



# Privacy Statement Complementary insurance

We respect your privacy

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## 1. Introduction

Helan Onafhankelijk Ziekenfonds Vlaanderen (hereinafter referred to as “Helan”), located at Boomsesteenweg 5, 2610 Wilrijk, with enterprise number 411.696.011, offers its members compulsory supplementary insurance. These are all services and benefits in addition to those provided by compulsory insurance for the benefit of members who are in order with their contributions.

Helan attaches great importance to the protection of your privacy, and endeavours to process (your) personal data in a lawful, fair and transparent manner. The purpose of this statement is to inform you about how Helan processes personal data.

More information about privacy legislation can be found on the website of the Belgian Data Protection Authority: [www.dataprotectionauthority.be](http://www.dataprotectionauthority.be).

## 2. Controller

Pursuant to Article 3, first paragraph, (b) and (c) of the Law of 6 August 1990 on health insurance funds and national federations of health insurance funds, and Article 67, first paragraph of the Law of 20 April 2010 containing various provisions on the organisation of supplementary health insurance (I), the health insurance fund has the following objectives:

- granting allowances, benefits and payouts to members and their dependents;
- providing help, information, guidance and assistance

Helan acts as the controller as regards data from the compulsory supplemental insurance.

In accordance with the European General Data Protection Regulation of 27 April 2016 (GDPR), Helan has appointed a data protection officer (DPO). He can be reached at the following address: [privacy@helan.be](mailto:privacy@helan.be), or by letter to Gistelsesteenweg 294, 8200 Bruges. You can also contact our DPO at: [www.helan.be/privacy](http://www.helan.be/privacy).

## 3. Why are your data processed?

In this context, Helan processes all personal data of both its members and the care providers, which are necessary to achieve its main missions and objectives, namely:

- For the insurability of members: management of affiliations, payment of contributions and rights to reimbursement in the capacity of beneficiary or dependent
- To intervene in the costs of services rendered in Belgium or abroad: as a member or as a service provider or supplier in accordance with Section IV of Helan's Articles of Association (you can find our Articles of Association via this link: [www.helan.be](http://www.helan.be))
- For the management of complaints: disputes of decisions by Helan, recovery of undue amounts
- For providing exercise and nutrition advice and organising information and activity sessions
- For proactive and non-proactive information and guidance for individuals, possibly through the social services, so that they can fully exercise their rights and promote their physical, psychological and social well-being.
- To manage your contact with our services, regardless of the channel used
- For the proper management and improvement of our services and to tackle fraud through audits, surveys, scientific, statistical and historical studies and research, and through security and protection measures for data, goods and persons.
- To meet our legal obligations vis-à-vis the Landsbond van Onafhankelijke Ziekenfondsen (National Association of Independent Health Insurance Funds) (MLOZ) and the Controledienst voor de Ziekenfondsen (Inspection Service for Health Insurance Funds) (CDZ))

## 4. What is the legal basis for processing your data?

For the management of the compulsory supplementary insurance, Helan processes the data on the basis of Articles 6(1)(c), (e), (f), 9(2)(h) and (j) and 87 of the European Regulation. To this end, we rely inter alia on the following specific laws and their implementing decrees:

- Law of 6 August 1990 on health insurance funds and national associations of health insurance funds
- Law of 26 April 2010 containing various provisions on the organisation of supplementary health insurance (I)
- Law of 8 August 1983 regulating a National Register of natural persons, and Royal Decree of 5 December 1986 on the use thereof in sickness and disability insurance
- Law of 11 April 1995 introducing the Charter of persons with social security

## 5. Which data is processed?

Depending on the services you request and the information you provide to us, Helan may process the following personal data: identification data (surname, first names, address, telephone number, etc.), financial details, physical details (height, weight, etc.), psychological details (personality, character, etc.), hobbies and interests, consumption habits, education and training, personal characteristics (age, sex, status), lifestyle, family composition, affiliations (to health insurance funds).

Depending on the services you request and the information you provide to us, Helan may also obtain or process the following personal data:

- National register data: national register number and identification data (name, first names, date and place of birth, sex, nationality, principal place of residence, date and place of death, status, family composition, legal cohabitation, type of registration register)
- health data: physical health, mental health, risk situations and behaviours, care data, genetic data
- images, recorded during information or activity sessions (if you have given consent)

## 6. What are our sources of information?

Your data primarily comes from:

- you, your legal representative or anyone you have authorised
- service providers you have solicited, possibly through the third-party payer scheme
- any public institution operating in the area of social security

## 7. Security and confidentiality

Only authorised persons have access to personal data that is relevant to the performance of their tasks. These persons can only use the data if and insofar as necessary for the performance of their tasks. They are bound by strict professional confidentiality and by all technical requirements necessary to safeguard the confidentiality of personal data and the security of the systems in which it is held.

Helan takes internal technical and organisational measures to prevent (personal) data from falling into the hands of unauthorised persons or being processed by them, or from being accidentally altered or destroyed. Our premises, servers, network, transfers and data are secured in accordance with internal rules. In addition, IT security measures are in place to ensure the confidentiality, integrity and availability of your data.

## 8. With whom can your data be shared?

Your personal data may be shared with:

- your and/or your legal representatives (including provisional administrators) or with your representative (professional advisor, lawyer, mediator, etc.) who has been authorised at your request, either directly or through a healthcare professional of your choice.
- your healthcare professionals, at your request
- third parties with whom the health insurance fund has concluded a cooperation agreement within the meaning of article 43 of the Law of 6 August 1990
- social security institutions: the National Intermutualistic College, the Crossroads Bank for Social Security, Fedris, the National Employment Office (NEO), the child allowance fund
- the Inspection Service for Health Insurance Funds and the NIHDI (National Institute for Health and Disability Insurance) in the context of their statutory inspection remit.
- our auditor and our external auditors, all of whom are bound by an obligation of confidentiality
- our lawyers and legal bodies, in the event of disputes
- bpost for the sending of our correspondence
- a duly authorised third party (by law, contract, consent, agreement)
- a collection agency for collection of unpaid contributions

## 9. Who are our subcontractors?

Helan relies on the following subcontractors:

- MLOZ IT, Route de Lennik 788, 1070 Anderlecht, our IT provider
- Third parties with whom a collaboration agreement has been concluded in accordance with article 43 of the law of 6 August 1990 on health insurance funds and national federations, such as I-mens, Helan Thuiszorg vzw, Helan Huishoudhulp vzw, and Helan zorgwinkel vzw.
- Our lawyers and court bailiffs
- Manufast for managing certain letters and Moonoia for digitising your correspondence
- Various IT providers, such as Orange, Cegeka, Orion Intelligence BV, etc./

## 10. Will your data be transferred to countries outside the EEA?

No, only if you have expressly agreed to this.

## 11. How long do we keep your personal information?

Your identification details will be kept from the moment you register with the health insurance fund until you transfer to another health insurance fund that does not belong to the Landsbond van Onafhankelijke Ziekenfondsen (National Association of Independent Health Insurance Funds), until your death or until you move abroad.

In general, your data will be retained for 7 to 30 years, in accordance with the guidelines and circulars sent to us by the NIHDI. The start of this period may vary from one legislative act to another.

Exception: in accordance with medical ethics, your medical data will always be kept for 30 years after your last contact with your health insurance fund.

## 12. What are your privacy rights?

When your personal data is subject to processing, you can exercise various rights.

### 12.1. Right of access

You have the right to ask Helan at any time whether we are processing your personal data and, if so, to access that data and receive additional information about:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients (in particular, recipients in third countries);
- if possible, the retention period or, if that is not possible, the criteria for determining that period;
- the existence of your privacy rights;
- the right to lodge a complaint with the supervisory authority
- the information we have about the source of the data if we obtain personal data from a third party; and
- the presence of automated decision-making.

You can access certain data directly yourself via the online office.

You also have the right to receive a free copy of the processed data, in an easy-to-understand form.

If you exercise your right to access your data, Helan will provide you with as complete an overview of your data as possible. It is possible that some personal data from conventional backup files, log files, history files or archive files may not be included in this overview. This data is not part of the routinely processed personal data and is therefore not immediately available. As such, it cannot therefore be provided. It is removed from these files in accordance with standard clean-up processes.

According to legal provisions, we cannot directly communicate your medical information to you. To obtain this information, please contact your GP.

### 12.2. Right to rectification of personal data

You have the right to have incomplete, incorrect, inappropriate or outdated personal data rectified immediately.

In order to keep your data up to date, we kindly request that you notify us of any changes, such as a change of address, change of email address or telephone number.

You can correct certain data directly yourself via your online office.

### 12.3. Right to erasure (the 'right to be forgotten')

You have the right to have your personal data deleted without undue delay if you suspect that Helan is processing certain data unlawfully.

Please bear in mind that we may not always be able to delete all requested personal data, for example when processing it is required under a legal obligation to which we are subject.

### 12.4. Right to object to certain uses of data

You have the right to object to the processing of your personal data on grounds relating to your specific situation if the processing is performed in the legitimate interests of Helan or in the public interest. Helan will cease the processing of your personal data unless Helan can demonstrate compelling and legitimate grounds (e.g. in the context of the fight against fraud) for the processing that override your interests or when the processing of the personal data is related to the establishment, exercise or defence of legal claims (e.g. bringing a petition to a court).

## 12.5. Right to object to automatic processing

Some data processing and processes are fully automated, without human intervention, for example when an increased allowance is granted for medical care.

If you disagree with the outcome of this fully automated process, you can contact Helan and let us know why you dispute the assessment.

## 12.6. Right to transfer your data to a third party

You have the right to request that personal data you have provided to Helan be transferred to you or directly to a third party. In the case of a transfer of data between health insurance funds, they will take care of this among themselves via the mutation procedure.

However, the privacy legislation imposes a number of restrictions on this right, which means that it does not apply to all data.

## 13. How do you exercise your privacy rights in practice?

### 13.1. Right to rectification and portability of your data

Via the usual channels: agency, website, online office.

### 13.2. Right to access, erasure, objection (including automated decision-making)

Via the contact form available in your online office (only for data subjects who have an active online office), our website or Helan offices.

In order to exercise your right of access and to prevent any unauthorised disclosure of your personal data, we need to verify your identity. A copy of the front and reverse side of your identity card will be requested.

### 13.3. You have a question or complaint

You can contact the Data Protection Officer via the web form [www.helan.be/privacy](http://www.helan.be/privacy) or the contact form in the online office as described above, or by letter to the following address: Helan, F.A.O. Data Protection Officer, Gistelsesteenweg 294, 8200 Bruges.

Would you like more information, or do you disagree with Helan's position? Then definitely visit the site of the Belgian Data Protection Authority, [www.dataprotectionauthority.be](http://www.dataprotectionauthority.be). You can also lodge a complaint there.

### 13.4. In what format and when will you receive a reply?

When you submit your request electronically, the information will be provided electronically where possible, unless you request otherwise. In any case, we will provide you with a concise, transparent, understandable and easily accessible response.

If you exercise your right to access your data, it will be provided via your online office or handed over to you in person at your Helan office.

We will respond to your request as soon as possible, and in any case within one month of receiving it. Depending on the complexity of the requests and the amount of requests, this period may be extended by a further two months if necessary. If the time frame is extended, we will notify you within one month of receiving the request.

## 14. Use of artificial intelligence (AI) for some reimbursements

Helan uses artificial intelligence (AI) to process certain reimbursement requests efficiently and accurately. In clearly defined processes, reimbursements can be carried out fully automatically, without human intervention. The only personal data processed is that which is necessary for assessing and executing the reimbursement.

All AI applications are used within a controlled and secure environment and are regularly tested for quality, accuracy, and compliance with applicable regulations, including the GDPR and the EU AI Act. Individuals involved always retain their legal rights, including the right to access, correct, object and, where applicable, request human intervention.

## 15. Are you subject to automated decisions, including profiling?

In the following cases, you are subject to automated decisions:

- allocation of the codes CG1/CG2, which determine the rights to which the beneficiaries are entitled to reimbursement of the costs of medical care. These rights depend on the scheme to which you are affiliated, your status and whether you are entitled to the increased allowance.
- granting of the increased allowance (RVV): pursuant to the Royal Decree on increased insurance allowances, as referred to in Article 37 § 19 of the Law on compulsory medical care and benefits insurance, some insured persons are entitled to an increased allowance from the health insurance fund for medical care benefits. The right to the increased allowance can be granted in two situations:
  - automatic right: based on a benefit or situation, without the persons in question having to apply for it and without means testing
  - after means testing: when a member of an RVV family submits an official application, the health insurance fund conducts a means test on the basis of a sworn declaration, accompanied by all necessary supporting documents and signed by all members of the RVV family.
- In the context of the supplementary insurance, an RVV status may, in accordance with the articles of association, give rise to the granting of a benefit or increased assistance.

## 16. Changes

Helan may amend this privacy policy from time to time, for example in the context of new processing activities which it undertakes. We therefore invite you to always consult the latest version of this policy on our website. We will of course inform you in advance via our website or other current communication channels of any content-related changes and, where required by law, we will request your prior consent for our (new) processing activities.

In the event of any discrepancy, our general terms and conditions and the special terms and conditions applicable to specific Helan products and services shall take precedence over this privacy policy.