**Privacy Statement Capability B.V.**

Capability B.V. (hereinafter: "Capability" or "we") processes personal data and ensures careful and secure use of your personal data within the boundaries of the law, including the General Data Protection Regulation (hereinafter: "GDPR"). In this privacy statement, we describe who we are, how and for what purposes we process your personal data, how you can exercise your privacy rights, and any other important information you should know.

To keep the information clear, each topic is divided into two information layers. First, you will see a summary of the main points. If you would like more detailed information, you can find it by clicking the link 'more details'.

We have done our best to write all the information clearly and legibly. If you have any questions about our use of your personal data after reading the Privacy Statement, you can always contact us. Later in this statement, you can read how to do so.

Finally, we want to inform you that our services continue to evolve, and with them, our Privacy Statement. We therefore recommend that you regularly check whether any changes have been made to this Privacy Statement so that you know exactly what to expect. At the bottom of this Privacy Statement, you can see when it was last modified. In the case of significant changes, we will notify you.

**More details**

We strive to use your personal data carefully and securely and adhere at least to the following principles regarding the processing of personal data:

* **Lawfulness, fairness, transparency:** Personal data is processed lawfully, fairly, and transparently concerning the data subject.
* **Purpose limitation:** Personal data is only processed for specified, explicit, and legitimate purposes. These purposes are clearly defined before processing. Personal data is not further processed in a manner that is incompatible with the purposes for which it was obtained.
* **Data minimization:** The processing of personal data is limited to the amount and type of data necessary for a specific purpose. The data must be adequate, relevant, and not excessive for that purpose.
* **Necessity and proportionality:** Processing of personal data takes place in the least intrusive manner and should be reasonably proportionate to the intended purpose.
* **Accuracy:** Measures are taken to ensure that the processed personal data is accurate and up to date.
* **Integrity and confidentiality:** Personal data is adequately secured according to applicable security standards.
* **Storage limitation:** Personal data is not stored longer than necessary for processing purposes. Capability adheres to the legally required retention periods.

**Definitions Used**
The terms used in this Privacy Statement are largely based on the definitions in Article 4 of the GDPR. Click 'more details' for more detailed information and also see Article 4 of the GDPR.

**More details**

* **GDPR:** The General Data Protection Regulation, applicable since May 25, 2018.
* **Privacy Statement:** This document describing who we are, how and for what purposes we process your personal data, how you can exercise your privacy rights, and any other relevant information.
* **Personal data:** Any information about an identified or identifiable natural person (the data subject).
* **Data subject:** The person to whom the personal data relates.
* **Processing:** Any operation or set of operations performed on personal data, including but not limited to collecting, organizing, updating, modifying, retrieving, consulting, using, transmitting, combining, restricting, erasing, and destroying personal data.
* **Data controller:** The (operational) management of Capability or the person or entity that alone or jointly determines the purpose and means of processing personal data.
* **Processor:** A person or entity that processes personal data on behalf of the data controller.
* **Special category data:** Personal data that is particularly sensitive due to its nature and requires specific protection, as its processing context may pose significant risks to the data subject. Examples include data revealing racial or ethnic origin and health-related data. Processing is prohibited unless the GDPR provides an exception.
* **Health data:** Personal data related to the physical or mental health of a natural person, including data on provided health services that give insight into the person's health status. Examples include data in the Functional Ability List prepared by an occupational physician, an occupational assessment report, or personal data related to a driving license examination.
* **User of personal data:** A person authorized to process personal data under the direct authority of the data controller or processor. This also includes persons who are otherwise hierarchically related to the data controller or processor. Think of Capability employees, but also external professionals seconded to Capability or self-employed workers working under Capability's instructions.
* **Client:** The person or organization that has engaged Capability to carry out an assignment. Examples include municipalities for social medical advice and employers for occupational health services, interventions, and training. Additionally, trade unions, banks, tax authorities, and courts for expertise purposes.
* **Third party:** Anyone other than the data subject, the data controller, the processor, or the user of personal data.
* **Consent of the data subject:** Any freely given, specific, informed, and unambiguous indication of the data subject’s wishes by which they, through a statement or a clear affirmative action, accept the processing of personal data concerning them. Consent must be directed at a specific (category of) processing(s).

**Who Are We, What Is Our Approach, and How Can You Reach Us?**
As an occupational health service provider, Capability has prioritized innovation for many years. With the vision that absenteeism is often a cry for attention and that a thorough dialogue with genuine attention to employees is the only way to accelerate (partial) recovery, Capability operates with full conviction according to the task delegation model. Absenteeism Managers work under the responsibility of Occupational Physicians and, using innovative triage techniques, analyze individual absenteeism daily and actively contribute to a quick recovery.

You can reach us by visiting Capability. We are located at Hogeweg 65-67, 5301 LJ Zaltbommel, and are registered with the Chamber of Commerce under number 17147904. You can also contact us via email at info@capability.nl or by phone at 088 – 045 01 00.

We have also appointed a Data Protection Officer (hereinafter: DPO). This person is our internal supervisor and monitors compliance with the GDPR within Capability. The DPO holds an independent position within Capability. You can contact the DPO via kwaliteit@capability.nl, addressed to Mr. Vunderink (DPO). Click 'more details' for additional information.

Capability is a certified organization specializing in occupational health services. In addition, Capability provides training, corporate social work, workplace assessments and Risk Inventory & Evaluation. Capability also supports its clients with labor expert services, the provision of a confidential advisor, psychological treatment and coaching. Furthermore, Capability conducts various (occupational) medical examinations, including those for drivers.

**Occupational Health Services**
We assist clients in establishing safe and healthy working environments and fostering effective communication with employees. We encourage clients to achieve this through our contracts, evaluation meetings, individual and group reports, training, coaching and client meetings. Employees of our clients are encouraged and motivated to work healthily and take responsibility for their own employability.

We exercise the utmost care when processing personal data, as the misuse of personal data can cause significant harm to the individuals involved, our clients and Capability itself. We highly value the protection of the personal data entrusted to us and the manner in which this data is processed. Ensuring the correct processing of personal data is the responsibility of Capability's management.

Capability, together with our sister companies Adaptics Health & Performance B.V., Rienks Arbodienst B.V., Amplooi B.V., De Bedrijfspoli B.V., OnzeCoach B.V., and Nolost B.V., is part of the 'Prevermo Group B.V.' The Prevermo Group B.V. is based in Nijmegen (6546 BB) at Kerkenbos 1075B and is registered with the Chamber of Commerce under number 858017672.

**What Personal Data Does Capability Collect from You?**
We collect personal data through our clients and directly from you (the data subject).
Data subjects include individuals/employees who are employed by our clients, affiliated with one of our clients, or residents within our clients' jurisdiction. Additionally, a data subject may be employed by Capability or otherwise have a hierarchical relationship with Capability.

We collect various categories of personal data, including:

**Personal Data Categories Collected by Capability**

* **Personal Information** (e.g., name, address, place of residence, email address, phone number, gender, and date of birth)
* **Health Data** (e.g., medical records, first day of illness, work-related limitations and capabilities, results from Occupational Health Assessments, data from problem analyses, information related to certain benefits such as WIA, WAJONG, Employability Profile (IZP), workload capacity information, and family situation details)The processing of health data requires special attention. These data may generally only be processed when necessary for the proper execution of legal obligations by clients, such as employers and municipalities. This includes provisions for reintegration or support of the data subject in cases of illness or disability.
* **Citizen Service Number (BSN)** when legally required for documents submitted to the Dutch Employee Insurance Agency (UWV), such as problem analyses or status evaluations
* **Process Information** – During the course of a service process, information is collected by Capability’s physicians, labor experts, occupational and organizational (A&O) specialists, psychologists, ergonomists, occupational therapists, and corporate social workers through consultations, questionnaires, and coaching sessions. The results are typically incorporated into reports.
* **Account Information** (e.g., username and password)
* **Interaction Data** (e.g., customer service contact records, digital and/or written correspondence)
* **Financial Data** (e.g., bank account details of clients or customers, or purchase details related to a driver’s license medical examination)

Click on 'More details' for additional information.

**More Details**
The categories of personal data described above are received both directly from you and from third parties, as long as this is in accordance with the law.

**Personal Data You Provide Directly to Us**
This includes, but is not limited to:

* Personal data provided on a registration form for a medical examination
* Personal data you provide during a consultation at Capability in the context of the Gatekeeper Improvement Act (Wet verbetering poortwachter), the Participation Act (Participatiewet), WAJONG, the Civic Integration Act (Wet Inburgering), the Sickness Benefits Act (Ziektewet), the Social Support Act 2015 (WMO 2015), and WIA. This may include personal data that are part of your medical file, home situation, and work-related information.
* Personal data you provide when participating in one of the interventions offered by Capability as part of occupational health services
* Personal data you provide in the context of correspondence, feedback, support (Q&A), dispute resolution, complaint handling, and satisfaction surveys;

**Personal Data About Others That You Provide Directly to Us**
You may share the personal data of other individuals with us, such as their address or contact details. Please be aware that it is your responsibility to ensure that these individuals have consented to the sharing of their personal data with Capability.

**Personal Data We Receive from Third Parties**
We may receive contact details (such as name, email address, phone number, department, and address information) from our clients (your employer, municipality, trade union, or another organization) in order to support you within the scope of our occupational health services or other additional services. This may include a file from a previous occupational health service provider, medical documents from healthcare professionals, expert opinions from the UWV, or information from your employer, as long as this is in accordance with the law, for example, because you have given your consent.

**For What Purposes Do We Process Your Personal Data?**
Capability collects your personal data for various purposes related to the provision of occupational health services for our clients. We collect and process personal data to fulfill the agreements made with you and/or our clients, for administration, communication, and to comply with legal obligations. Whenever possible, we use anonymized data rather than personal data for quality and management purposes. Click on ‘more details’ for additional information.

**More Details**
The various purposes described above are further detailed below. We do not process your personal data in a manner that is incompatible with the purposes for which it was collected.

**Within the Scope of an Agreement**
For the preparation, establishment, execution, and possible termination of agreements between our client (often your employer, municipality, trade union, or another organization) and Capability. This may include agreements for the provision of occupational health services, social medical advice, or expertise related to various laws and regulations.

For the execution of a driving license medical examination. For the provision of a medical statement in response to the application you submitted for the driving competency certificate.

Administration. For the execution and control of Capability's administration in a broad sense.

Quality and management purposes. To investigate and improve the quality of services, processes, and systems, to inform management and to carry out (internal) audits. In addition to the doctor and any delegated task holder who is your direct point of contact, the (occupational health) supervisor and any practical trainer have access to the medical file if the doctor is not yet registered as an occupational physician and works as a (junior) doctor in occupational medicine. This is in accordance with the position on task delegation/supervision by the professional association of occupational health physicians, the NVAB.

Training purposes. Because Capability helps to train young doctors, it may occur that you are asked whether a medical intern may conduct (part of) the consultation or be present during the consultation.

Naturally, privacy is guaranteed in such cases. The consent of the attending (occupational) doctor or delegated task holder is requested in advance for the intern's participation in the consultation.

Laws and regulations. For identification, combating fraud, providing internal control and business security, and ensuring compliance with laws and regulations.

On which legal grounds do we base the processing of your personal data?

The law contains an exhaustive list of grounds that justify the processing of your personal data. We rely on four of these legal grounds. Our processing of your personal data is carried out in order to execute a contract, fulfill a legal obligation, based on the legitimate interest of Capability, and/or based on your consent. Click for more detailed information on 'more details'.

**More details**
**Execution of the contract**
We use your personal data to the extent that your data is necessary to execute the agreement you or your employer has with us. For example, this may involve the employment contract or an agreement with our client.

**Legal obligation**
We also use your personal data to the extent necessary to comply with legal obligations that apply to us or our clients. For example, this may include complying with the **Gatekeeper Improvement Act** (Wet verbetering poortwachter), the **Participation Act** (Participatiewet), tax laws, and our administrative obligations arising from them.

**Legitimate interest**
We use your personal data to the extent that it is necessary to protect our legitimate interests. Under the following heading, you can read more about our legitimate interests.

**Consent**
We may use your personal data with your consent for exchanging information with other (medical) professionals and/or our clients, carrying out interventions as part of our occupational health services, and for certain marketing activities.

Consent from the individual must always be free, specific, informed, and unambiguous. You can, of course, withdraw your consent at any time. Under the heading **‘Can you withdraw your consent later?’** you can read how to do this.

**What is Capability's legitimate interest in processing your personal data?**
The processing of your personal data is necessary to maintain a good relationship between Capability and our clients, or for the protection of our own legitimate business interests. For example, to inform our clients about new products, services, and activities, or to defend our interests in a potential legal procedure. Click for more detailed information on 'more details'.

**More details**
We will apply the so-called ‘opt-out system’ as much as possible and include it in our communications. This way, you can easily notify us and unsubscribe from our communications if you no longer wish to receive them. Of course, you can always contact us for this purpose via ...

**To whom do we disclose your personal data?**
We may disclose your personal data to clients and third parties in accordance with this privacy statement and (privacy) legislation. There may be various reasons for such disclosure. For example, it may be necessary for our services to disclose your personal data. There may also be a legal obligation under which Capability must disclose your personal data, such as to clients (your employer, municipality, trade union, or other organization), the Employee Insurance Agency (UWV), or the Tax Authority. On the other hand, we may also disclose personal data to third parties with your (explicit) consent, for example, to parties who can offer you a targeted intervention or other (medical) specialists. Click for more detailed information on 'more details'.

**More details**
We disclose your personal data to the following categories of recipients:

**Clients**
We disclose personal data to clients in the context of occupational health services, social medical advice, and expertise. For example, to fulfill a legal obligation that rests on our clients. These clients may include your employer, municipality, trade union, or other contracting entities.

**Group companies**
We may share personal data with our group companies to jointly deliver content and products and/or services for a compatible purpose (such as registration and customer support), to assist in the development of products, websites, applications, services, tools, and communication, and to potentially prevent, detect, and investigate illegal activities, policy violations, fraud, and/or data security breaches.

**Authorities**
For example, regulators, the tax authority, police, and other legal authorities.
We may share your personal data:

* To comply with legal obligations or a court order; or
* If necessary to prevent, detect, or prosecute criminal offenses (such as fraud, deception, or prosecution); or
* If necessary to enforce our policies or protect the rights and freedoms of others.

**Business service providers**
For example, by PostNL, or a mail order company engaged by us to deliver (confidential) information to you.

**Other.**
Any third party for whom we have received your consent to share your personal data (for example, in the context of a collaboration), and/or any third party that Capability is currently or will be part of in the future as a result of a reorganization, merger, or acquisition.

**Are your personal data processed outside the European Economic Area?**
No. Your personal data is only processed within the borders of the European Economic Area (EEA). The EEA consists of the member states of the European Union, Iceland, Liechtenstein, and Norway. All EEA countries must comply with the same rules under the GDPR, which aims to ensure a consistent level of protection for personal data processing at the European level.

**How long are your personal data retained?**
Your personal data will be deleted when it is no longer necessary for the purposes described above. Additionally, Capability will never retain your personal data longer than is legally permitted. Click for more detailed information on 'more details'.

**More details**
When a retention period expires, your personal data will be deleted or the identifying features will be removed. We have established a retention policy for each type of personal data, determining the (maximum) retention period, and we strive to implement this policy consistently. If there is a legal retention obligation that exceeds the (maximum) retention period we have formulated, the legal retention obligation takes precedence.

Below, we briefly explain the most relevant retention periods:
• Personal data that we collect and that is part of the medical file, we retain for at least 20 years, or as long as reasonably required for proper care. In the case of an occupational disease, the retention period may even extend to (more than) 40 years.
As a rule, the healthcare provider destroys the medical file within 3 months following a request from the patient.

The above does not apply to documents that reasonably appear to be of significant importance for someone other than the patient, nor where retention is required by law or regulations.

Personal data that we collect from our employees in the context of absenteeism data, we retain for at least 20 years, or as long as reasonably required by the care of a good healthcare provider. In the case of special circumstances, the retention period may even extend to 40 years.

The above does not apply if the request concerns documents that reasonably appear to be of significant importance for someone other than the registered individual, or if retention is required based on a legal provision or if there is an agreement between the registrant and the professional.

* **Personal data that we collect from our employees under an employment contract will, in principle, not be retained for longer than two years after the employment relationship with the relevant employee has ended.**
* This is different if these personal data are of fiscal importance\* or if, at the end of this period, there is an ongoing dispute/claim/legal proceeding/statute of limitations related to obligations. In such cases, the relevant data will be retained (for a longer period) until the settlement or expiration of the dispute/claim/legal proceeding/statute of limitations.
* **Personal data that we collect from self-employed individuals (freelancers) under a contract for services will, in principle, not be retained for longer than two years after the contract for services with the relevant freelancer has ended.** This is different if these personal data are of fiscal importance\* or if, at the end of this period, there is an ongoing dispute/claim/legal proceeding/statute of limitations related to obligations. In such cases, the relevant data will be retained (for a longer period) until the settlement or expiration of the dispute/claim/legal proceeding/statute of limitations.
* **Personal data that we collect from our employees as part of personnel records will be retained for at least two years after the employment relationship with the relevant employee has ended.** This period may even extend to seven years.
* **Personal data that we collect from our employees as part of reintegration records will not be retained for longer than 20 years after the employment relationship with the relevant employee has ended.**
* **Personal data that we collect from companies for which occupational health services are provided as part of company records will not be retained for longer than five years after...**

**Personal data that we collect from our employees as part of complaint handling will not be retained for longer than five years after...**Personal data on, for example, invoices, pay slips, employment contracts, and other documents from our administration that are of fiscal importance will be retained for at least seven years from the first financial year after the end of the financial year in which the invoice was settled.

**How Can You Manage Your Personal Data?**You have the right to access, correct, and/or delete the personal data we have collected about you. Additionally, you can exercise the following rights with us: the right to restrict the processing of your personal data, the right to transfer your personal data (data portability), and the right to object.

Below, you will find information on where and how you can exercise these rights. You will also find details regarding the timeframes, costs, and other relevant information related to exercising your rights.

Please note that we may request additional information to verify your identity.
Click on ‘More details’ for further information.

**More details**

**Response Time**We typically respond to your request to exercise your rights within one calendar month. If we are unable to meet this one-month deadline, we will inform you of the reason for the delay within the same month. Please note that Capability may request additional information to verify your identity. We may extend our response time by two calendar months if we can justify this based on the complexity of your request(s) and/or the number of requests you have submitted.

**Costs**In principle, we provide the requested information free of charge and respond to the exercise of your rights at no cost. However, in some cases, administrative costs may apply to follow-up requests—for example, if you request multiple copies of the same information.

**Refusal to Comply with Your Request**We will only refuse a request in exceptional cases: if the request is manifestly unfounded or excessive. A request is considered manifestly unfounded if it does not meet the requirements for a valid request or if you request information that falls outside the scope of the GDPR. For example, requesting access to another person's personal data. A request is excessive if it places a disproportionately heavy burden on us, such as requesting your records on a weekly basis. We bear the burden of proof to demonstrate that a request is manifestly unfounded or excessive.

**Your Right to Access, Correct, and/or Delete Personal Data**If you wish to access the personal data processed about you and/or correct or delete data (where permitted) that you cannot modify yourself, you can contact us via [contact details].

We will correct or delete your personal data if it is factually incorrect, incomplete or irrelevant for the purpose of processing, or otherwise in violation of legal provisions. However, the right to have personal data deleted is not absolute. We assess each deletion request against other (fundamental) rights and interests on a case-by-case basis.

We will inform third parties to whom this data has been provided of any correction, deletion, or restriction of processing. However, we are not required to notify these parties if this proves impossible or requires a disproportionate effort in terms of cost and time. You may request a list of recipients who have been informed of these changes.

**Your Right to Restrict Processing and the Right to Data Portability**To exercise your right to restrict the processing of your personal data and your right to data portability, you can also submit your request to [contact details].

The right to restrict the processing of your personal data means that stored personal data is marked to limit its processing in the future. In short, the processing of personal data is temporarily frozen until an objection or dispute is resolved.

We will only process these personal data during the restriction period:

* With your consent;
* For the establishment, exercise, or defense of legal claims;
* To protect the rights of others or for compelling reasons of public interest for the European Union or a member state.

**Right to Data Portability**

The right to data portability entitles you to obtain the personal data you have provided to us and transfer it to another data controller (other than Capability). This right applies only if the processing is based on your (explicit or implicit) consent or if it is necessary for the performance of a contract.

**Your Right to Object**

To exercise your right to object, you can contact [contact details].

You may invoke your right to object in three cases:

1. **Personal circumstances:** You may object to processing based on your personal circumstances if the processing is justified by our legitimate interests or those of a third party to whom the data is provided. We will stop processing your data unless there are compelling legitimate grounds that override your interest in stopping the processing.
2. **Direct marketing:** You may object to the processing of your personal data for direct marketing purposes. We will always comply with such a request.
3. **Scientific, historical, or statistical research:** You may object to processing for scientific or historical research or statistical purposes if you have specific reasons related to your situation. We will always comply with such an objection.

**Can You Withdraw Your Consent Later?**

If you have given consent for a specific processing activity, you may withdraw it at any time. However, please note that withdrawing your consent does not have retroactive effect and is only possible if you initially provided consent.

Click on ‘More details’ for further information.

**More details**

You can withdraw your consent by notifying us via **info@capability.nl** or by mail, addressed to the **Quality Manager, Postbus/P.O. Box 314, 5300 AH Zaltbommel**.

**Can You File a Complaint?**

If you have a complaint about Capability’s use of your personal data—for example, if you believe Capability is not handling your data properly or if you requested access or correction of your personal data but are dissatisfied with our response—you can send your complaint to **kwaliteit@capability.nl**.

If you and Capability cannot reach a resolution, you may also file a complaint with Capability’s **Data Protection Officer (DPO)**. Still not satisfied? Then you can submit a complaint to the **Dutch Data Protection Authority (Autoriteit Persoonsgegevens)**.

Click on ‘More details’ for further information.

**More details**If Capability refuses to comply with your request, we will inform you of the reasons. If you do not agree with these reasons, you are free to file a complaint. In such a case, the following steps apply:

* You may **readdress your request to Capability**;
* Capability will **register your complaint**;
* Complaints will be handled as soon as possible, but no later than **six weeks**;
* If the complaint concerns a **privacy-related matter**, Capability is obligated to consult the **DPO for advice**;
* If the complaint **cannot be resolved to your satisfaction by Capability**, you may **escalate it to the DPO**;
* If the complaint **still cannot be resolved to your satisfaction**, you may file a complaint with the **Dutch Data Protection Authority (Autoriteit Persoonsgegevens)**.

**Are You Required to Provide Personal Data, and What Happens If You Refuse?**

In some cases, Capability requires the provision of personal data. For example, to enter into a contract with you or to deliver a service. Additionally, if Capability is legally required to assist its clients in fulfilling their legal obligations—such as **employers within occupational health services or municipalities in the context of social medical assessments**—we may need to process your data.

Click on ‘More details’ for further information.

**More details**

If providing your personal data is necessary for us, we will indicate this with a **\*** symbol. If you choose to fill in fields that are not marked with a **\***, you thereby give Capability **consent** to process those personal data.

If you choose **not** to provide the requested and required personal data, we may be unable to enter into the related agreement or provide the requested service.

If you **refuse to provide legally required personal data** (for our clients) in the context of **occupational health services, social medical assessments, or expertise**, our client may apply consequences as they deem necessary. This could mean that you:

* **No longer qualify** for a certain benefit or provision;
* **Receive a wage penalty** imposed by your employer.

**When Was This Privacy Statement Last Updated?**

This privacy statement was **last updated and is effective as of March 27, 2024**.