
Internal Rules and Regulations - Users

The internal rules and regulations complement the care and assistance contract and clarify certain rules of conduct between the care provider SUR.lu and the user.

Version: v2.0 • Published: 02/03/2026

Introduction

The internal rules and regulations for users complement the care and assistance contract and clarify certain rules of conduct between the care provider "sur.lu" and the user.

Identification of the Home Care and Assistance Service

- **Name:** SUR.LU
- **Address:** 16, Avenue Grand-Duc Jean. L - 1842 Howald
- **Home care & assistance authorisation:** PA/23/11/021
- **CNS provider code:** 30249751

1. Legal Framework

These internal rules and regulations are established pursuant to:

- the amended law of 8 September 1998 governing relations between the State and organisations working in the social, family and therapeutic fields;
- the **law of 23 August 2023** on the quality of services for elderly persons;
- the Grand Ducal regulation of 8 December 1999 concerning the authorisation to be granted to managers of services for elderly persons, as amended by the Grand Ducal regulation of 10 December 2009;
- the **law of 24 July 2014** on the rights and obligations of the patient;
- the **General Data Protection Regulation (GDPR)** – Regulation (EU) 2016/679 of 27 April 2016.

It defines the rights and duties of users of "sur.lu" services and of the manager.

2. Access to Services

The services offered by "sur.lu" are open to all users regardless of ideological, philosophical or religious considerations, while respecting the principles of non-violence and non-discrimination, particularly with regard to gender, physical, psychological and mental resources, national or ethnic origin, social class, philosophical and religious beliefs.

3. Respect for Privacy

The manager undertakes to respect the privacy of users and not to impose upon them any commercial, cultural, philosophical, religious, political or linguistic choice.

The home is the user's intimate domain and all staff members must announce themselves before entering. Likewise, the user also undertakes to respect the privacy of "sur.lu" staff.

4. Professional Secrecy and Confidentiality

"sur.lu" acknowledges being subject to the professional secrecy provided for in Article 458 of the Luxembourg Penal Code and in the code of ethics for certain health professions (Grand Ducal Regulation of 7 October 2010 establishing the code of ethics for certain health professions).

Both during and after the period of activities, "sur.lu" undertakes in general not to disclose to anyone the information and data, confidential or otherwise, that it may have become aware of by reason of or in connection with its activity.

Both parties undertake not to communicate to third parties the information contained in this document and to ensure the protection of personal data.

5. Data Protection

Access to patient data (client, user, dependent person or care recipient) held by "sur.lu" is exercised in accordance with the provisions of the law of 24 July 2014 on the rights and obligations of the patient and the **General Data Protection Regulation (GDPR) – Regulation (EU) 2016/679**.

Regarding data protection, "sur.lu" declares that it:

- collects only the personal data necessary for the proper care of the care recipient;
- ensures the confidentiality and security of such data;
- has appointed a data protection officer in accordance with the GDPR;
- implements notification procedures in the event of a personal data breach.

Staff members are bound by shared professional secrecy.

The user agrees to the collection and recording of personal data. **In accordance with Article 16 of the law of 24 July 2014, the user has the right to access their care file within 15 working days** of receipt of their written request to "sur.lu". A copy of the file may be obtained at the cost price of reproduction.

The user also has the following rights regarding personal data: right of access, right of rectification, right to erasure and right to data portability, which may be exercised by submitting a written request to "sur.lu". For any questions regarding data protection, the user may contact the **National Commission for Data Protection (CNPD)**: www.cnpd.public.lu.

6. User Rights

In accordance with the law of 24 July 2014 on the rights and obligations of the patient, the user has the following rights:

- **Right to quality care** (Art. 4): The user has the right to quality services provided in accordance with current standards and with respect for their human dignity.
- **Right to information** (Art. 8): The user has the right to be informed in a clear and understandable manner about their health status, proposed care, its objectives, risks and alternatives. This information is communicated orally and, upon request, in writing.
- **Right to free and informed consent** (Art. 8): No intervention may be carried out without the prior, free and informed consent of the user. The user has the right to refuse or withdraw their consent at any time.
- **Right to free choice of provider** (Art. 5): The user has the right to freely choose their care provider.
- **Right to access records** (Art. 16): The user has the right to view and obtain a copy of their care file within 15 working days.
- **Right to a companion** (Art. 7): The user has the right to be assisted by a companion of their choice during care.

Trusted Person

In accordance with Article 12 of the law of 24 July 2014, **the user has the right to designate in writing a trusted person**. This person:

- may assist the user in their procedures and accompany them during discussions regarding their care;
- has access to the user's care file;
- may take decisions regarding care if the user is unable to express their wishes.

The designation of the trusted person is made in writing and may be revoked at any time. "sur.lu" informs the user of this right and provides the designation form.

7. Organisation of Services

In order to best organise the services provided for in the care and assistance contract signed by the user and "sur.lu", the following must be respected by the user or their legal representative.

In the event of hospitalisation, "sur.lu" must be informed on the same day. The return from hospital must be communicated to "sur.lu" the day before.

All important information must be communicated to "sur.lu":

- necessary for the smooth delivery of the agreed care and assistance services;
- concerning the user's state of health, necessary for adequate home care and/or the preservation of the carer's health;
- concerning the safety of carers in the exercise of their professional activities at the user's home.

The user or their legal representative undertakes to provide "sur.lu" with:

- all materials and equipment necessary for the smooth delivery of care and assistance services;
- premises that do not endanger the safety of carers in the exercise of their professional activities at the user's home.

The user and, where applicable, persons in their circle, undertake to be present at the places, on the days and at the times agreed with "sur.lu" which provides the services.

"sur.lu" undertakes not to take any action against the user's free choice of provider in accordance with their care situation.

In order to best adapt its services to the user's state of health, "sur.lu" reserves the right to communicate with the user's healthcare professionals, such as the doctor and other health professionals.

"sur.lu" establishes a care and assistance plan for each category of users.

8. Access to the User's Home

Access to the user's home is defined between the user or their legal representative and "sur.lu". The user has the option of giving a key to their home to "sur.lu" so that supervisory and care staff can carry out the agreed services.

9. Domestic Animals

The user or their legal representative must ensure that "sur.lu" staff are not disturbed by the user's domestic animals during the performance of their duties.

10. Home Hygiene

The hygiene of the user's home must be maintained in a condition that does not disrupt the smooth delivery of "sur.lu" services at the user's home.

11. Medical Appointments

The user or their legal representative manages their own appointments with all their healthcare providers. They ensure that the prescriptions necessary for the delivery of care are up to date and submitted to "sur.lu" in a timely manner.

12. Values

The values of "sur.lu" are based on a dual principle, both for the user and for the professional, regarding:

- Respect for the human being and their values as a free individual
- Equity and the right to appropriate care support without any discrimination, including race, colour, sex, language, religion, political or other opinion, national or social origin, wealth, birth or any other status
- Equity in the exercise and supervision of professional activities without any discrimination, including race, colour, sex, language, religion, political or other opinion, national or social origin, wealth, birth or any other status
- Encouraging the active participation of the beneficiary in their care needs process, having the right to decisions that concern them directly and indirectly. Likewise, for the professional, their viewpoint and participation are sought in their professional development and future within the company
- Respect for free and informed consent when proposing care to the patient. Likewise, all proposals between colleagues (including management) are also based on this principle
- The right to information
- The right to renunciation. In this case, contractual procedures must be respected, both for the patient and the employee. The right to assistance during difficulties or conflicts, within contractual limits
- Respect for the intimacy and dignity as well as discretion towards the beneficiary in our caring role. As well as towards the employee

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- Professional secrecy is maintained towards patients, as well as between colleagues within the limits of information necessary for the delivery of care and assistance
 - Denigration of beneficiaries or excessive criticism of the company or the running of the service is prohibited

"sur.lu" strives to improve the knowledge, skills and tools available to its staff in order to improve user care, as well as the comfort and general well-being of staff.

The user undertakes to respect "sur.lu" staff and to treat them with courtesy, within the limits of their mental faculties.

13. On-Call Service

An on-call service is organised from 06:00 to 22:00 every day of the week.

A 24-hour palliative care on-call service is provided by SUR.LU.

A call register is kept up to date: it records the nature of the call, the exact time and the response time for each call.

The updated list of on-call staff and their schedule is kept up to date.

14. Restraint, Surveillance or Isolation Measures

If restraint, surveillance or isolation measures are necessary, they may only be taken upon medical prescription.

These measures:

- shall be communicated to the beneficiary regardless of their condition, to their family or legal representative, and included in the care file;
- shall always be limited in time and subject to evaluation by the team;
- must remain exceptional and only be used when all other alternative measures have been exhausted.

15. Filing and Handling of Complaints

All observations, claims or complaints from users or their representatives may be communicated to the administrators of "sur.lu" or their replacements. They are available for this purpose by telephone or by appointment. The complainant must be informed of the outcome of their complaint.

Mediation

In the event of an unresolved dispute, the user may call upon the following mediation services:

- **SIMPA** (National Information and Mediation Service for Elderly Care Services), established by the law of 23 August 2023: Tel. (+352) 247 76 500, email: info@simpa.lu, website: simpa.public.lu
- **National Health Information and Mediation Service**, established by Articles 20 to 23 of the law of 24 July 2014: this free service offers mediation between the user and the care provider. Tel. (+352) 247-75515, website: mediateursante.public.lu

These mediation services are free of charge and accessible to the user, their trusted person, their legal representative or their relatives.

16. Ethics Committee

In accordance with the law of 23 August 2023, "sur.lu" has an **ethics committee** serving as a reference point for users, their families, supervisory staff and management. The committee's mission is to:

- ensure respect for the rights and dignity of users;
- support teams in situations involving ethical dilemmas;
- formulate recommendations on care practices.

Any user, family member or staff member may refer a matter to the ethics committee.

17. Quality Management

In accordance with the law of 23 August 2023, "sur.lu" implements a **quality management system** designed to regularly evaluate:

- the services and care concepts described in the establishment project;
- the terms of the contract concluded with users;
- the satisfaction of users and their relatives;
- the professional practices of staff.

Quality evaluations are carried out by the competent ministry service every 3 years through administrative controls and interviews with users and staff.

"sur.lu" is committed to a continuous improvement approach for the quality of its services.

18. Language Provisions

In accordance with the law of 23 August 2023, the content of the service contract and these internal rules and regulations are explained to the user or their legal representative. **Upon request, this explanation is provided in Luxembourgish or in sign language.**

"sur.lu" staff are able to understand and express themselves in at least two of Luxembourg's administrative languages, including Luxembourgish.

19. Final Provisions

Amendments to these internal rules and regulations shall come into force 30 days after communication to users.

A copy of these rules and regulations is provided to the user at the time of signing the care and assistance contract.