

Privacy Policy Klenico mental health check, as of June 17, 2022.

1 Introduction

This privacy statement (statement) describes the handling of personal data by Klenico Health AG, Zurich (Klenico or we). It is intended to create transparency and thus enable you, as a user of our mental health check and thus the use of our Klenico software (user), to get a clear picture of what data relating to individuals (also: personal data) is processed by whom and for what purpose.

We attach great importance to data protection. The collection and processing of your personal data is carried out in compliance with the applicable data protection regulations, in particular the Swiss Federal Data Protection Act (DSG) and the General Data Protection Regulation (DSGVO) and its national implementation laws. In this privacy policy, the provisions of the DSGVO are referenced; if a data processing is subject to the DSG, the corresponding provisions of the DSG apply.

By using our services, you consent to the collection and use of information in accordance with this policy.

2 Controller

The person responsible for the collection, processing and use of your personal data within the meaning of Art. 4 No. 7 DSGVO is Klenico.

3 Scope of application

This privacy policy applies to:

- the use of the Klenico landing page (**website**) as well as.
- the use of the Klenico software (**software**).

4 Individual instances of data processing

Klenico processes data within the following data processing procedures:

- Personal data that you provide: item 4.1;
- Anonymised patient data: item 4.2;
- Data during hosting: item 4.3;
- Contact data in email correspondence: item 4.4;
- Access data when the website is used: see item 4.5;
- Cookie data: item 4.6;
- Google Analytics data: item 4.7.

The automated documentation that is technically necessary for any e-mail communication is carried out by the globally established web service Amazon SES, which creates the corresponding logs. The entire communication process takes place with SSL-secured connection.

4.1 Personal data that you provide

i) User

When you register with us as a user, we ask you for the following contact information:

First and last name
Email address
Gender
Language

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This contact information allows us to provide you with our services and access to our online survey, and to bill you for our services. Furthermore, the contact information is used so that we or the psychotherapist(s) provided by Klenico can contact you as well as confirm bookings and/or send appointment reminders.

Our mental health assessment is designed to help you understand your stress as well as find an appropriate follow-up solution. Therefore, when you take our online survey, we ask you about your symptoms and give you the opportunity to provide further information about your well-being and current situation on your own initiative in the registration process. We make this data available to the psychotherapist who will conduct an evaluation interview with you.

We do not make this data available to any other third party. Sanitas has no access to your data at any time.

You are aware that particularly sensitive data about your health may be collected and passed on to selected psychotherapists, and you expressly agree to this.

4.2 Anonymous patient data used secondarily by Klenico

Klenico only receives access to anonymised data from the symptom database (see more on this point under item 7 below) for those patients who have expressly consented to the anonymised use of their symptom data. Statistical methods are used to evaluate these data strings for scientific purposes and to improve the quality of diagnostics. To this end, data is automatically anonymised when being exported from the symptom database so that Klenico is prevented from having any opportunity to access it without prior approval from the patient for this usage. This means that the patient is free to decide whether to provide their health-related data to Klenico in anonymised form. The patient can revoke their consent for the anonymised use of their health-related data by Klenico at any time.

4.3 Hosting

All the data is hosted in Switzerland by a specialist server hosting company. The hosting services we use serve to provide the following services: infrastructure and platform services, computing capacity, storage and database services, security services and technical maintenance services that we use for the purpose of operating the website and the Klenico system.

To this end, we or our hosting provider process the data listed under items 4 and 7 on the basis of our legitimate interest in providing our software and website efficiently and securely pursuant to Article 6 (1) (1) (f) GDPR in conjunction with 28 GDPR and any other grounds for justification listed under item 4.

4.4 Email contact

If you contact us (e.g. via email), we process your details so that we can handle your enquiry and in the event that follow-up questions arise.

If the data is processed so that steps can be taken prior to entering into a contract as a result of your enquiry or to execute the contract (if your employer is already a client), the legal basis for this processing is Article 6 (1) (1) (b) GDPR.

We only process additional personal data if you give your consent for this (Article 6 (1) (1) (a) GDPR) or if we have a legitimate interest in processing your data (Article 6 (1) (1) (f) GDPR). We have a legitimate interest in answering your email, for example.

4.5 Users' access data when the website is used

Klenico collects certain pieces of information when visitors use Klenico's website: we automatically collect information about usage behaviour and your interaction with us, and we record data about your computer or mobile device. We collect, store and use data about every time our website is accessed (known as server log files).

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Access data includes: the name/URL of the file accessed and the date/time it was accessed; the quantity of data transferred; the browser version; the operating system; the internet service provider; the referrer URL; the IP address.

We use this log data for statistical evaluations, without allocating it to you as an individual or other kinds of profile generation, for the purpose of operating our website and keeping it secure, and for anonymously recording the number of visitors (traffic) and the way in which our website and services are used. This enables us to analyse data traffic, identify and resolve faults and improve our services. This also represents our legitimate interest pursuant to Article 6 (1) (1) (f) GDPR.

We reserve the right to retrospectively review the log data if there are concrete indications that give rise to the justified suspicion of illegal use. We store IP addresses for a limited period of time in the log files if this is necessary for security purposes or for providing services.

4.6 Cookies

Cookies

Most websites use 'session cookies' for optimisation purposes. A session cookie is a small text file sent from the servers in question when a website is visited and cached locally on the hard drive. This file itself contains a 'session ID' which enables the browser's various enquiries to be assigned to the entire session. For example, the session cookie helps ensure that a user remains logged on for multiple sessions. These cookies are deleted when the browser is closed.

Alongside session cookies, there are also 'persistent cookies' which remain stored on the end device and make it possible for the browser to be recognised during the next visit.

The cookies store the following data and information: language settings; search terms entered; information about the number of times our website was accessed and the use of individual functions of our online presence and the Klenico system. We only receive pseudonymised information on the basis of the cookie technology, not your name or IP address.

Klenico also deploys this global standard, with persistent cookies only being used to a limited extent. Our legitimate interest in using cookies pursuant to Article 6 (1) (1) (f) GDPR lies in making our website and the Klenico system more user-friendly, effective and secure.

You can adjust your browser settings so that you are informed in advance of cookies being stored and can decide in each individual case whether you would like to exclude cookies from being accepted in particular circumstances or generally, or prevent cookies from being stored entirely. This can limit the functionality of the website.

4.7 Google Analytics

We use Google Analytics, a web analysis service provided by Google Inc. ('Google'). Google Analytics uses cookies (see item 4.7 above). The information generated by the cookie about the use of this website is generally transferred to a Google server in the USA and stored there.

We have activated IP anonymisation (anonymizelp). This means that your IP address is truncated by Google within member states of the European Union or in other states party to the Agreement on the European Economic Area beforehand. The full IP address is only transferred to a Google server in the USA, and truncated there, in exceptional circumstances. Google will use this information on our behalf to evaluate your use of the website and software.

The IP address transmitted by your browser within the framework of Google Analytics is not merged with other data held by Google. In addition, you can prevent cookies from being stored by adjusting the settings of your browser software accordingly; in this instance, you may not be able to use all the functions of this website.

5 Storage period

Unless specifically stated, we store personal data only for as long as necessary to fulfill the purposes pursued.

In some cases, the legislator provides for the retention of personal data, for example in accounting law. In these cases, we only continue to store the data for these legal purposes, but do not process it in any other way and delete it after the legal retention period has expired. Data

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that is linked to a user account will in any case be retained for the time this account is maintained.

6 Your rights as a data subject affected by data processing

The applicable laws give you various rights relating to your personal data. If you would like to assert these rights, please send your enquiry via email or post (see contact details under item 9), identifying yourself clearly, to the controller within the meaning of Article 4 (7) GDPR:

The controller for data processing pursuant to items 4.1, 4.2, 4.4, 4.5, 4.7 is Klenico;

An overview of your rights is below. More detailed information can be found in Annex 1: Rights of the Data Subject.

Right of access and confirmation

You have the right to access an overview of the processing of your personal data.

Right to rectification

You have the right to request the rectification and, if necessary, completion of personal data concerning you.

Right to erasure ('right to be forgotten')

The controller is obliged to delete personal data concerning you in an array of cases.

Right to restriction of processing

In certain cases, you are entitled to request that the processing of your personal data be restricted.

Right to data portability

You have the right to receive the personal data concerning you from Klenico in a machine-readable format, as well as the right to transmit it or have it transmitted in such a format.

Right to object

You have the right to object even to the legally compliant processing of your personal data if this is due to grounds relating to your particular situation and our interests in processing do not override this.

Right to revoke consent under data protection law

You have the right to revoke your consent to the processing of personal data at any time (see the consent for anonymised use of health-related data under item 4.2). The withdrawal of consent does not affect the lawfulness of processing based on consent before it was withdrawn.

7 Data security

The security of the personal data we process is of the utmost importance to Klenico. We are aware that the applicable data protection laws require health-related data, in particular, to be subject to a higher standard of protection. To protect your personal data, we implement technical and organisational security measures (see Article 32 GDPR) that we update on an ongoing basis to keep them at a state-of-the-art level. The servers we use are carefully secured at regular intervals.

We transfer your personal data in encrypted form. We use the SSL (Secure Socket Layer) coding system, but would like to point out that any transfer of data online (e.g. via email communication) may give rise to security vulnerabilities.

8 Disclosure of data to third parties, no data transfer to non-EU foreign countries

All personal data processed by Klenico remains in Switzerland. The hosting provider used by Klenico (see 4.3) also stores all data on servers in Switzerland. In principle, no data is transferred to entities or persons outside the EU (but see tracking technologies such as cookies or Google Analytics: sections 4.6 and 4.7).

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In principle, your personal data will only be processed within our company. If and to the extent that we involve third parties in the context of data processing (such as currently our hosting provider; cf. section 4.3), they will only receive personal data to the extent that the transfer is necessary for the corresponding service. Additional security measures have been taken to protect health data: In particular, we operate two separate databases with different access rights to ensure that the hosting provider cannot learn the identity of users under any circumstances: see also section 7.

We may also disclose your information to the following third parties in exceptional circumstances: governmental and regulatory agencies or other persons, in compliance with applicable laws, regulations, court orders or governmental requests, to the extent required or permitted by applicable law.

9 Contact data

If you have any questions and/or would like to assert your data subject rights against Klenico as the responsible party (see section 6), you can reach us by e-mail or mail as follows:

Klenico Health AG
Förrlibuckstrasse 190
CH-8005 Zurich
info@klenico.com

Annex 1: Rights of the data subject **(see items 6.1 - 6.6 of the Policy)**

- **Right of access and confirmation (Art. 15 GDPR)**

You have the right to obtain from the controller, at any time, confirmation as to whether or not personal data concerning you are being processed and, where that is the case, you have the right to request from the controller information about the personal data stored about you, free of charge, along with a copy of this data. You also have a right to the following information:

1. The purposes of the processing;
2. The categories of personal data being processed;
3. The recipients or categories of recipient to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
4. Where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
5. The existence of the right to request from the controller rectification or erasure of personal data concerning you, or restriction of processing, or to object to such processing;
6. The right to lodge a complaint with a supervisory authority;
7. Where the personal data are not collected from you, any available information as to their source;
8. The existence of automated decision-making, including profiling, referred to in [Article 22](#) (1) and (4) GDPR and, at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for you.

Where personal data are transferred to a third country or to an international organisation, you have the right to be informed of the appropriate safeguards pursuant to Article 46 GDPR relating to the transfer.

- **Right to rectification (Art. 16 GDPR)**

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You have the right to obtain from us without undue delay the rectification of inaccurate personal data concerning you. Taking into account the purposes of the processing, you have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

- **Right to erasure ('right to be forgotten') (Art. 17 GDPR)**

Pursuant to Article 17 (1) GDPR, you have the right to request the erasure of personal data concerning you without undue delay and we have the obligation to erase personal data without undue delay where one of the following grounds applies:

1. The personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed.
2. You withdraw your consent on which the processing is based according to point (a) of [Article 6](#) (1) (1) GDPR, or point (a) of [Article 9](#) (2) GDPR, and where there is no other legal ground for the processing.
3. You object to the processing pursuant to [Article 21](#) (1) GDPR and there are no overriding legitimate grounds for the processing, or you object to the processing pursuant to [Article 21](#) (2).
4. The personal data have been unlawfully processed.
5. The personal data have to be erased for compliance with a legal obligation in Union or Member State law to which we are subject.
6. The personal data have been collected in relation to the offer of information society services referred to in [Article 8](#) (1) GDPR.

Where we have made the personal data public and are obliged pursuant to Article 17 (1) GDPR to erase the personal data, we, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the personal data that you have requested the erasure by such controllers of any links to, or copy or replication of, those personal data.

- **Right to restriction of processing (Art. 18 GDPR)**

You have the right to request from us restriction of processing where one of the following applies:

1. The accuracy of the personal data is contested by you, for a period enabling us to verify the accuracy of the personal data;
2. The processing is unlawful and you oppose the erasure of the personal data and request the restriction of their use instead;
3. We no longer need the personal data for the purposes of the processing, but you require the personal data for the establishment, exercise or defence of legal claims;
4. You have objected to processing pursuant to [Article 21](#) (1) GDPR pending the verification as to whether our company's legitimate grounds override yours.

- **Right to data portability (Art. 20 GDPR)**

You have the right to receive the personal data concerning you, which you have provided to us, in a structured, commonly used and machine-readable format and have the right to transmit those data to another controller where:

1. The processing is based on consent pursuant to point (a) of [Article 6](#) (1) GDPR or point (a) of [Article 9](#) (2) GDPR or on a contract pursuant to point (b) of [Article 6](#) (1) GDPR; and
2. The processing is carried out by automated means.

In exercising your right to data portability pursuant to paragraph 1, you have the right to have the personal data transmitted directly from us to another controller, where technically feasible.

- **Right to object (Art. 21 GDPR)**

You have the right to object, on grounds relating to your particular situation, at any time to processing of personal data concerning you which is based on point (e) or (f) of [Article 6](#) (1) (1)

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GDPR, including profiling based on those provisions. We shall no longer process the personal data unless we demonstrate compelling legitimate grounds for the processing which override your interests, rights and freedoms or if the processing is for the establishment, exercise or defence of legal claims.

Where personal data are processed for direct marketing purposes, you have the right to object at any time to the processing of personal data concerning you for such marketing, which includes profiling to the extent that it is related to such direct marketing.

Where personal data are processed for scientific or historical research purposes or statistical purposes pursuant to [Article 89](#) (1) GDPR, you, on grounds relating to your particular situation, have the right to object to the processing of personal data concerning you, unless the processing is necessary for the performance of a task carried out for reasons of public interest.