects can also enquire about the purposes of the processing, the categories of Personal Data, the recipients of the Personal Data and the envisaged period for which the Personal Data will be stored or, if that is not possible, the criteria used to determine that period. Where the Personal Data are not collected from the Data Subject, the Data Subject can also enquire about any available information as to their source. Where Personal Data are transferred to a Third Country, the Data Subject has the right to be informed of the appropriate safeguards relating to the transfer. Access can be refused if, for instance, this is necessary for the prevention, investigation, detection and prosecution of criminal offences or for the protection of the rights and freedoms of others.
 - b. Right to rectification. Data Subjects have the right to obtain from HSE without undue delay the rectification of inaccurate Personal Data relating to them. Taking into account the purposes of the Processing, the Data Subject also has the right to request the completion of incomplete personal data, including by means of providing a supplementary statement. Only objectively incorrect Personal Data are eligible for correction. In other words, the Personal Data must be clearly incorrect. For instance, a misspelled name. Data Subjects can request additions to their Personal Data if these are subjectively incorrect, i.e. if there is a difference of opinion as to whether the Personal Data are correct or incorrect. This could, for instance, concern an interview report.
 - c. Right to erasure. Data Subjects have the right to have their Personal Data erased by HSE if:
 - the Personal Data are no longer necessary in relation to the purposes for which they were collected;
 - the Data Subject withdraws the consent on which the processing is based and there is no other legal ground for the processing;

- the Data Subject objects in conformity with Article 20.1 (d) to the Processing of his Personal Data and this objection is upheld; or
 - the Personal Data have been unlawfully processed.
- d. Right to object. Under certain circumstances, Data Subjects have the right to object to the Processing of their Personal Data by HSE. If this objection is justified, the Processing is immediately terminated.
- e. Right to data portability. Data Subjects have the right to receive the Personal Data which they have provided to HSE and which are processed on the basis of consent in a structured, commonly used and machine-readable format and to transmit them to a Controller other than HSE.
- 20.2 The Data Subject can exercise the rights referred to under a. to d. of Article 20.1 as well as every other right that the Data Subject has pursuant to the Law by expressing this wish to the DPO. The DPO shall respond on the VU's behalf within 4 weeks.
- 20.3 Insofar as the rights of Data Subjects relate to Personal Data that are subject to the professional obligation to maintain medical confidentiality, the DPO shall consult with the company doctor and/or the Data Subject about the handling of the Data Subject's request and who should take care of this.

Article 21. Complaints

- 21.1 The Data Subject can at all times submit a complaint about the Processing of Personal Data to the Head of the HSE Department, without prejudice to their rights as described in Article 20. The Head of the HSE Department will deal with complaints as promptly as possible and aims to give a considered response within 4 weeks.
- 21.2 The Data Subject can at all times submit a complaint about the Processing of Personal Data to the Dutch Data Protection Authority (AP).
- 21.3 The Data Subject can at all times turn to the competent court concerning the manner in which Personal Data are processed by the HSE.

Article 22. Final provisions

- 22.1 These Regulations have been submitted to the VU Staff Council for approval.
- 22.2 These Regulations have been posted on the website of the VU and the intranet (VUnet).

These Regulations have been adopted by the Executive Board and take effect on 24 July 2018.
