



For Patients

Information on data protection



uke.de/datenschutz/patienten



ALTONAER
KINDERKRANKENHAUS



MARTINI-KLINIK

UKE Outpatient Center

University Medical Centre Hamburg-Eppendorf

This information on data protection is in accordance with Art. 13, 14 GDPR on the processing of personal data, which is the responsibility of the following data protection officers of the UKE company (the group known as **UKE company**):

Chief coordinator responsible	Data protection officer
Universitätsklinikum Hamburg-Eppendorf (UKE) Körperschaft des öffentlichen Rechts Martinistraße 52 20246 Hamburg	Postal address: same as chief coordinator but add as recipient – Datenschutzbeauftragter – dsb@uke.de T: +49 (0) 40 7410 - 56890
Ambulanzzentrum des UKE GmbH Martini-Klinik am UKE GmbH (MK) Martinistraße 52 20246 Hamburg	Postal address: same as chief coordinator but add as recipient – Datenschutzbeauftragter – dsb@uke.de T: +49 (0) 40 7410 - 56890
AKK Altonaer Kinderkrankenhaus gGmbH (AKK) Bleickenallee 38 22763 Hamburg	Postal address: same as chief coordinator but add as recipient – Datenschutzbeauftragter – datenschutz@kinderkrankenhaus.net

1. Data processing

Your course of treatment involves the use of some of your personal data (patient's data). The information collected on patients comprises basic data (e.g. name, date of birth, address, contact data), case history, diagnosis, proposed therapy and findings (from the group of clinics and third parties, from imaging processes and biomonitoring) as well as individual medical records. Depending on the form of treatment it might be necessary to collect data on family health history, biometric data, data on sexual history and sexual orientation, religious and/or ideological convictions.

We also process data required for billing (e.g. who is bearing the costs, health insurance number, payment history), details of next of kin, accompanying persons and persons who made the referral (physician, other doctors or third parties) and other contact persons (e.g. carers, representatives).

The proper administrative processing and billing of your treatment involves keeping a record of your personal details. The only exceptions to this are cases of confidential birth.

2. Purposes

We process your personal data primarily to facilitate the provision and documentation of the treatment and services to which you, the patient, has agreed, including prophylactic, diagnostic, therapeutic and aftercare purposes and services, as well as the provision of doctors' reports and letters and reports on the patient's discharge.

Your personal data might also be used for the purpose of quality assurance, to identify and control hospital infections and to facilitate the provision of mental and social care services as well as for discharge management.

In addition, your patient data is used in the management of inhouse administration, in particular invoicing your treatment, control and auditing. Your data will also be used in the training and education of doctors and other related health professionals and to fulfil statutory obligations (e.g. informing the relevant health authorities in the event of notifiable illness, for the purpose of infection control or the cancer register).

Furthermore, personal data might be used for research purposes, in which case you would be personally informed.

3. Legal Basis

The use of patient data held by hospitals is subject to strict legal provisions or the personal agreement of the patient in question. There are various laws and regulations that permit the processing of data by hospital authorities. These include, in particular, the General Data Protection Regulations (GDPR), e.g. Art. 6, 9 GDPR, Germany's Federal Data Protection Act (BDSG), the Fifth Book of the

Social Security Code (SGB V) and, if data processing is carried out by the named hospitals AKK, MK or UKE, the Hamburg Hospital Act (HmbKHG) also applies.

Details of the relevant legal basis are as follows:

Purpose / Service	Legal Basis
Treatment, treatment records	Art. 6 Para. 1 lit. b, c, d, Art. 9 Para. 2 lit. h, Para. 3, GDPR et al § 22 Para. 1 No. 1 lit. b BDSG et al §§ 8, 10, 11 HmbKHG*
Involvement of external consultants	Art. 6 Para. 1 lit. b, c, d, Art. 9 Para. 2 lit. h, Para. 3, GDPR et al § 22 Para. 1 No. 1 lit. b) BDSG, § 11 Para. 1 No. 1 HmbKHG*
Invoicing to statutory health insurance companies	Art. 6 Para. 1 lit. b, c, d, Art. 9 Para. 2 lit. h, Para. 3, GDPR et al § 301 SGB V
Quality assurance	Art. 6 Para. 1 lit. e, Art. 9 Para. 2 lit. i GDPR et al § 299 SGB V et al § 136 SGB V as well as guidelines G-BA and § 22 Para. 1 No. 1 lit. c BDSG et al. § 10 Para. 1 No. 7 HmbKHG*
Training/further training	Art. 6 Para. 1 lit. e, Art. 9 Para. 2 lit. h, Para. 3, Para. 2 lit. i GDPR et al § 10 Para. 1 No. 8 HmbKHG*
Research	Art. 5 Para. 1 lit. b GDPR as well as Art. 6 Para. 1 lit. a, f, Art. 9 Para. 2 lit. a, j GDPR et al § 27 BDSG, § 6 GDNG, § 12 HmbKHG*

4. Time frame for data processing / Data retention period

Personal data is held only for as long as is necessary to complete treatment or due to a legal obligation. The legal basis governing data management includes the GDPR, the HmbKHG, the Radiation Protection Act (StrlSchG), the Genetic Diagnostics Act (GenDG), as well as the German Commercial Code (HGB) and the German Fiscal Code (AO).

In detail, the following deadlines and legal basis apply:

Type of document	Period	Legal Basis
Record of treatment, unless specified otherwise below	30 years	Art. 6 Para. 1 lit. b, Art. 9 Para. 2 lit. h, Para. 3 GDPR et al § 4a HmbKHG, Art. 6 Para. 1 lit. f, 9 Para. 2 lit. f GDPR
Involvement of external consultants	10 years	Art. 6 Para. 1 lit. c, Art. 9 Para. 2 lit. g GDPR et al §§ 257 Para. 1 No. 4 HGB, 147 Para. 1 No.4 AO
Invoicing to statutory health insurance companies	6 years	Art. 6 Para. 1 lit. b, c, d, Art. 9 Para. 2 lit. h, Para. 3, GDPR et al § 301 SGB V

5. Data source and recipients

As a rule, the data we require is collected directly from the patient. However, additional medical data might be obtained from hospitals, clinics, medical centres (MVZ) and doctors' surgeries you are currently receiving, or have previously received, medical care from (see point 6 below). In addition, we might obtain data from emergency services or other people who brought you or referred you to hospital at a time when you could not respond in person. We also receive data from medical laboratories or the findings obtained by other doctors, assuming that you have informed us of this source or we have approached them with your express agreement.

Your data is used for purposes relating to your treatment and is subject to the pertinent data protection laws and/or any declaration of consent that you have signed and presented to us or to third parties, including, in particular:

- clinics, doctors and medical practices, rehab clinics and other institutes involved in previous treatment, co-treatment or subsequent treatment,
- institutions paying for your treatment (statutory or private health insurance, accident insurance company, etc.),
- Medizinischer Dienst Nord, a corporation under public law responsible for quality assurance and auditing costs and invoicing for the statutory health insurance companies),

¹ Data retention period begins with the last treatment.

² Data retention period begins at the end of the year in which the invoicing or communication was issued.

- legal or contractual representatives
- relatives, unless you have expressed a wish that they should not be contacted,
- pastoral care, insofar as this does not conflict with the patient's apparent wishes or objections,
- external service providers (e.g. auditors, cost control, technical service providers),
- internal company service providers (e.g. catering, patient transport, pre-op preparation),
- within research projects on the basis of § 12 Hamburg Hospital Act: Trustee office of UKE.

In accordance with the Hamburg Hospital Law (§ 12 HmbKHG) the UKE group has established specific procedures for research projects. The first step is pseudonymisation of data by the trustee office set up specifically for this purpose and subject to the statutes of the medical faculty under which it is obliged to observe strict confidentiality. The patient data is stored by the researchers of the UKE group in a special secure onsite facility or locally within the secure environment of the UKE group for processing. This ensures that the researchers cannot make public the data identifying the patient, such as family and first names, insurance no., address and patient ID. However, the above-mentioned trustees hold data such as name, first name, date of birth, insurance no., address and patient ID for the purpose of pseudonymisation. A different procedure for processing your data for research purposes is possible. In this case you will be specially notified.

6. Joint responsibility

In order to ensure comprehensive treatment we have introduced a standardised system to facilitate shared electronic medical files and patient administration within our group. Your patient file will thus contain all the records of your treatment and stationary care in the wards and clinics within the UKE group. These medical service providers are jointly responsible according to Art. 26 GDPR. Thus every provider of medical services within the UKE group can

access the joint patient file and use this information for future treatment as well as your current treatment.*

7. Transfer to third countries

As a rule, the processing of your personal data will be carried out within Germany, the EU or the European Economic Area. In the event that new applications of your data arise your data might be transferred to third countries. However, should patient data be processed outside of the European Economic Area, measures will be taken to ensure that the data recipient fulfils the appropriate level of security and other data security precautions shall apply.

8. Rights of the data subject (patient rights)

You are entitled to access information on the use of your data under Art. 15 et seq. GDPR. You have the right to information about the stored personal data concerning you in accordance with Art. 15 GDPR. If you discover that incorrect personal data relating to you is being processed, you may, under certain conditions, have the right to demand rectification of the data in accordance with Art. 16 GDPR. Incomplete data should be rectified in order to fulfil the purpose of the data processing. If the requirements of Art. 17 GDPR have been met, in particular if the data is no longer required for the original purpose and the retention periods have expired, you can request the erasure of your data. According to Art. 18 GDPR under certain conditions you may demand limitations to the further processing of your data. This means that your data is not erased but is tagged to limit further processing. If further processing of your medical records is deemed to be of public interest or should there be some other legitimate reason as defined in Art. 6 GDPR, Para. 1 lit. e), f) you may still object to the processing of your data under the provisions of Art. 21 GDPR while citing specific personal reasons.

You can assert your data subject rights against the UKE group and its medical services by making a submission to UKE.

In accordance with Art. 77 Para. 1 GDPR you are entitled to raise objections with the supervisory authority, e.g. the Hamburg Data Protection Officer: Hamburgischer Beauftragter für Datenschutz und Informationsfreiheit (HmbBfDI), Ludwig-Erhard-Straße 22, 20459 Hamburg, mailbox@datenschutz.hamburg.de.

* Processing must comply with the appropriate standards derived from the Hamburg Hospital Act (HmbKHG) if the data processing is carried out by UKE, the Martini Clinic or the Altona Children's hospital.

