

# Information on data processing and your rights

Your data is safe with AOK PLUS because we are obligated to maintain the confidentiality of social data (Art. 35 SGB I, Social Security Code). AOK PLUS processes your data on the basis of the European Union's General Data Protection Regulation (EU GDPR) and other applicable laws.

The following information will provide you with an overview of the collection and processing of your data and related rights.

## Why and on which legal basis do we process your personal data?

As a provider of statutory health and long-term care insurance, AOK PLUS is responsible for maintaining, restoring or improving the health of its insured parties, as well as offering help to those in need of care who require supportive assistance due to the severity of this need.

AOK PLUS finances its coverage and other expenses by levying contributions from employers and members.

In order to perform these legally prescribed activities, AOK PLUS processes the necessary data. This data is collected on the basis of the data subject's legal duties to cooperate (see, inter alia, Art. 60 et seqq. of Volume I of the Social Security Code [SGB I]) or on the basis of the data subject's consent. Furthermore, pursuant to SGB, AOK also has the right to collect data on third parties (e.g. from your employer or care provider). Failure to cooperate may mean that we are unable to provide you with a full spectrum of coverage (lack or withdrawal of coverage).

For health insurance, the legal basis for data processing is Art. 6 (1) (e), Art. 6 (3) (b), Art. 9 (2) (b) and Art. 9 (4) EU GDPR, in conjunction with Art. 284 SGB V; for long-term care insurance, it is Art. 94 SGB XI. Furthermore, AOK PLUS is required by legal regulations to carry out further activities for which personal data must be processed.

These include, in particular:

## For the activities of the health insurance provider:

- Determining the insurance coverage and membership, including the data required to acquire insurance coverage
- Issuing the certificate of entitlement and the electronic health card
- Determining the contributions and the amounts, the person responsible for payment and the payment method
- Assessment of the insurer's obligation and the provision of services to the insured party, including the conditions for restriction of services, determination of the insured party's status regarding supplementary charges, and carrying out reimbursement of costs, contribution refunds, and determining the maximum contribution
- Supporting the insured party in the event of malpractice
- Covering treatment costs for fee-paying persons who are not compulsorily insured in accordance with Art. 264 SGB V
- Involvement of medical services or experts
- Settling accounts with service providers, including assessing the legality and plausibility of billing
- Ensuring that the provision of care is economical

- Settling accounts with other service providers
- Handling reimbursement and compensation claims vis-à-vis third parties
- Preparation, agreement and performance of remuneration agreements
- Preparation and performance of pilot projects, agreements on integrated forms of care and for the rendering of highly specialised services on an outpatient basis, including the implementation of performance and quality audits
- Care provision management (Art. 11 para. 4 SGB V)
- Performance of risk structure compensation as well as the preparation and performance of structured treatment programmes, including acquisition of insured parties to participate in said programmes
- Discharge and sick pay case management and individual advice and assistance on hospice and palliative care services
- Ensuring that resource providers comply with contractual and legal obligations
- Fulfilment of health insurance provider activities as a rehabilitation provider
- Offerings to promote care innovations, insured party notification and the submission of offers according to Art. 68b para. 1 and 2 SGB V
- Administrative provision of the electronic health record and related offerings for additional applications (including digital applications)
- New member acquisition
- Compensation of employer contributions in the event of illness or maternity
- Combating malpractice in the health insurance industry (Art. 197a SGB V)
- Research

#### For the activities of the long-term care insurance provider:

- Determining the insurance coverage and membership
- Determining the contributions and the amounts, the person responsible for payment and the payment method
- Reviewing the obligation to provide benefits and the provision of benefits to the insured party, and processing of reimbursement and compensation claims
- Involvement of medical services
- Billing with service providers and reimbursements
- Ensuring that the provision of care, billing and the quality of service provision is economical
- Conclusion and performance of nursing care rate agreements, compensation agreements, as well as contracts for integrated healthcare
- Clarification and information
- Coordination of caregivers, advice on care, issuing of advice vouchers and the performance of tasks in care facilities
- Settling accounts with other service providers
- Statistical purposes
- Supporting the insured party when pursuing claims for damages
- Combating malpractice in the health insurance industry (Art. 47a SGB XI).
- Research

In addition, AOK PLUS processes data on the basis of explicit declarations of consent (Art. 6 (1a) EU GDPR, Art. 9 (2a) EU GDPR in conjunction with Art. 67b para. 2 SGB X and the supplementary regulations of SGB), e.g. in connection with the electronic health record, participation in structured treatment programmes and special forms of care, with the use of care and discharge management and for individual advice and assistance in the event of inability to work in the event of sick pay or with data processing for interested party data. Consent is voluntary and can be withdrawn at any time with effect for the future without this affecting the lawfulness of processing previously carried out on the basis of consent.

### Where do we process your data?

The processing of social data is generally only permitted in Germany or another Member State of the European Union or the European Economic Area if the statutory requirements for this are met. Data processing outside the European Union or the European Economic Area may only take place under the strict requirements of the Social Security Code and the General Data Protection Regulation, provided that an adequacy decision under Art. 45 EU GDPR is available which confirms an appropriate level of protection.

### What data do we process?

We process the following categories of data:

1. **Personal data** (e.g. last name, first name, address and communication data, date of birth, photo, health insurance number, bank details, marital status, gender, nationality, pension insurance number, tax identification number)
2. **Membership and initiation data** (particularly previous insurance periods, employer, start and end of membership, indicators for granting benefits)
3. **Insurance coverage data** (e.g. type of insurance: compulsory insurance, voluntary insurance, start and end dates, reasons for claiming, information on the activity, contribution groups, wages, income, pension payments, data on exemption from contributions/insurance, data on applying for pension claims, pension payment, paying agent)
4. **Contribution and payment details** (e.g. contribution amount, contribution debt, party obliged to pay, data on the dunning procedure)
5. **Performance, care and billing data including health data** (e.g. diagnoses, periods of inability to work, hospitalisation, aids, prescribed medicine, service prescribers, care providers, costs, period in which you received benefits, e.g. sick pay, data on claims for compensation, co-payments, top-up payments, data on treatment programmes, integrated care, model projects, care management, bonus programmes, optional tariffs, receipt of compensation benefits, e.g. sick pay, injury benefit)
6. **Caregiver data** (e.g. personal data, start and end dates for the care activity, reasons for claiming and time periods, information on reviewing compulsory pension insurance and, if necessary, contribution collection)
7. **Legal representative data** (e.g. personal data, scope of power of attorney or support)
8. **Data concerning optional tariffs and bonus programmes** (e.g. selected tariff, bonus amount)
9. **Care provider and other contractual partner data** (e.g. doctor number, individual account number, name, address, data concerning professional qualifications, communication data)
10. **Data concerning employers and their tax advisors** (e.g. address and communication data)
11. **Data concerning interested parties, competition participants** (e.g. address and communication data, date of birth)
12. **Business partner and supplier data** (e.g. name, address, communication data, bank details, data on billing transactions)

Deviating from the purposes and legal bases mentioned above, we may process your data for other purposes (change of purpose) without prior notification if the following conditions are met:

1. Another legal basis allows the change of purpose.
2. We have your explicit consent.
3. The matter falls under Art. 82 para. 2 SGB X.

### Who has access to your data?

Data is transmitted to statutory pension and accident insurance providers on a regular basis within the scope of statutory pension and accident insurance carriers, employment agencies (Federal Employment Agency), the Medical Service of the Health Insurance Funds, care providers, welfare authorities and, in the context of payment transactions, banks, employers and paying agents. Furthermore, data may only be transferred to certain parties in specific legal cases in accordance with Art. 67(d) et seqq. SGB X (e.g. police departments, local and municipal governments, tax authorities).

AOK PLUS may commission other service providers, committees or other providers to fulfil its statutory obligations (in particular, data processors/Art. 28 EU GDPR in conjunction with Art. 80 SGB X), such as IT service providers, providers who shred files and destroy data storage devices, print service providers, billing service providers, EHC producers and providers of digital health offerings.

### How long do we store your data for?

There are different legal retention periods for social data for the different legal processing purposes, e.g. Art. 110a SGB IV, Art. 304 SGB V, Art. 84 SGB X, Art. 107 SGB XI and in the General Administrative Regulation on Accounting in Social Insurance (Allgemeine Verwaltungsvorschrift über das Rechnungswesen in der Sozialversicherung, SRVwV).

### What rights do you have in connection with the collection and processing of your data?

- Right of **access** to the processed data (Art. 15 EU GDPR in conjunction with Art. 83 SGB X)
- Right to **rectification** of incorrect data (Art. 16 EU GDPR in conjunction with Art. 84 SGB X)
- Right to **erasure** (Art. 17 EU GDPR in conjunction with Art. 84 SGB X)
- Right to **restriction of processing** (Art. 18 EU GDPR in conjunction with Art. 84 SGB X)
- **Right to withdraw consent** (Art. 21 EU GDPR in conjunction with Art. 84 SGB X)
- Right to **data portability** (Art. 20 EU GDPR)
- When data is processed on the basis of the data subject's consent, the data subject has the right to withdraw this consent at any time with effect for the future.

### Who is responsible for data processing and who can you contact?

#### Controller:

AOK PLUS – Die Gesundheitskasse für Sachsen und Thüringen  
Sternplatz 7  
01067 Dresden

Telephone: 0800 1059000 (free)

E-mail: [service@plus.aok.de](mailto:service@plus.aok.de)

Online: [www.aok.de/plus/datenschutzrechte](http://www.aok.de/plus/datenschutzrechte)

Public corporation -

Should you have any questions or feel that your personal data is not being processed lawfully, you may contact us or our Data Protection Officer.

### Data protection officer contact information:

Datenschutzbeauftragter der AOK PLUS  
01058 Dresden  
E-mail: [datenschutz@plus.aok.de](mailto:datenschutz@plus.aok.de)

### Data processing by Clarimedis, the medical information service for AOK PLUS

#### What data does Clarimedis process?

For medical questions, the doctors at the AOK-Clarimedis Service Centre only store the reason for the enquiry and key points on the details and information provided. Clarimedis processes this data on the basis of your active consent. This makes it possible for us to fall back on information that we already know if there are new enquiries and/or new customer enquiries.

Data is stored for one year. We store your data in a specially protected archive for another nine years to be able to clarify any potential questions under liability law. Data is erased after this period.

Consent to data storage can be withdrawn at any time by contacting AOK-Clarimedis at [datenschutzclarimedis@rh.aok.de](mailto:datenschutzclarimedis@rh.aok.de). The doctors at the AOK-Clarimedis Service Centre are bound by confidentiality. Your personal data is not shared with third parties. You can find Clarimedis's terms of use at <http://rh.aok.de/inhalt/nutzungsbedingungen-clarimedis-6/>.

#### Do you have the right to lodge a complaint?

You have the right to lodge a complaint with the competent supervisory authority if you feel that your personal data is not being processed lawfully.

The address for the supervisory authority responsible for AOK PLUS is:

Sächsischer Datenschutzbeauftragter  
Devrientstraße 5  
01067 Dresden  
for the state commissioner for data protection in the respective federal state and the respective ministry for social affairs