

GENERAL CONDITIONS OF HEALTH CARE SERVICES OF THE FAMILY PHYSICIAN ADVICE LINE AND CONDITIONS FOR THE PROCESSING OF PERSONAL DATA

Valid from 23.12.2019

1. PARTIES TO THE CONTRACT

- 1.1. The general conditions of the family physician advice line service regulate the reciprocal rights and obligations of the caller and Arstlik Perenõuandla OÜ for providing health care services to the caller.

2. TERMS

- 2.1. **Family advisory centre** – Arstlik Perenõuandla OÜ (registry code 11053086, address Suur-Ameerika 18a, Tallinn 10122), who, in cooperation with the Estonian Health Insurance Fund, provides a family physician advice line service, thereby provides the caller, via telephone, health care services.
- 2.2. **Caller** – a person who has called the family advisory centre’s family physician advice line phone number, agreed with the current general conditions and conditions on the processing of personal data, as well as having presented the desire that the family advisory centre provides him/her with health care services via the telephone. The caller may ask for a consultation anonymously as well as in a personalised manner.
- 2.3. **Advisor** – an advisor who is a doctor or nurse of the family physician advice line, registered in the Health Board’s register of health care professionals.
- 2.4. **Health care service** – a consultation provided by telephone by the family advisory centre for the prevention, diagnosis and treatment of an illness, which aims to maintain the good health of the caller and improve his/her quality of life. Additionally, the family advisory centre provides instructions for first aid by telephone, and information concerning questions on health management.
- 2.5. **Patient portal** – the e-health patient portal information system (e-tervis) which is located at the web address <https://id.digilugu.ee/en> and is maintained by the Health and Welfare Information Systems Centre (Tervise ja Heaolu Infosüsteemide Keskus, registry code 70009770, address Uus-Tatari 25, 10134 Tallinn). For questions regarding the patient portal, contact may be made with the Health and Welfare Information Systems Centre user support phone number +372 794 3943 or e-mail address abi@tehik.ee.
- 2.6. **GDPR** – The European Parliament and Council Regulation (EU) 2016/679, 27th of April 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, as well as repealing the Directive 95/46/EC (General Data Protection Regulation).
- 2.7. **Personal data** – all kinds of data on an identified or identifiable physical person („data subject“); an identifiable physical person is a person who can be directly or indirectly identified, foremost according to such identifying characteristics such as name, personal identification code, location information, network identifier or according to one or more physical, physiological, genetical, mental, economic, cultural or social characteristics of the particular person.
- 2.8. **Health data** – personal data related to the physical and mental health of a physical person, including data concerning the health care services provided to the person, which give information concerning the health of the person.
- 2.9. **Current legislation** – all valid European Union legislation, as well as valid legislation of the Republic of Estonia, including but not restricted to domestic GDPR implementing acts which are applicable during the period of the health care services contract signed with the caller; supervisory institution recommendations and directions, including but not restricted to the recommendations and directions given by the Data Protection Inspectorate, European Data

Protection Board and the work group on European Data Protection created, based on the directive 95/46/EU article 29.

- 2.10. **Processing** – the automated or unautomated action or collection of actions being done with personal data or their collections such as collection, recording, organisation, structuring, storage, adaptation and alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction of personal data.
- 2.11. **Controller** – a physical or legal person, public sector institution, board or other organisation, who, alone or together with others, establishes the aims and means of collecting personal data. The controller of the personal data of the caller, in the meaning of the conditions of the processing of personal data, is the family advisory centre.
- 2.12. **Processor** – a physical or legal person, public sector institution, board or other organisation, who processes personal data on behalf of the controller.

3. GENERAL CONDITIONS

- 3.1. The family advisory centre offers consultations in the form of health care services to anonymous callers, as well as identified callers. The consultation service is accessible at the following times:
 - 3.1.1. Anonymous consultations are available in Estonian and Russian languages Monday to Sunday, 24 hours a day. Anonymous consultations are available in English, Monday to Sunday, from 15:00-17:00. If the advisor speaks some other language understood by the caller, then by mutual agreement, the conversation between the caller and advisor may take place in that language.
 - 3.1.2. Personalised consultations are provided Monday to Friday from 08:00-22:00 and from Friday 22:00 until Sunday 22:00 without interruption. Personalised consultations are available at the given hours in the Estonian and Russian languages.
- 3.2. The health care service provided by the family advisory centre must conform to the medical science and nursing science general level throughout the provision of the health care service, which must be provided correctly.
- 3.3. The caller understands that the quality of the service provided by the family advisory centre may depend on whether the service is provided to a personalised caller or an anonymous caller. The advisor does not have access to the patient portal when advising an anonymous caller, so the advice given by the advisor is dependent solely on the description of the symptoms provided by the caller. The advisor uses a medical algorithm when advising based on symptoms.
- 3.4. The advisor's assistance in the case of a personalised caller is based on the caller's description of their symptoms as well as the data available on the caller in the patient portal.
- 3.5. The personalised consultation is made possible by allowing the caller to confirm his/her identity by using the Mobile-ID or Smart-ID application.
- 3.6. The advisor is obligated to make an entry into the patient portal regarding the advice, in the case of a personalised consultation. The family advisory centre merely collects statistical data, such as the age, gender and the description of the symptoms given by the caller, in the case of anonymous consultations.
- 3.7. The family advisory centre ensures that advisors are only doctors and nurses registered in the Health Board's National Register of Health Care Professionals.
- 3.8. All calls to the family advisory centre advice line are recorded together with the caller's phone number. The appropriate information is voiced in the verbal introductory message about the service. The caller is immediately obligated to end the call if the caller does not agree with the recording of the call and the family advisory centre does not have the possibility of providing health care services to the caller.

4. SIGNING THE CONTRACT FOR THE PROVISION OF HEALTH SERVICES AND THE COST OF THE HEALTH SERVICE

- 4.1. When calling the family advisory centre advice line, the caller first gets information on the services offered. Thereafter, information on the cost of the call is provided (the caller is given the information that the exact cost per minute can be obtained by asking from one's phone operator) and then the advisor is introduced by their first name.
- 4.2. The contract for the provision of health care services between the caller and the family advisory centre is considered as concluded at the moment when the caller begins the conversation anonymously with the advisor or when obtaining a personalised consultation, has verified their identity with the assistance of the Mobile-ID or Smart-ID application.
- 4.3. The concluding of the health care services contract makes the assumption that the caller has become thoroughly acquainted with the current general conditions and the conditions for processing personal data. He/she has understood and accepted the conditions for the provision of health care services.
- 4.4. All callers are treated equally, which means that the call centre transfers the call to an advisor in a general queue. Calls transferred from the alarm centre to the family physician advice line are served without a queue.
- 4.5. The family advisory centre may from time to time and as needed, renew the current health care service general conditions, as well as the conditions for processing personal data. We, therefore, always recommend that you acquaint yourself with the conditions prior to calling the family physician advice line. The current and valid family physician advice line general conditions, including the personal data processing conditions, are available on the family physician advice line website www.1220.ee.
- 4.6. The anonymous or personalised consultation of the family physician advice line is free of charge for the caller. The caller must only pay the per minute charge established in the price list of his/her phone operator.

5. RECIPROCAL COOPERATION

- 5.1. The advisors and callers are obligated to treat each other with respect and honour each other's dignity.
- 5.2. The caller cooperates with the advisor to achieve the best possible result. The caller, according to his/her best understanding, in order to receive the best health care service, informs the advisor of all circumstances, the knowledge of which is required for providing health care services, including concerning one's health, the progression of an illness, other illnesses, medication used and unhealthy habits. The caller thereby obligates to provide the advisor of the family advisory centre the cooperation required by the advisor for providing services.
- 5.3. If the advisor considers that he/she does not have sufficient information on the caller's health condition to make recommendations for home treatment by phone or if in the process of the conversation it has become evident that the caller requires a check-up by a health care worker, then the advisor makes the recommendation to turn to a health care worker or provider and may refrain from making further recommendations for home treatment.
- 5.4. The advisor makes an entry in the patient portal about the caller, about the provision of health care services, incl. data received during the call, as well as the recommendations made by the advisor, assuming that the caller has identified his/her person. No entry in the patient portal is made in the case of an anonymous caller.
- 5.5. The advisor must not promise the caller an exact time frame for a cure during the consultation.
- 5.6. The advisor has the right to refuse to explain to the caller the results of tests or analysis if he/she considers that the digital history of the caller does not contain sufficient information or data to provide a complete view of the circumstances under question.

- 5.7. The caller has the right to make a voice recording for him/herself of the provision of health care services if this does not interfere with the provision of health care services and on condition that prior to recording, the advisor providing health care services has been informed.
- 5.8. The family advisory centre, including the advisor, keeps secret the data about the caller's person, health condition and private life received during the provision of health care services. The family advisory centre may reasonably deviate from the obligation to keep secrets in the case that the non-disclosure of data may cause the caller or other persons significant damage.

6. THE CALLER'S CONSENT FOR THE PROVISION OF HEALTH CARE SERVICES

- 6.1. The family advisory centre provides the caller health care services only by agreement with the caller. The caller is considered to have given a conscious agreement for receiving health care services when the caller has phoned the family physician advice line and started describing their symptoms. If the caller has decided, prior to starting to describe their symptoms, to confirm his/her identity using the Mobile-ID or Smart-ID application, then the caller has given their consent to receive health care services in a personalised manner.
- 6.2. It is not possible to provide a personalised consultation service to persons whose identity cannot be confirmed at the start of the conversation using the Mobile-ID or Smart-ID applications (incl. persons with restricted active legal capacity, the caller's close ones, children, a person under curatorship, wards etc.).

7. CONDITIONS FOR THE PROCESSING OF PERSONAL DATA

7.1. General conditions

- 7.1.1. The current personal data processing conditions are applicable if the caller has expressed the desire to receive a personalised consultation in the provision of health care services when calling the family advisory centre family physician advice line. The family advisory centre does not collect personal data in the sense of the GDPR if the caller wishes to receive a consultation anonymously. The family advisory centre, in the case of an anonymous caller, collects statistical data such as gender, age and the caller's description of symptoms.
- 7.1.2. The family advisory centre ensures the processing of the caller's personal data, incl. health data, in accordance with the current legislation, foremost according to the GDPR.
- 7.1.3. All calls to the family physician advice line are recorded together with the caller's phone number. The appropriate information is voiced in the recorded introductory message about the service. The caller is obligated to immediately disconnect the call if the caller does not agree with the recording of the call and the family advisory centre does not have the possibility of providing the caller with health care services. The family advisory centre stores the recordings of the phone conversations for 5 years, after which they are destroyed.

7.2. Processing aims and legal basis

- 7.2.1. The family advisory centre processes the caller's personal data solely for predefined aims and according to basis established in legislation.
- 7.2.2. The family advisory centre processes the personal data of the caller to provide the caller with health care services if the caller has expressed the desire for personalised health care services when calling the family physician advice line. The legislative basis for the processing of personal data is the Health Services Organisation Act.
- 7.2.3. The family advisory centre processes data that allows for the identification of the caller for the aim of providing health care services. The data, among others, include the name,

personal identification code and data required for providing health care services, including health data. The family advisory centre will also process the caller's contact details while providing health care services if the caller has filed a complaint with the family advisory centre regarding the provision of health care services or has used some rights related to the processing of personal data. The family advisory centre uses the contact details for responding to the complaint and/or responding to the caller's query.

- 7.2.4. The family advisory centre records the call containing the provision of health care services with the aim of checking the quality of the health care service and the legal basis for the recording, as well as storage of the recording, is the contract signed between the caller and the family advisory centre for the provision of health care services.
- 7.2.5. The family advisory centre does not transmit the caller's personal data, including health data, to third parties, except to the extent permitted according to current legislation.

7.3. Transmitting of personal data and processing by the processor

- 7.3.1. The family advisory centre, under current legislation, has the right to use a processor when processing personal data. The family advisory centre's processors, who are allowed to process the caller's personal data, are the providers of IT services (for example server service providers, IT software developers) to the family advisory centre.
- 7.3.2. The family advisory centre, in accordance with current legislation, when providing health care services to the caller, transmits the caller's health data and other data collected during the provision of services (incl. health-related data obtained during the call) to the e-health patient portal information system, which is located on the website <https://id.digilugu.ee/> and the processor of which is the Health and Welfare Information Systems Centre (Tervise ja Heaolu Infosüsteemide Keskus, registry code 70009770, address Uus-Tatari 25, 10134 Tallinn). For questions related to the patient portal, the Health and Welfare Information Systems Centre client support may be contacted by phone number +372 794 3943 or by using the e-mail address abi@tehik.ee.
- 7.3.3. The family advisory centre, when providing health care services, may, according to need and current legislative basis, accept the caller's health data also using the image archives, for which the processor is the Foundation of Estonian PACS (Sihtasutus Eesti Tervishoiu Pildipank, registry code 90007945, address Puusepa 8, 51014 Tartu Estonia) if it is necessary for the provision of health care services to the caller. For questions related to the image archives, the Foundation of Estonian PACS client support may be contacted by calling +372 5331 8888 or using the e-mail address abi@pildipank.ee.
- 7.3.4. The family advisory centre, when providing health care services, may transmit the caller's personal data, incl. treatment data and call recordings to the Estonian Health Insurance Fund (Estonian Health Insurance Fund, registry code 74000091, address Lastekodu 48, 10144 Tallinn). If the caller has presented a complaint, the data of which should be transmitted to the Estonian Health Insurance Fund. Additionally, the Estonian Health Insurance Fund may demand call recordings with the aim of checking the effective and rational use of health insurance funds. For questions concerning health insurance, the Estonian Health Insurance Fund can be contacted by calling +372 669 6630 or using the e-mail address info@haigekassa.ee.
- 7.3.5. The controller of the caller's personal data is generally still the family advisory centre (registry code 11053086). The family advisory centre is fully responsible to the caller that the processors process personal data according to current legislation.
- 7.3.6. The family advisory centre uses only such cooperation partners as processors who have taken up the obligation to process personal data in agreement with the current conditions for the processing of personal data and current legislation.

7.4. Storage of personal data

- 7.4.1. The family advisory centre does not store personal data for longer than required by the aims of processing personal data or as necessitated by current legislation.
- 7.4.2. The family advisory centre generally stores the personal data related to the caller, including the call recording, for up to five years after the time of the call.
- 7.4.3. The caller must use the contact data in the section „Contact details and questions“ found below, for obtaining detailed information on the details of deadlines for storing personal data.

7.5. The rights of the caller

- 7.5.1. The caller has all the rights according to the current legislation regarding the processing of his/her personal data, which include the following:
 - 7.5.1.1. the right of access: the caller has the right at any time to ask if the family advisory centre has any personal data concerning him/her or not and receive information on which personal data the family advisory centre processes relative to the caller. The caller, amongst others, in accordance with the access rights, has the right to demand the recording of the phone call in the framework of which the family advisory centre provided health care services to the caller;
 - 7.5.1.2. the right to rectification of personal data: the caller has the right to apply to the family advisory centre for specifying or correcting one's personal data if the data is insufficient, incomplete or incorrect;
 - 7.5.1.3. the right to object: the caller has the right to present the family advisory centre with objections regarding the processing of their personal data;
 - 7.5.1.4. the right to demand the erasure of personal data: the caller has the right, according to cases established in legislation, to demand the erasure of personal data;
 - 7.5.1.5. the right to restrict processing: the caller has the right to demand that the family advisory centre restricts the processing of the caller's personal data according to current legislation, for example, if the family advisory centre no longer needs the caller's personal data for processing or if the caller has presented an objection for the processing of their personal data;
 - 7.5.1.6. the right to data portability: the caller has the right, themselves, to receive from the family advisory centre personal data which the caller has transmitted to the family advisory centre and which are processed by agreement with the caller or for the fulfilment of the contract with the caller, in writing or generally used electronic formats and when technically possible, demand that the family advisory centre transmits these data to third-party service providers;
 - 7.5.1.7. the right to make a complaint: the caller has the right to turn to the Data Protection Inspectorate or the court if the caller discovers that his/her rights concerning the processing of their personal data have been violated according to current legislation.
- 7.5.2. The rights of the caller listed in the current chapter, relative to the processing of the caller's personal data, are not absolute rights. The caller's rights may be restricted, in certain cases, by the rights of other data subjects or legal obligations of the family advisory centre.
- 7.5.3. The caller must present a digitally signed application and transmit it to the contact details given in the section below „Contact details and questions“ in order to exercise

the rights concerning the processing of personal data by the family advisory centre or for applications concerning the processing of personal data. The caller must prove, together with the digitally signed application, that the phone call was made by him/her and the call was made from a phone in his/her possession (the number belongs to the caller). The family advisory centre cannot fulfil the application if the caller is incapable of proving that he/she made the call, including that the phone number belongs to him/her.

7.6. Ensuring the security of personal data

- 7.6.1. The family advisory centre obligates to ensure the security of the processing of personal data, with the aim of protecting the unwanted or unauthorised processing, publicising or destruction of personal data.
- 7.6.2. The family advisory centre utilises appropriate technical and organisational measures to ensure the security of personal data, taking into account the latest developments in science and technology and the application expenses, as well as the nature, extent, context and aims of processing personal data, as well as the rights and freedoms of physical persons arising from processing and the effected different probabilities and extent of dangers.

8. REFUSAL TO PROVIDE HEALTH CARE SERVICE

- 8.1. The family advisory centre, including the advisor, has the right to refuse to provide health care services if:
 - 8.1.1. the medical science reasoning is lacking for the provision of health care services with the desired content;
 - 8.1.2. the caller wants to receive a service, the provision of which poses a greater health risk to the caller than the non-provision of services;
 - 8.1.3. the professional preparation of the advisor does not allow for making recommendations the caller desires to receive, in the framework of services provided by phone;
 - 8.1.4. the caller applies for the receiving of health care services under conditions which contradict the current general conditions;
 - 8.1.5. the caller does not provide the advisor information necessary for the provision of services or violates the obligation of providing cooperation arising from the current general conditions;
 - 8.1.6. the advisor is incapable of speaking in a language understood by the caller and the caller is incapable of expressing oneself to a sufficient extent in a language accepted by the provider of health care services, which may result in the service being inappropriate for the caller or place his/her health in danger;
 - 8.1.7. the caller behaves impolitely towards the advisor;
 - 8.1.8. due to a conflict between the caller and advisor, it is necessary to change the consulting advisor.

9. THE TERMINATION OF THE HEALTH CARE SERVICE CONTRACT

- 9.1. The contract for the provision of health care services between the caller and the provider of health care services is considered as terminated when it is deemed that the health care services have been provided or the call is terminated. The caller has the right at any time to terminate the call.
- 9.2. The provider of health care services may only terminate the call with good reason. The basis for good reason is, when taking into consideration all circumstances, it is not possible to assume

that the provision of health care services can be continued. Foremost, the circumstances described in chapter 8 of the general conditions are the basis for good reasons.

10. THE RIGHTS AND OBLIGATIONS OF THE PARTIES

10.1. The caller has the right:

- 10.1.1. to receive necessary health care services according to the possibilities of the health care service provider;
- 10.1.2. to receive instructions on coping with their illness, as well as protecting and improving their health;
- 10.1.3. to demand that the health care service provider keeps information regarding his/her health condition, treatment and private life as confidential (except under circumstances in which the health care service provider has an obligation based on legislation to publicise the data);
- 10.1.4. to know the name of the advisor dealing with him/her;
- 10.1.5. in case of arisen dissatisfaction, to make complaints or make recommendations concerning arisen problems and to receive feedback regarding them in accordance with section 12 of the general conditions;
- 10.1.6. to turn to state institutions (e.g. the Health Board, Health care services quality expert commission, Data Protection Inspectorate) to receive an evaluation of the health care services provider.

10.2. The caller has the obligation to inform the advisor of all circumstances that may be of importance or influence the health condition or the provision of health care services (incl. chronic illnesses, communicable diseases, bad habits etc.).

10.3. The health care service provider has the obligation:

- 10.3.1. to listen to the caller;
- 10.3.2. to inform the caller about his/her health condition and possibilities for treatment at home or the need to turn towards a health care service provider;
- 10.3.3. if needed to verbally refer the caller to another specialist in the field and to make a corresponding remark in the patient portal;
- 10.3.4. to document, as required, the provision of health care services to the caller and to virtually store the corresponding documents.

10.4. The caller has the possibility to turn to some other advisor to obtain a second opinion if the caller has doubts about the recommendations given by the advisor. The second opinion should provide an evaluation about:

- 10.4.1. the medication or necessity of health care services recommended to the caller,
- 10.4.2. the clarified alternatives and anticipated effects, as well as concerning the risks related to the provision of health care services.

11. THE RESPONSIBILITY OF THE FAMILY ADVISORY CENTRE

11.1. The family advisory centre and the advisor are responsible for their culpable violations, foremost diagnosis and treatment errors, as well as violations of the obligation to inform the caller.

- 11.2. The caller must prove the circumstances that are the basis for the responsibility of the family advisory centre and the advisor, except in the situation in which the provision of health care services has not been documented as required or the recording is lacking.
- 11.3. The expiration deadline for compensating the damage to the caller is five years, counted from the time when the caller learned about the family advisory centre's and advisor's violation of obligations and the causing of damages.

12. FEEDBACK AND COMPLAINTS

- 12.1. If differences of opinion arise between the caller and the family advisory centre in connection with the provision of health care services, then these are resolved by negotiation and without encompassing third parties. If there is no success in reaching an agreement, then the dispute should be settled in Tallinn, at the Harju County Court, according to the legislation of the Republic of Estonia.
- 12.2. The caller can present feedback, complaints and recommendations, verbally or in writing, to the family advisory centre, Estonian Health Insurance Fund or Health Board, concerning the provision of health care services. The presentation of complaints is possible as follows:
 - 12.2.1. Verbally to the family advisory centre by calling the family physician advice line number 699 9691 or in writing on the website www.1220.ee using an electronically fillable form;
 - 12.2.2. In writing to the Estonian Health Insurance Fund by sending an e-mail to the address info@haigekassa.ee;
 - 12.2.3. In writing to the Health Board on the website <https://www.terviseamet.ee/et/node/1384> using an electronically fillable form.
- 12.3. It is recommended to first present a complaint to the family advisory centre, as this ensures the resolution of the complaint in the fastest and most effective way. If the presentation of the complaint to the family advisory centre does not bring the desired outcome to the caller, then the caller has the right to turn to the Estonian Health Insurance Fund or the Health Board, depending on the contents of the complaint.
- 12.4. The family advisory centre processes and responds to complaints only if the complainant in the complaint reveals his/her identity and proves that the call relative to which the complaint is being presented was made by the complainant, using a phone in his/her possession (the number is proven to belong to the complainant). Responses are not given to anonymous complaints or complaints from unidentified persons.
- 12.5. A complaint by the caller presented to the family advisory centre is registered without delay by the family advisory centre.
- 12.6. The family advisory centre responds to the presented complaint within 5 working days counted from the registration of the complaint. The family advisory centre presents a response to the complaint by e-mail, except when the complaint has been presented anonymously or the complaint explicitly indicates that no response is expected.

13. CONTACT DETAILS AND QUESTIONS

- 13.1. The family advisory centre must be contacted if the caller has questions or applications. For questions related to the processing of personal data, we recommend contacting the family advisory centre data protection specialists by telephone, e-mail or post.
- 13.2. The contact details of the family advisory centre are:
Business name: Arstlik Perenõuandla OÜ;
Address: Suur-Ameerika 18a, Tallinn;
Telephone: 699 9691; E-mail: info@1220.ee;