



Privacy Statement

Compulsory health insurance

We respect your privacy

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1. Introduction

In Belgium, your medical expenses can be partly or fully reimbursed. If you are incapacitated for work, you are also entitled to replacement income. This is the compulsory health insurance. The National Institute for Health and Disability Insurance (NIHDI) manages, organises and monitors this compulsory health insurance through the various health insurance funds. Every beneficiary must join a health insurance fund to be entitled to insurance for medical care and incapacity for work.

As a member of the Landsbond van Onafhankelijke Ziekenfondsen (National Association of Independent Health Insurance Funds) Helan Onafhankelijk Ziekenfonds (hereinafter referred to as “Helan”), located at Boomssesteenweg 5, 2610 Wilrijk, with enterprise number 411.696.011, offers its members this compulsory insurance.

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 Data Protection Authority: www.dataprotectionauthority.be.

2. Controller

Pursuant to Article 3 of the Law of 6 August 1990 on the Health Insurance Funds and the National Federations of Health Insurance Funds, the National Federations and the Health Insurance Funds must set up at least one service with the following objective:

- participation in implementing the compulsory insurance for medical care and benefits regulated by the Coordinated Law of 14 July 1994
- financial compensation for the beneficiaries and their dependants for the costs of preventing and treating illness and disability, or the granting of benefits in the event of incapacity for work or when there is a condition, that can promote physical, mental or social well-being
- providing help, information, guidance and assistance to promote physical, psychological and social well-being, including by fulfilling the above missions

The Landsbond van de Onafhankelijke Ziekenfondsen (National Association of Independent Health Insurance Funds - hereinafter referred to as “MLOZ”), located at Route de Lennik 788A, 1070 Brussels, with enterprise number 411.766.483, acts as the controller for the data from the compulsory insurance.

3. Processor

Helan acts as Processor for the above-mentioned processing operations.

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, or by letter to Gistelsesteenweg 294, 8200 Sint-Andries. You can also contact our DPO at: www.helan.be/privacy.

4. 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: managing entitlement to reimbursement (increased allowance and maximum invoice) in medical care, as a beneficiary or dependant
- For covering the cost of medical care in Belgium or abroad, as a member or as a care provider: managing all benefits in kind for care, prevention and supplies, reimbursable or non-reimbursable, administered in Belgium or abroad by recognised providers and recognised health care institutions, and communicated to MLOZ or Helan
- For the agreements of consulting physicians for certain care and supplies, including rehabilitation records
- For managing benefit records: incapacity for work, evaluation, pathway for socioprofessional reintegration, payout
- For managing disputes: disputes of decisions by MLOZ, Helan or the NIHDI, recovery of amounts not due, recovery of medical care and benefits on behalf of a third party
- 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 the system for social security and public health, 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 comply with our legal obligations, in particular as an insurance institution vis-à-vis MLOZ, the Inspection Service for Health Insurance Funds, the NIHDI and the Crossroads Bank for Social Security.

5. What is the legal basis for processing your data?

For the management of the compulsory insurance, Helan processes the data on the basis of Articles 6(1)(c), (d), (e), (f), 9(2)(b), (c), (g), (h), (i) 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 concerning the compulsory insurance and supplementary insurance
- Law on the compulsory insurance for medical care and benefits, coordinated on 14 July 1994, RD of 3 July 1996
- Law of 15 January 1990 on the establishment of the Crossroads Bank of Social Security, RD of 4 February 1997
- Law of 8 August 1983 regulating a National Register of natural persons, and Royal Decree of 5 December 1986 on the use thereof in health and disability insurance
- Law of 21 August 2008 on the eHealth platform
- Law of 11 April 1995 introducing the Charter of persons with social security
- Law of 22 August 2002 on patient rights

6. 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 (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, images (via the surveillance cameras in our offices) personal characteristics (age, sex, status), lifestyle, family composition, affiliations (to health insurance funds), housing characteristics, occupation, audio recordings (from calls to our call centre).

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)
- Copy of identity card (for identification, if a request is made in the context of the GDPR)
- data from the Crossroads Bank for Social Security: social data
- health data: physical health, mental health, risk situations and behaviours, care data, genetic data
- judicial data: charges and indictments, convictions and sentences, judicial measures, administrative sanctions

7. What are our sources of information?

Your data primarily comes from:

- you, your legal representative or anyone you have authorised
- healthcare providers (hospitals, doctors, etc.) you have consulted, in particular through the third-party payment scheme
- the Crossroads Bank for Social Security and any other public institution active in social security
- the NIHDI

8. 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.

9. 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
- our VMOB (mutual assistance insurance company) 'MLOZ Insurance' at your request, and to Allianz Global Assistance in the event of urgent care abroad
- social security institutions: the National Intermutualistic College, the Crossroads Bank for Social Security, Fedris, the National Employment Office (NEO), the child allowance fund in the event of seizures and surrender pursuant to Article 1410 § 4 of the Judicial Code
- 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 the judiciary, in the event of disputes
- any institution that may grant you a benefit if you enjoy privileged status (see 'Profiling' section)
- bpost for the sending of our correspondence
- a duly authorised third party (by law, contract, consent, agreement)
- your creditors in enforcement proceedings
- a collection agency in case of collection

10. Who are our subcontractors?

Helan relies on the following subcontractors:

- MLOZ IT, Route de Lennik 788, 1070 Anderlecht, our IT provider
- Various IT providers, such as Orange, Cegeka, etc.

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

Your data may be sent abroad if:

- this is specified in the compulsory insurance
- it is necessary for the implementation of measures to be taken before the conclusion of the contract and at your request
- it is of vital importance
- it is in your interest to enter into a contract with a third party or to perform a contract entered into or to be entered into with a third party

Or if you have expressly agreed to it.

12. How long do we keep your personal information?

Your identification details will be kept from the moment you register with Helan/MLOZ until you transfer to another health insurance fund that does not belong to the 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 or MLOZ.

13. What are your privacy rights?

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

13.1. 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
- whether there is 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.

13.2. 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.

13.3. 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.

13.4. 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).

13.5. Right to object to automatic processing

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

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

13.6. 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.

14. How do you exercise your privacy rights in practice?

14.1. Right to rectification of your data

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

14.2. Right of inspection, 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 (www.helan.be/privacy) 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.

Assuming that the processing of your data is based on your consent, you have the right to withdraw this consent at any time without explanation. However, Helan and MLOZ are legally obliged to manage personal data for the performance of the compulsory insurance.

14.3. You have a question or complaint

You can contact the Data Protection Officer via the web form 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 Sint-Andries.

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. You can also lodge a complaint there.

14.4. 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.

14.5. 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 health and disability insurance, a person entitled to the increased allowance may claim:
 - a higher reimbursement of medical care and therefore a reduction of the co-payment
 - a reduction in the personal share for hospitalisations: the personal share for hospitalisations is the portion of the daily cost of admission that the policyholder must cover him or herself. For beneficiaries of the increased insurance allowance, this share is reduced.
 - the third-party payer scheme: beneficiaries of the increased allowance can benefit from the scheme whereby the health insurance fund pays for their medical care directly to the health care provider without any other formalities.

The right to the third-party payer scheme is on the isi+ card or on a certificate from the health insurance fund.

- the maximum invoice: certain beneficiaries of increased insurance cover pay no more than a certain ceiling in co-payments each year.
- In addition to the increased allowance for medical care, the beneficiary of increased insurance cover may sometimes be entitled to other financial benefits, which are intended only for persons who meet certain conditions of 'social status' and income:
 - social rate for public transport (TEC, SNCB, STIB, De Lijn)
 - access to an allowance from the social heating fund of the PCSW
 - social telephone rate
 - exemption from Brussels regional tax
 - benefits granted by certain municipalities (free waste bags or reduction in environmental taxes)
- MAF: in principle, the maximum invoice is financial assistance for families facing sometimes very high expenses for medical care. If the co-payment which you have to cover exceeds a certain ceiling, your health insurance fund will automatically reimburse 100% of the co-payment that exceeds this ceiling, for all benefits in kind in the context of the maximum invoice. The ceiling granted to you will depend on your family's income (family composition as stated in the National Register on 1 January and therefore known to your municipality), based on the income you earned 3 years ago. There is also a specific maximum invoice for children and disabled children.
- declaration of accident: based on the information received through the third-party payer scheme, MLOZ may send you a declaration of accident document on its own initiative.
- decision to cover/intervene in costs after notification by a provider or healthcare facility
- blocking of benefits when an insurer for workplace accidents notifies that it will cover the costs

15. 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.

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.