

## Privacy Regulations

According to the General Data Protection Regulation (*Algemene Verordening Gegevensbescherming* – AVG)

### 1. Definition

#### 1.1. Personal data

All data that can be traced to an individual natural person.

#### 1.2. Special categories of personal data

Special categories of personal data are data that are so sensitive that their processing can seriously affect a person's privacy. Such data may therefore only be processed under very strict conditions.

Examples of special categories of personal data are data that say something about a person's health, race, religion, criminal past or sexual life. Membership of a trade union and the Citizen service number (*Burgerservicenummer* – *BSN*) are also special personal data. The same applies to visual material (video/photo).

#### 1.3. Care data

Special personal data relating directly or indirectly to the physical or mental state of parent and child, collected by employees in the framework of their professional activities.

#### 1.4. Processing of (special) personal data

Any act or set of acts relating to (special) personal data, including in any case the collection, recording, organisation, storage, adaptation, modification, retrieval, consultation, use, disclosure by means of transmission, distribution or any other form of making available, assembly, linking, as well as the blocking, erasure or destruction of data.

#### 1.5. Provision of (special) personal data

The disclosure or making available of (special) personal data.

#### 1.6. Collection of (special) personal data

Obtaining personal data.

#### 1.7. File

Any structured set of (special) personal data that is accessible according to certain criteria and concerns several persons. This concerns both centrally managed and decentrally managed data.

### 1.8. **Processing manager**

The board of directors, which alone or jointly with others, determines the purpose and means of processing personal data.

### 1.9. **User (= processor)**

The one who is authorized to do any act with respect to personal data.

### 1.10. **Processor**

The person who, on behalf of the controller, processes personal data without being subject to his or her direct authority (e.g. a payroll administration office).

### 1.11. **Data subject**

The person to whom a personal data relates or his/her legal representative.

### 1.12. **Legal representative**

The one who exercises parental authority over a minor. Usually this will be a parent, but it can also be a guardian.

### 1.13. **Third party**

Any person, other than the data subject, the data controller, the processor or any person authorised under the direct authority of the data controller or the data processor to process personal data (e.g. a doctor or the tax authorities).

### 1.14. **Recipient**

The person to whom the personal data are provided.

### 1.15. **Registration**

The inclusion of personal data in a file.

### 1.16. **Personal Data Authority (*Autoriteit Persoonsgegevens – AP*)**

The independent administrative body that in the Netherlands has been appointed by law as supervisor for the supervision of the processing of personal data.

### 1.17. **Data Protection Officer (*Functionaris Gegevensbescherming – FG*)**

The external officer who, by order of Bink, supervises the application of and compliance with the general data protection regulation within Bink. This officer is registered with the *AP* as *FG* of Stichting Bink and all underlying entities.

### 1.18. **Security Officer (*Beveiligingsfunctionaris – BF*)**

The internal officer who oversees the application of and compliance with the general data protection regulation within Bink.

## 2. **Applicability and scope**

These regulations regulate the processing of personal data of all parties involved at Bink, including children and their legal representatives, visitors and external relations (e.g.

supplier and contractors). The regulations apply to all locations that are part of Stichting Bink and its affiliated companies.

### **3. Purpose and application**

The purpose of these regulations is to give practical effect to the provisions of the General Data Protection Regulation (*AVG*).

- 3.1. The regulations apply to all personal data provided processed by Bink. The purpose of the regulations is:
- a. To protect the privacy of the data subject(s) against incorrect and unintentional use of the personal data;
  - b. To be determined for the purpose and on what (legal) basis personal data will be processed within Bink;
  - c. To ensure that personal data within Bink are processed lawfully, transparently and properly;
  - d. To establish the rights of the data subjects and to guarantee that these rights are respected by Bink.

When processing personal data, Bink complies with the relevant laws and regulations, including the *AVG*, the *AVG* Implementation Act and the Child Care Act.

- 3.2. Purposes of the processing of personal data. The processing of personal data takes place for:
- a. The organisation of childcare and related activities;
  - b. The supervision of the children who are placed in one or more of Bink's locations, the provision of their (extra) support needs or the provision of advice with regard to the supervision of the child;
  - c. Monitoring the safety within the locations and protecting the property of employees, pupils and visitors;
  - d. Publication of information about the organisation as referred to under a on their own website, *Mijn Bink* or the intranet for employees;
  - e. Publication of information about the organisation as referred to under a, as well as the placed children on the *Mijn Bink* parent portal;
  - f. Publication of the activities of the organisation, e.g. on the Bink website, in brochures or via social media;
  - g. Optimizing the services of Bink.
  - h. Calculating, recording and collecting the costs of the care provided and/or the parental contribution, including placing claims in the hands of third parties;
  - i. Applying for subsidies/funding, dealing with differences in this regard and having an audit carried out;
  - j. Entering into and performing employment contracts, collaborative relationships with contractors and contracts with suppliers;
  - k. The implementation and application of laws and regulations;
  - l. Legal proceedings in which Bink is involved;

Publication of information about the organisation and its activities by, among other things, sending newsletters and/or brochures. Personal data may also be processed for purposes that are in accordance with the purposes as described under a to l, such as waiting list registration, child registration, observation lists, financial administrative registration, complaints registration, archive registration, personnel registration, applicant registration, work supervision, (video) coaching, internal training, internal analyses.

With regard to the use of the internet/extranet/intranet, data such as IP address, browser type, domain names, access time and website addresses are automatically collected. This information is used to perform the service optimally, to maintain the quality of the service and to provide general statistics. The collected personal data will not be sold or made available to third parties. The latter is subject to special circumstances, for example if required by law. Data used for external market research will at all times be made anonymous.

### 3.3. Purpose limitation

Personal data will only be used to the extent that such use is compatible with the described purposes of the processing. Bink does not process more data than is necessary to achieve the relevant purposes.

## 4. Types of personal data

The categories of personal data as processed within Bink are registered in a processing register.

## 5. Basis for processing personal data

Personal data may only be processed if one of the following conditions is met:

- a. The data subject has given his consent for the processing for one or more purposes;
- b. the processing is the performance of a task of general interest or a task in the context of the exercise of official authority assigned to Bink;
- c. when this is necessary for the performance of an agreement to which the party concerned is a party, or for actions that are carried out at the request of the party concerned and that are necessary for the conclusion of an agreement;
- d. when this is necessary to comply with a legal obligation;
- e. when it is necessary to combat a serious danger to the health of the person concerned (vital);
- f. when this is necessary in view of the legitimate interest of Bink or a third party and the interest of the person whose data are being processed does not prevail.

## **6. Access to personal data, security and confidentiality**

### **6.1 Only functional users have access to personal data.**

1. In addition, any data processor and data controller have access to the personal data. This only applies to the extent that this is necessary in the context of the processing and/or responsibility.
2. Personal data will only be provided to a third party insofar as this results from the purpose of the registration.
3. An employee who becomes aware of and/or has access to the personal data is obliged to maintain confidentiality. This obligation also applies after termination of the services or employment contract.
4. The obligation of confidentiality shall not apply insofar as any statutory provision, including further regulations and/or agreements based on the law, obliges an employee to disclose personal data.
5. The data controller shall ensure that appropriate technical and organisational measures are taken and implemented to protect against loss or any form of unlawful processing, including by means of the following measures:
  - filing cabinets in which personal data are stored are closed on the user's departure;
  - computer files in which personal data are processed are password protected.

Security measures shall take into account the state of the art, the cost of implementation, the context and the heating purposes and the risks to the rights and freedoms of data subjects, which vary in their likelihood and severity.

Everyone involved in the processing of personal data within Bink is obliged to maintain the confidentiality of the personal data in question and will only process these data to the extent that this is necessary for the performance of the function in question, work or task. With companies that process data on behalf of Bink, a processor agreement is concluded to ensure the same level of security. They are also obliged to maintain confidentiality. Bink childcare remains responsible for these processing operations.

## **7. Provision of data to third parties and use of personal data in social media**

7.1. Personal data will only be provided to a third party insofar as this results from the purpose of the registration and there is a basis for this within the meaning of Article 5 of these regulations.

7.2. For the use of personal data in social media, separate agreements have been made in Bink's social media protocol.

## **8. Provision of Information and rights of data subjects**

Bink acknowledges the rights of data subjects, acts in accordance with these rights and ensures that data subjects can actually exercise these rights because, among other things:

- The data subject will be informed in advance of the inclusion of personal data and of these regulations, as well as the way in which these regulations can be viewed and obtained and further information can be obtained in this regard;
- The data subject will be informed about the processing of these personal data prior to the recording of personal data;
- Permission is required for the processing of special personal data, including those relating to health and religious beliefs;
- While obtaining the personal data, these are checked for accuracy and completeness.

It concerns in particular the following rights:

#### **8.1. Right of access**

The data subject shall have the right to acquaint himself with any personal data relating to him, except in the case of working documents, internal notes and other documents intended solely for internal consultation and deliberation. A possible ground for limiting access and copying may be the important interests of a person other than the person concerned, including the person responsible.

In addition, Bink will provide information about the data in question when providing them:

- The processing purposes;
- The categories of personal data processed;
- The recipients or categories of recipients to whom the personal data have been or will be disclosed;
- If possible, how long the data will be kept;
- That the data subjects have the right to request that the personal data be rectified or deleted, or that the processing of the personal data be restricted, and that they have the right to object to the processing of the personal data;
- The fact that data subjects may lodge a complaint with the Personal Data Authority;
- The source of the personal data, where the personal data have not been obtained from the data subjects themselves;
- The appropriate safeguards where the personal data are transferred to a third country or an international organisation.

#### **8.2. Right to improvement, supplement removal**

The data subject may request Bink to correct the personal data relating to him if they are factually inaccurate, incomplete or irrelevant for the purpose of processing, or if they are

processed in violation of a statutory provision. To this end, he shall submit a written and reasoned request, in which he shall indicate the changes in question.

### **8.3. Right of objection**

If Bink processes personal data on the basis of Article 5b or 5f of these regulations, the data subject may object to the processing of his personal data. In that case, Bink will cease processing the personal data in question, unless, in Bink's opinion, the interests of Bink, the interests of third parties or the general interest in the specific case in question outweigh the interests of Bink.

### **8.4. Restrict processing**

Data subjects may also request that the processing of their personal data be restricted, namely if they have made a request for rectification, if they have objected to the processing, if the personal data are no longer necessary for the purpose of the processing or if the processing is unlawful. Bink then ceases processing, unless the consent of the person concerned has been given for the processing, Bink needs the data for legal proceedings or the processing is necessary to protect the rights of another person or for important reasons.

### **8.5. Notification obligation**

If, at the request of a data subject, Bink has carried out a correction or deletion of personal data or has limited the processing of personal data, Bink will inform any recipients of the personal data in question accordingly.

### **8.6. Procedure**

Bink will deal with a request from an interested party within four weeks of receipt. Depending on the complexity and the number of requests, this period may be extended by two months. If this extension takes place, the person concerned will be informed within four weeks of receipt of the request. If Bink does not comply with the request of the data subjects, Bink will, within four weeks of receiving the request, explain why the request has not been granted and inform the data subjects of the possibility of lodging a complaint with the Personal Data Authority or of an appeal with the right to do so.

### **8.7. Withdrawal of consent**

If prior consent is required for the processing of personal data, such consent may be withdrawn at any time by the data subjects or their legal representative. If the consent is revoked, Bink will cease processing personal data, unless there is another basis (as referred to in Article 5) for the data processing. Withdrawal of consent does not affect the lawfulness of processing that has already taken place.

## **9. Transparency**

Bink actively informs the data subject(s) about the processing of his (her) personal data, in any case by means of an easily accessible privacy statement. In the privacy statement, at least the following information is stated:

- a. The contact details of Bink;

- b. The contact details of Bink's data protection officer;
- c. The purposes of the data processing and the bases for the processing;
- d. A description of Bink's interests, if the processing is based on Bink's legitimate interests;
- e. The (categories of) recipients of the personal data, such as processors or third parties;
- f. Where applicable: whether the personal data are transmitted to countries outside the European Economic Area (EEA);
- g. How long the personal data will be kept;
- h. That the data subject has the right to request Bink to inspect, correct or delete personal data, and that he has the right to request restriction of the processing, to object or to invoke the right of data transferability;
- i. That the data subject has the right to withdraw his consent, if the data processing is based on consent;
- j. That the data subject has the right to lodge a complaint with the Personal Data Authority;
- k. Whether the provision of the personal data is a legal or contractual obligation, or a necessary condition for a contract to be concluded, and whether the data subject is obliged to provide the personal data and what the consequences are if he or she does not provide the personal data;
- l. The existence of automated decision making accompanied by useful information on the underlying logic, as well as the importance and expected consequences of the processing for the data subject.

### **10. Duty to report data leaks**

Anyone involved in the processing of personal data is obliged to report a data leak immediately to the reporting centre ([privacy@binkkinderopvang.nl](mailto:privacy@binkkinderopvang.nl)), in accordance with Bink's protocol on security incidents and data leaks. A data leak is any infringement in which personal data has been destroyed or lost, changed or made accessible.

### **11. Storage periods**

Bink does not retain personal data for longer than is necessary for the purpose for which they are processed, unless the retention of the personal data is required by law or regulations for a longer period of time.

### **12. Complaints**

If the person concerned believes that the provisions of these regulations are not being complied with, he/she may submit a complaint in accordance with Bink's complaints regulations.