

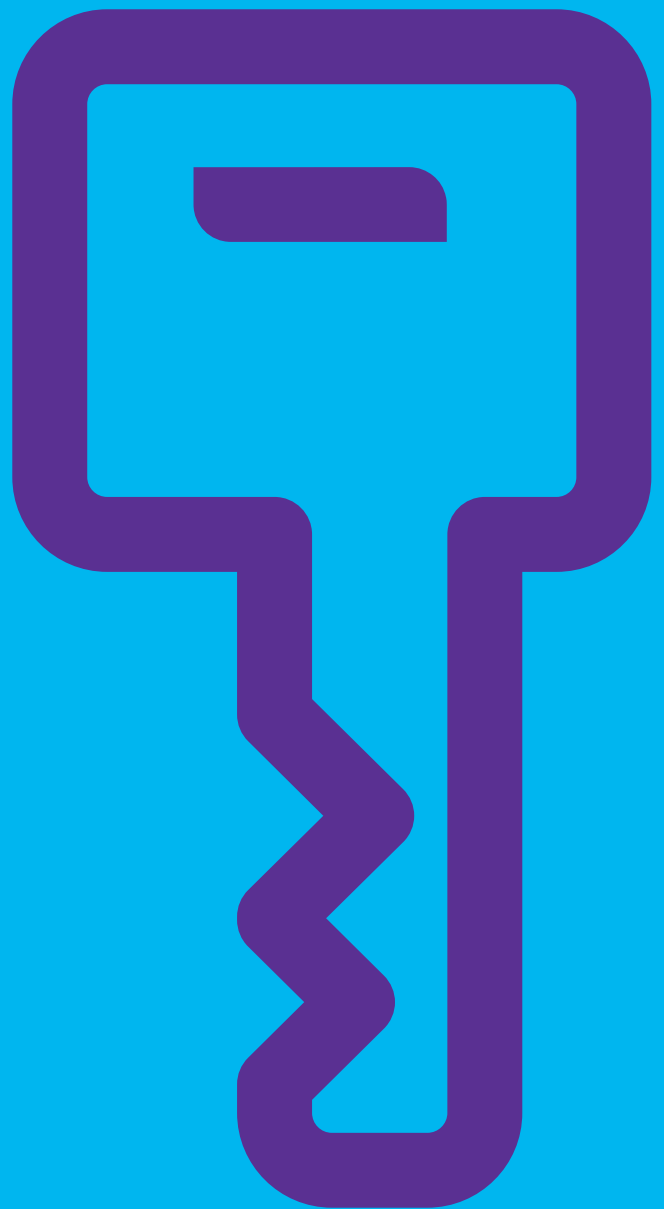


DaVita UK Data Privacy Pack

HQ & MANAGEMENT



Privacy Policy



Policy Statement

DaVita International Limited and its Dutch and UK affiliates including the Renal Services operations (“DaVita”, “we”, “our”, “us”) are committed to managing Personal Data securely and effectively. This Privacy Policy (“Policy”) provides guidelines to DaVita Teammates handling Personal Data, including through the collection, use, disclosure of, and any other Processing operation carried out with Personal Data in accordance with the requirements and guidance provided by applicable data protection regimes and the competent Data Protection Authorities.

For the purposes of this Policy Personal Data refers to any information relating to an individual who can be identified whether directly or indirectly. For patients, Personal Data includes, but is not limited to any individually identifiable information that is maintained or transmitted about a patient in any form, including electronic. This Policy should be read in conjunction with **Definitions** which provides additional information about defined terms used throughout this Policy. DaVita may supplement or amend this Policy by additional policies and guidelines from time to time, including the supporting policies, procedures and guidelines referenced at **Appendix I**.

Policy Aims

This Policy aims to protect the confidentiality and integrity of all Personal Data that is processed by DaVita, including data relating to DaVita Teammates, Third Parties, suppliers and patients. This Policy further aims to align Personal Data handling practices within DaVita to the data protection regimes applicable to us, including but not limited to the European Union General Data Protection Regulation (EU GDPR) 2016/679, the UK General Data Protection Regulation (UK GDPR) (together “GDPR”) and the Data Protection Act 2018 (“DPA 2018”) as amended by the Data Protection, Privacy and Electronic Communications (Amendments etc.) (EU Exit) Regulations 2019 (“DPPEC Regulations”), applicable codes, sector-specific requirements, our **DaVita Core Values** and our Data Protection Principles outlined below.

Protecting the confidentiality and integrity of Personal Data is a critical responsibility that we take seriously at all times. DaVita is exposed to potential fines of up to £17.5m or 4% of total worldwide annual turnover, whichever is higher, for failure to comply with its obligations.

Policy

1. SCOPE

- 1.1 This Policy and the supporting policies at [Appendix I](#) apply to all DaVita Teammates and explain when and how Personal Data may be collected, shared, and otherwise processed regardless of the media on which that data is held.
- 1.2 It is the responsibility of all DaVita Teammates to assist in the protection of Personal Data. Teammates must read, understand and comply with this Policy (and applicable supporting policies) when processing Personal Data on DaVita's behalf and attend training on its requirements. This Policy sets out what we expect from Teammates for DaVita to comply with applicable law. Compliance with this Policy and applicable supporting policies is mandatory. Any breach of this Policy may result in disciplinary action.
- 1.3 DaVita Teammates must only collect, access, use, disclose or otherwise handle Personal Data:
 - 1.3.1 as permitted under the applicable laws;
 - 1.3.2 in a manner consistent with this Policy and the supporting policies below; and
 - 1.3.3 as may be strictly necessary to enable them to perform the specific duties corresponding to their respective roles within DaVita.

2. DATA PROTECTION PRINCIPLES

- 2.1 For any Personal Data processed by or on behalf of DaVita, Teammates must comply with the following data protection principles and ensure that:
 - 2.1.1 **Lawfulness and Fairness:** Personal Data is processed lawfully and fairly in relation to Data Subjects;
 - 2.1.2 **Transparency:** Data Subjects are informed in clearly understandable language that is easily accessible to them about the Processing of their Personal Data by or on behalf of DaVita through appropriate Privacy Notices;
 - 2.1.3 **Purpose Limitation:** Personal Data is only collected for specified, explicit and legitimate purposes, and not further processed in a manner that is incompatible with those purposes for which it was collected;
 - 2.1.4 **Data Minimization:** Only Personal Data that is relevant and limited to what is necessary in order to fulfil the purposes for which it is collected is processed;

- 2.1.5. **Accuracy:** All reasonable measures are taken to ensure the quality and accuracy of the Personal Data we hold by ensuring, where necessary, that it is kept up to date and further by providing individuals with the right to access and, where necessary, to rectify, complete, and update Personal Data concerning them;
- 2.1.6. **Storage Limitation:** Personal Data is not retained for longer than it is necessary for the purposes for which it was collected;
- 2.1.7. **Integrity and Confidentiality:** Processing is carried out in a manner that provides appropriate security of the Personal Data, including protection against unauthorized or unlawful Processing and against accidental loss, destruction or damage by using appropriate technical or organisational measures.
- 2.1.8. **Accountability:** DaVita is also responsible for documenting and evidencing compliance with Section 2.1. above.

3. CALDICOTT PRINCIPLES

- 3.1 For any Confidential Information, whether Personal Data or not, that is processed by or on behalf of DaVita, Teammates must comply with the following Caldicott principles and ensure that:
 - 3.1.1. **Purpose Justification:** Every proposed use or transfer of Confidential Information should be clearly defined, scrutinised and documented, with continuing uses regularly reviewed by your Caldicott Guardian and/or Data Protection Officer (**Section 14**).
 - 3.1.2. **Purpose Specification:** Confidential Information should not be used unless it is necessary for the specified purpose(s) for which it is accessed.
 - 3.1.3. **Information Minimisation:** Where the use of Confidential Information is necessary, only the minimum amount of Confidential Information should be included as necessary for a specific purpose.
 - 3.1.4. **Access Limitation:** Only those who need access to Confidential Information should have access to it, and then only to the items that they need to see.
 - 3.1.5. **Confidentiality:** All those with whom Confidential Information is shared or who otherwise handle such information must understand their responsibilities and obligations to respect the confidentiality of patient and service users.
 - 3.1.6. **Lawfulness:** Every use of Confidential Information must be lawful. All those handling Confidential Information are responsible for ensuring that their use of and access to such information complies with applicable legal requirements.

- 3.1.7. **Disclosure Duty:** Health and social care professionals should only share Confidential Information in the best interests of patients and service users within the framework set out by this Policy and the supporting policies at [Appendix I](#).
- 3.1.8. **Transparency:** Patients and service users should be informed about how their Confidential Information is used to ensure clarity of expectations about how and why their Confidential Information is used, and what choices they have about this.
- 3.2. Where Confidential Information also constitutes Personal Data ([Definitions](#)), Teammates must comply with the Caldicott principles above **in addition to** the data protection principles at [Section 2](#). Whilst the two sets of principles correspond in many respects, the Caldicott principles apply to the use of Confidential Information within the health and social care context specifically and aim to contribute to the overall delivery of health and social care and/or serve wider public interests.

4. CATEGORIES OF PERSONAL DATA PROCESSED

DaVita may collect and process the following non-exhaustive categories of Personal Data in connection with normal business activities, including:

- 4.1. **Master data:** first name and family name, middle name, preferred first name, address and address details including address types (such as Home or Additional), municipality/city, postal code, country ISO Code, email address and email type (Work, Home, Additional), telephone number and phone type (Work, Home, Additional), international phone code, area code, phone device description, data of birth, gender, national ID and ID type code;
- 4.2. **Financial data:** bank account, credit or debit card, credit reports and other financial data appropriate to support business transactions;
- 4.3. **Candidate and employment data:** including, but not limited to, right to work documentation (such as passport, driving licence, and/or visa information), biographical information (such as employment and education history), professional reference information, and criminal offences and conviction data;
- 4.4. **Contractual data:** Personal Data related to contracts with an individual;
- 4.5. **Health data:** diagnoses, test results, Clinical Patient Imaging, Non-Clinical Patient Imaging, treatment protocols, medications, statements or information in medical file, insurance information, occupational health data, sickness absence, adverse occurrences;
- 4.6. **Emergency contact information:** first name and family name, and contact information (if provided by the patient or employee) of a next-of-kin to be contacted in an emergency;

- 4.7. **Performance data:** performance scores, development objectives and personal achievements of Teammates;
- 4.8. **Training data:** records of training courses attended by Teammates and qualifications achieved;
- 4.9. **Monitoring data:** statistics and logs of DaVita IT system activity and website usage; and
- 4.10. **Compliance data:** background verification check results (including against international sanctions, exposed persons or export controls registers), complaints or claims, investigations and hotline and other compliance monitoring, reporting and remediation information.

5. PURPOSES AND LAWFULNESS OF PROCESSING

- 5.1 DaVita processes Personal Data to fulfil its legal obligations as a provider of health care services, to perform medical activities, to provide management, strategic and corporate services, to keep and to manage medical records and to settle with any national government agency or fund for health care services provided. In doing so, DaVita relies on the following legal bases for its core Processing activities in accordance with Article 6 Section 1 (a), (b), (c), and Article 9 Section 2 (b), (f), (g) and (h) of the EU GDPR:
 - 5.1.1. to carry out certain healthcare or medical activities pursuant to obtaining consent;
 - 5.1.2. for the performance of a contract;
 - 5.1.3. for compliance with a legal obligation;
 - 5.1.4. for the purposes of carrying out the obligations and exercising specific rights in the field of employment and social security and social protection law;
 - 5.1.5. for the purposes of establishing, exercising or defending legal claims;
 - 5.1.6. for reasons of substantial public interest; and/or
 - 5.1.7. for the purposes of preventative or occupational medicine, for the assessment of the working capacity of DaVita Teammates, medical diagnosis, the provision of health or social care or the management of health or social care systems and services.

- 5.2 In some situations, it is, or may be necessary for DaVita to process Personal Data for purposes other than those indicated above. In doing so, DaVita relies on the necessity of such Processing for the purpose of pursuing its legitimate interests, provided such interests are not overridden by the interests or fundamental rights and freedoms of the Data Subject which require protection including as detailed below. This is provided for under Article 6 Section 1(f) of the EU GDPR and includes:
- 5.2.1. to schedule appointments;
 - 5.2.2. to conduct internal proceedings or investigations aimed at ensuring compliance of DaVita Teammates with the law, this Policy and the supporting policies below;
 - 5.2.3. to monitor and improve the quality of services provided by DaVita, including monitoring of telephone conversations or other communications and verifying the satisfaction of patients with the DaVita's services;
 - 5.2.4. within DaVita or DaVita's parent company DaVita, Inc. including management reporting;
 - 5.2.5. for analysing clinic performance (using Pseudonymized or Anonymized data, if necessary);
 - 5.2.6. for organising and holding internal DaVita events;
 - 5.2.7. to celebrate Teammate professional milestones;
 - 5.2.8. for internal Teammate communication and team building purposes; and/or
 - 5.2.9. for the purposes of establishing, exercising and defending legal claims
 - 5.2.10. for maintaining the security and integrity of DaVita premises and clinics.
- 5.3 Where it is necessary for DaVita to process Personal Data for the purpose of pursuing its legitimate interests, DaVita will conduct and document an assessment to balance such interests against the interests or rights of the Data Subjects concerned by the Processing by undertaking a Legitimate Interest Assessment (LIA) in accordance with the DaVita *Data Protection Assessments Policy* and *OneTrust Legitimate Interest Assessment User Guide* at [Appendix I](#).
- 5.3.1. DaVita's LIA will consider a number of different factors relevant to the Processing including, but not limited to:
 - a) the nature and source of DaVita's legitimate interest;
 - b) the necessity and the impact of the Processing on Data Subjects; and
 - c) additional safeguards applied by DaVita to prevent any undue impact on the Data Subjects.

- 5.3.2. Where the outcome of DaVita's LIA shows notwithstanding the application of any additional safeguards that Data Subjects' rights or interests override DaVita's legitimate interest, DaVita will not proceed with the proposed Processing except as permitted by an alternative lawful basis for the Processing.
- 5.4 DaVita may use Personal Data to create anonymized data that is not considered individually identifiable health information. If such data is shared with any Third Party, DaVita will take reasonable and appropriate steps to ensure that any identifiers of the Data Subjects and of third parties related to the Data Subjects such as relatives, employers, or household members have been completely removed and that there is no risk that any Data Subject remains identifiable despite the removal of those direct identifiers.
- 5.5. DaVita will not process Personal Data for any other purpose incompatible with the purposes of Processing outlined in the DaVita Privacy Notices that are communicated to Data Subjects, except as required or authorized by law, or by the Data Subject. Where it is necessary for DaVita to re-use or otherwise process Personal Data for purposes other than those detailed in its Privacy Notices, DaVita will carry out a Compatibility Assessment in accordance with the DaVita *Data Protection Assessments Policy* and *OneTrust Compatibility Assessment User Guide* at [Appendix I](#). This assessment will commonly take into account:
 - 5.5.1. the relationship between the purposes for which Personal Data has been collected and the purposes of further Processing;
 - 5.5.2. the context in which Personal Data has been collected and the reasonable expectations of the Data Subjects as to their further use;
 - 5.5.3. the nature of the Personal Data and the impact of the further Processing on the Data Subjects; and

the safeguards applied by DaVita to ensure fair Processing and to prevent any undue impact on the Data Subjects.

6. PROCESSING PATIENT IMAGING

DaVita may need to collect and process Clinical Patient Imaging for diagnostic, treatment, and continuing professional education purposes. DaVita may also need to process Non-Clinical Patient Imaging for the purposes described at [Section 5](#) above. All Teammates who in the course of the normal business activities of DaVita collect and/or otherwise process Clinical and/or Non-Clinical Patient Imaging are expected to observe the principles outlined in the *DaVita Handling Patient Imaging Job Aide* in **addition** to the general guidelines for handling Personal Data outlined in this Policy.

7. RETENTION AND DISPOSAL OF PERSONAL DATA

- 7.1 DaVita will retain Personal Data for the period defined by DaVita's *Global Records Retention Schedule* and DaVita's *Records Management Policy*. Upon reaching the relevant retention periods, DaVita will securely dispose of Personal Data in accordance with DaVita's *IT Policy*, *Acceptable Use Policy*, and *Records Management Policy*.
- 7.2. In some cases, it will be necessary for DaVita to continue Processing certain Personal Data after Data Subjects have stopped receiving services from DaVita. However, DaVita will not keep Personal Data for longer than is required or permitted by applicable law as defined in DaVita's *Global Records Retention Schedule* (see [Appendix I](#)).
- 7.3. DaVita UK clinics serve two types of patients namely NHS patients and holiday/transient patients:
 - 7.3.1. NHS patient records are returned to the NHS Trust for storage purposes after the point of transfer or discharge of the patient. These will be retained and disposed of in accordance with the relevant NHS retention schedule.
 - 7.3.2. All holiday/transient patient records are kept by the dialysis unit of the UK clinics until their eventual discharge/transfer from the clinic. Once they have been discharged/transferred the records will be forwarded to the head office for archiving and will be retained in accordance with the *DaVita Global Records Retention Schedule*.

8. SHARING PERSONAL DATA

- 8.1 As a general rule, Teammates are prohibited from sharing Personal Data with any Third Party except where such disclosure is strictly necessary to enable them to perform the specific duties corresponding to their respective roles within DaVita.
- 8.2. In certain circumstances, it may be necessary for DaVita to disclose Personal Data in the course of its normal business activities as necessary in order to fulfil the purpose for which such Personal Data was collected by DaVita.
- 8.3. However, Personal Data belonging to DaVita patients must not be shared with any other DaVita group affiliate or Third Party, irrespective of location, unless separately authorised to do so by the Data Protection Officer and Legal **prior** to proceeding with the proposed disclosure.

- 8.4. All Teammates are expected to ensure that any approved Personal Data disclosure is subject to appropriate security and contractual safeguards in accordance with the *DaVita Disclosure & Transmission of Personal Data Job Aide*, the *DaVita Limit Access to Patient and Teammate Data Job Aide*, the *DaVita International Social Media Policy* (see [Appendix I](#)), and as further advised by the Data Protection Officer and Legal. Where a Personal Data disclosure is necessary for corporate reporting purposes, Teammates must also comply with the *DaVita Adverse Occurrence Reporting (AOR) Policy* (see [Appendix I](#)).

9. DISCLOSURE OF PATIENT PERSONAL DATA

- 9.1 With respect to the disclosure of patient Personal Data in particular all Teammates are expected to observe the specific guidance detailed in the *DaVita Disclosure of Patient Information Job Aide* (see [Appendix I](#)), **in addition to** the general principles at [Section 8](#) above, the *DaVita Disclosure & Transmission of Personal Data Job Aide*, the *DaVita Limit Access to Patient and Teammate Data Job Aide*, and the additional job aides relating to patient information set out at [Appendix I](#).
- 9.2 In any case, transferring any patient Personal Data processed by DaVita for treatment purposes outside the UK and/or the EEA remains strictly prohibited.

10. PATIENT DATA CONFIDENTIALITY

- 10.1 All DaVita patients have the right to:
- 10.1.1. expect that their Confidential Information will only be used for the purpose for which it was given and will not be released to others without their permission, subject to [Section 9](#) above; and
 - 10.1.2. access their Confidential Information including health records, regardless of the format in which these are recorded.
- 10.2 All Teammates who in the course of the normal business activities of DaVita gain access to, or otherwise handle patient Confidential Information have an obligation to safeguard its confidentiality and security and are expected to comply with the *DaVita Disclosure of Patient Information Job Aide* and the *DaVita Confidentiality of Patient Information Job Aide* to meet this obligation.
- 10.3. All Teammates are bound by the confidentiality provisions of their Contract of Employment with DaVita and are expected to participate in mandatory training and awareness initiatives on issues relating to confidentiality.
- 10.4. All Teammates who in the course of the normal business activities of DaVita receive a Non-Standard Disclosure Request ([Definitions](#)) to provide a copy of or access to patient Confidential Information must refer all such requests to the Caldicott Guardian using the contact methods outlined at [Section 14](#).

10.5. Any breach of confidentiality, inappropriate use of Confidential Information whether relating to patients, Teammates, DaVita and/or its business, or abuse of computer systems is a disciplinary offence, which could result in dismissal or termination of employment. Where Confidential Information constitutes Personal Data, any inappropriate access or use of Confidential Information also constitutes an offence.

11. DATA SUBJECT RIGHTS

11.1 Under applicable data protection laws and regulations all Data Subjects have the following rights under certain circumstances relating to their Personal Data:

- 11.1.1. **Right to information:** the right to be informed about DaVita's collection and use of their Personal Data;
- 11.1.2. **Right of access:** the right to request access to (and receive a copy of) their Personal Data;
- 11.1.3. **Right to rectification:** the right to have their Personal Data updated if it is inaccurate or incomplete;
- 11.1.4. **Right to be forgotten:** the right to request erasure of their Personal Data if it is no longer required for business purposes;
- 11.1.5. **Right to restrict Processing:** the right to request the restriction or suppression of their Personal Data.
- 11.1.6. **Right to object:** the right to object to the Processing of their Personal Data by DaVita;
- 11.1.7. **Right to data portability:** the right to obtain and reuse their provided Personal Data for their own purposes across different services;
- 11.1.8. **Right to withdraw consent:** the right to withdraw consent previously provided for DaVita to process their Personal Data;
- 11.1.9. **Automated decision-making including profiling:** the right not to be subject to a decision based solely on automated Processing, including profiling which produces legal effects or significantly affects them.
- 11.1.10. **Right to complain:** the right to lodge a complaint with the competent data protection authorities.

- 11.2 All data protection-related requests received by DaVita Teammates in any format, whether in connection with the Data Subject Rights outlined above or any other data protection matters must be immediately notified to the DaVita Data Protection Officer (see [Section 14](#)). For further guidance relating to the detailed process for handling Data Subject Rights please refer to the *DaVita Data Subject Rights Policy*, *DaVita OneTrust Data Subject Rights User (DSR) Guide*, and the *DaVita Data Subject Rights Job Aide* (see [Appendix I](#)).

12. PROTECTION OF PERSONAL DATA

- 12.1 DaVita protects and secures Personal Data using a range of technical and organisational measures. All Teammates must make appropriate use of DaVita IT Resources and systems as outlined in the *DaVita Acceptable Use of IT Resources Policy* and the *DaVita Communications Technology Use Policy*. The *DaVita IT Policy* defines how Personal Data must be secured and protected.
- 12.2. Personal Data must never be left unsecured (e.g. through papers left in public spaces or unlocked Workstation screens) and must always be transmitted using secure methods as outlined in the *DaVita Transmission of Personal Data Policy* (See [Appendix I](#) for these supporting policies).
- 12.3. When implementing any new administration processes, systems or technology, Teammates must make sure the risks associated with any change in the collection, use, storage, transfer or disclosure of Personal Data or are fully assessed through completion of a data protection impact assessment (or DPIA) in accordance with the *DaVita Data Protection Assessments Policy*, the *OneTrust Data Protection Impact Assessment (DPIA) User Guide*, and as further mandated by the *DaVita Privacy by Design Policy* that is implemented through the *DaVita System Development Lifecycle (SDLC) Procedure*.
- 12.4. For further detailed guidance regarding the technical and organisational security measures implemented by DaVita to ensure the protection of Personal Data and/or the responsibilities of Teammates with regards to the same, we encourage you to contact your Senior Information Risk Officer (SIRO) by any of the contact methods at Section 14.

13. RESPONDING TO A PROTECTED INFORMATION INCIDENT

- 13.1 DaVita has put in place procedures to deal with any suspected Protected Information Incident and will notify Data Subjects or any applicable regulator where legally required or otherwise appropriate to do so.
- 13.2. DaVita is subject to strict timelines for responding to a Protected Information Incident involving Personal Data where the rights and freedoms of affected individuals may be impacted. A Protected Information Incident, under the EU GDPR, has a wide definition and could include any scenario where Personal Data is:

- 13.2.1. accessed by an unauthorised Third party (such as hacking/ cyberattacks);
 - 13.2.2. sent or otherwise disclosed to an incorrect recipient;
 - 13.2.3. lost or stolen;
 - 13.2.4. altered without permission; and
 - 13.2.5. made unavailable for a significant period of time (other than through routine maintenance).
- 13.3. It is important that you report any suspected Protected Information Incident involving Personal Data immediately to your local IT team on UK-ITHelpdesk@davita.com.
- 13.4. For further detailed guidance regarding the process of responding to a Protected Information Incident please refer to the *DaVita Protected Information Incident Response Procedure* (see [Appendix I](#)).

14. CONTACT

14.1 Your Data Protection Officer (“DPO”)

- 14.1.1. Teammates are encouraged and expected to report any possible violations of this Policy and/or the supporting policies at [Appendix I](#).
- 14.1.2. If you have any general queries or questions about this Policy or any of the Supporting Policies, please contact your DPO in the first instance.
- 14.1.3. If you would like to report a concern, please contact your DPO using the contact details below:

Renal Services UK

Name: Kiran Bains

Email: dataprivacy@davita.com

DaVita International

Name: Vishal Parmar

Email: dataprivacyinternational@davita.com

14.2 Your Caldicott Guardian

- 14.2.1. Teammates are additionally encouraged and expected to report any possible violations of confidentiality obligations and/or improper use of patient Confidential Information.

14.2.2. If you would like to report a concern, please contact your Caldicott Guardian at:

Dr Neluka Weerasooriya
22A Ives Street
London
SW3 2ND

14.3 Your Senior Information Risk Owner Officer (“SIRO”)

14.3.1. Teammates are also encouraged and expected to report any possible violations of information security obligations and/or suspected or actual unauthorised access of any Personal Data and/or Confidential Information, including Protected Information Incidents.

14.3.2. If you would like to report a concern, please contact your SIRO at:

Name: Vishal Parmar
Email: dataprivacyinternational@davita.com

15. TRAINING AND AUDIT

- 15.1 DaVita is required to ensure all DaVita Teammates have undergone adequate training to enable Teammates to comply with data privacy laws.
- 15.2 Teammates must undergo all mandatory data privacy related training in accordance with this Policy.
- 15.3 DaVita shall coordinate with internal audit and DaVita business and Teammates to periodically assess assurance measures in order to monitor, audit and report on compliance with this Policy.

Our Mission

To be the Provider, Partner and Employer of Choice

Our Core Values

Service Excellence

Integrity

Team

Continuous Improvement

Accountability

Fulfillment

Fun

The DaVita Way



The DaVita Way means that we dedicate our Head, Heart and Hands to pursue the Mission, live the Values, and build a healthy Village.

It means we care for each other with the same intensity with which we care for our patients.

WE CARE 
EVERY INTERACTION MATTERS

Welcome

Empathize

Connect

Actively listen

Respect

Encourage

