

TEMPLATE REPLY

Request for access to personal data (Art. 25 FADP)

1. Procedure for handling an access request

When a patient exercises their right of access (Art. 25 FADP), the practice must reply within 30 days, free of charge. Here is how to proceed:

1. Receive the request: note the date of receipt. The 30-day period starts on that date.
2. Verify the requester's identity: ask for an identity document if the request is received by e-mail or post and the identity cannot be confirmed otherwise.
3. Identify the data: search the management software, e-mails, backups, the paper file and, if necessary, with the IT provider (Art. 11 of the data processing agreement).
4. Prepare the reply: use the template letter below. Provide all the personal data processed, not just a summary.
5. Send the reply: by registered post or by secure means (encrypted e-mail), within the 30-day period.
6. Document: keep a copy of the request and the reply in an internal register.

Caution: intentionally giving an answer that is incomplete, or that gives a false impression of completeness, is punishable, on complaint, by a fine of up to CHF 250,000 (Art. 60 para. 1 let. a FADP).

2. Template reply letter

[Practice letterhead]

[Town], [date]

[Patient's surname and first name]

[Patient's address]

Subject: Reply to your request for access to personal data (Art. 25 FADP)

Dear [Mrs / Mr] [Surname],

We acknowledge receipt of your access request dated [date of the request], received on [date of receipt].

In accordance with Art. 25 of the Federal Act on Data Protection (FADP), please find below all the information relating to the processing of your personal data by our practice.

Identity of the controller

[Name of the practice], [Address], [E-mail], [Phone]

Personal data processed

The personal data concerning you that is processed by our practice is as follows:

- Identification data: [list]
- Health data: [list the categories: diagnoses, X-rays, treatment plans, etc.]
- Insurance data: [list]
- Financial data: [list]
- Correspondence: [list]

[If copies are enclosed:] The detailed data is enclosed with this letter.

Purpose of the processing

Your data is processed for the purposes of your dental care, appointment management, invoicing and compliance with the legal obligations applicable to the practice.

Retention period

Your file will be kept for [period chosen by the practice] after the last treatment, in accordance with the applicable cantonal law (at least 10 years in Geneva, in the canton of Vaud and in Fribourg, at least 20 years in Valais, in Neuchâtel and in the canton of Bern). Invoicing data is kept for 10 years (Art. 958f CO).

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Origin of the data

Your data was collected directly from you during your consultations, and from [specify if applicable: family doctor, other practitioner, laboratory].

Recipients

Your data has been or may be disclosed to the following recipients: [list: practice staff, dental laboratory, insurer, IT provider (metadata only), referring doctor].

Transfer abroad

[No data is transferred abroad. / Specify if applicable.]

If you notice any inaccuracies in the data provided, you may ask us to correct them. You also have the right to ask for your data to be deleted, subject to legal retention obligations.

We remain at your disposal for any further questions.

Yours sincerely,

[Signature]

[Name of the practitioner]

[Role]

[illegible]

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Template provided as an example
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For any legal question relating to the FADP, the GDPR or data protection in the medical context, consult a lawyer specialising in the field.

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