

Expert Opinion Supplementary Patient Information on Data Processing

Dear patients,

The protection of personal data is important to us. In this brochure, you will learn what data we collect and process and what rights you have under the GDPR when you commission a Charité expert opinion online. If you have any further questions after reading this brochure, please contact the person indicated.

This brochure supplements the general patient information on data processing in accordance with Art. 13 of the GDPR along with the Privacy Policy for Charité's websites, which can be viewed at <https://www.charite.de/service/datenschutz/>. Unless otherwise stated below, its contents are in addition to this Patient Information for expert opinions.

General

An expert opinion is a service of the Charité, through which you can obtain a **medical diagnosis** from doctors of the Charité for a finding already made by another doctor.

For this purpose, you will provide us with information and documents on your state of health, which will be **examined by specialists** and evaluated by the doctors of the Charité. This takes place in compliance with all professional duties of our doctors. We will provide you with the final request for an expert opinion via your samedi patient account.

In order to enable the preparation of an expert opinion, the Charité must store data about you; for details please see the following items.

Data processing by samedi GmbH

For the technical implementation of an expert opinion, the Charité uses the services of samedi GmbH (Rigaer Str. 44, 10247 Berlin, e-mail: info@samedi.de, website: www.samedi.de).

In order to request and receive an expert opinion, it is necessary to create an account with samedi GmbH ("**patient account**"). You can use this account to upload documents that you wish to make available to the Charité for the preparation of the expert opinion. Likewise, the final expert opinion from the Charité is stored in your

patient account and can be viewed by you there. The communication and data exchange between you and the Charité is **exclusively encrypted**. Samedi GmbH **cannot look at** your medical documents.

Further information on data protection at samedi is available at: <https://www.samedi.de/datenschutz-patienten.html>.

Data processing by samedi that is not related to the expert opinion is carried out under the sole responsibility of samedi.

Why should I provide my e-mail address and mobile phone number?

Providing an **e-mail address** is optional within the framework of the commissioning of an expert opinion, but is required for the creation of a samedi account.

Providing a **mobile phone number** is voluntary.

What data is collected when requesting an expert opinion?

Master data

For the preparation of the expert opinion, we will only collect data from you that we absolutely need for its preparation (name, address, date of birth). In addition, further data may be requested, in which case it is usually voluntary (e.g., mobile phone number, comments). When requesting an expert opinion, we will indicate whether the information is mandatory or voluntary.

Medical data

In order to prepare an expert opinion, the Charité processes your **health data**. This is mainly the initial diagnosis already made by your doctor. In addition, Charité processes any additional documents and information that you provide to us to prepare the expert opinion. This includes, among other things, medical histories, diagnoses, therapy suggestions and findings. The data processing is necessary. Only with the help of this information, we can fulfil the contract concluded with you for the preparation of an expert opinion. The processing of health data is a prerequisite for the preparation of an expert opinion. If the necessary information is not provided, an expert opinion cannot be produced.

Access data

When requesting an expert opinion on <https://charité.digital> and the use of Samedi, a number of standard technical data ("**access data**") is collected by our technical service provider. The following are collected:

1. The browser types and versions used,
2. The operating system used by the accessing system,
3. The website from which an accessing system arrives at the website (the so-called "referrer"),
4. The sub-websites which are accessed via an accessing system on the website,
5. The date and time of access to the website,
6. An Internet Protocol (IP) address,
7. The Internet service provider of the accessing system,
8. Information on the provision of fonts on the website and
9. Other similar data and information that serve to avert danger in the event of attacks on our information technology systems.

When using the access data, no conclusions are drawn about your identity. Rather, the access data is needed in order to

1. Make the contents of the websites available for the request of an expert opinion,
2. Ensure the continued functionality of the systems to meet the requirement for expert opinion, and
3. Provide law enforcement authorities with the information necessary for prosecution in the event of a cyberattack.

As such, the Charité evaluates the access data on the one hand statistically in an anonymised form, and on the other hand with the aim of increasing data protection and data security in order to ultimately ensure an optimal level of protection for the personal data which we process. The anonymised access data of the server log files are stored separately from your other personal data (e.g., appointment and treatment data). For more information about Samedi's privacy practices, please visit <https://www.samedi.de/datenschutz.html>.

Payment details

The expert opinion is a self-pay service, which is not covered by a health insurance company; rather, you yourself must make payment. To process the payment, we use the service provider PayPal (Europe) S.à.r.l. et Cie, S.C.A., 22-24 Boulevard Royal, L-2449 Luxembourg. PayPal is solely responsible for the data processing of any payment. You can find

information on data protection at PayPal in the PayPal data protection information:
https://www.paypal.com/de/webapps/mpp/ua/privacy-full?locale.x=de_DE

How will my patient data be stored?

The Charité will store your data electronically in the **hospital information system, archive and radiological image archive** in such a manner that unauthorised persons cannot access it.

Legal basis for data processing

Your data, which is processed for the purpose of preparing a request for an expert opinion, is processed on the basis of Article 6(1)(1)(b) in conjunction with Article 9(2)(h) of the GDPR in conjunction with § 24(2) of the Berlin State Hospital Act (Berliner Landeskrankenhausgesetz) and § 22 (1)(1)(b) of the Federal Data Protection Act (Bundesdatenschutzgesetz).

The legal basis for the processing of your contact details is your consent pursuant to Art. 9(2)(a) of the GDPR.

Data processing by order processors

The provider we use, samedi GmbH, processes the personal data that arises when commissioning an expert opinion on behalf of the Charité (**order processing**). In order to ensure that the data is used only for the purposes stated in this Patient Information, we have concluded an order processing contract in accordance with Article 28 of the GDPR with samedi GmbH, which also obliges the technical service providers of samedi GmbH (as sub-order processors) to do so. Such providers are:

- Service provider for sending e-mails: retarus GmbH, Aschauer Straße 30, 8159 Munich
- Hosting service provider: filoo GmbH, Moltkestraße 25a, 33330 Gütersloh
- Encrypted database backup: Amazon Web Services EMEA SARL, Germany branch, Marcel-Breuer-Str. 12, 80807 Munich

As a rule, your personal data will be processed within Germany, the EU or the European Economic Area. If your data is processed outside the scope of the GDPR, the Charité has taken appropriate measures (e.g., the conclusion of EU standard contractual clauses and the use of encryption technologies) to ensure an adequate level of protection for your data.

When will my data be deleted?

As a rule, we delete the data collected in connection with an expert opinion after the following periods, or determine the deletion period according to the following criteria:

- Access data is deleted or anonymised immediately. If access data must be retained for evidentiary reasons, it is exempt from deletion until the incident (e.g., cyberattack) is resolved.
- Contact details and medical documents will be deleted 10 years after the expert opinion has been issued. Radiological images are kept for 30 years and then deleted.
- The communication service providers used by samedi GmbH delete message contents immediately after sending. The e-mail addresses used are automatically deleted by the communication service providers after 15 days at the latest.

Your data protection rights

You are entitled to so-called "data subject rights", i.e. rights that you can exercise as the data subject in the individual case. You can assert these rights against the hospital operator. They arise from the GDPR. You have the right

- To request **access** from us regarding your personal data stored by us,
- To demand **rectification, erasure and restriction of** the processing of your data,
- To **complain** to us about the processing of your personal data,
- To **object** to the processing of your data at any time. In the event of an objection, we will no longer process your data. An exception exists, as far as compelling reasons worthy of protection exist, which outweigh your interests,
- To **revoke** any consent given at any time and without giving reasons,
- To receive the processed data yourself in a machine-readable format or to have it transmitted to another controller (**data portability**),
- To **lodge a complaint** with any data protection supervisory authority, in particular in the Member State of your residence, your place of work or the place of an alleged infringement, if you believe that the processing of data relating to you violates the GDPR or any other data protection law. For the Charité, for example, the competent authority is the "Berlin Commissioner for Data Protection and Freedom of Information".

Who is the contact person in the hospital for data protection issues?

If you have any questions regarding data protection or if you wish to assert your rights, please contact the Data Protection Officer of the Charité at tel.: +49 30 450 580 016 or e-mail: datenschutzbeauftragte@charite.de, alternatively also by post to Data Protection Officer, Charité – Universitätsmedizin Berlin, Charitéplatz 1, 10117 Berlin.

The responsible party for data processing is

Charité – Universitätsmedizin Berlin

Corporation under public law

Charitéplatz 1

10117 Berlin