

DR HJ LANDMAN & DR HILDA LANDMAN INC

PRIVACY POLICY IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

<u>Scope of policy</u>	This policy applies to the medical practices of Dr HJ Landman and Dr Hilda Landman Inc and any of its subsidiaries and affiliates (hereinafter “HJL”) wherever such business may be conducted and applies to all paid staff.
<u>Policy operational date</u>	18 March 2022
<u>Policy prepared by</u>	Tamaryn Fuller
<u>Date Approved by the Information Officer</u>	18 March 2022
<u>Policy review date</u>	March 2023
<u>Purpose of policy</u>	To enable HJL to comply with the requirements as set out in POPI relating to the manner in which the personal information of individuals is processed thereby protecting data subjects, being the person to whom personal information relates, staff and the organisation.
<u>Statement</u>	HJL shall: <ul style="list-style-type: none">• Comply with the regulations as imposed by law.• Adhere to the standards of good practice.• Be cognisant and respectful of the data held and act with honesty and integrity to the individuals whose data is held.• Provide ongoing training and support to staff who handle personal information so as to ensure that they adhere to the guidelines as set out in POPI.• HJL acknowledges that its primary priority is to avoid the causing of harm to individuals whose personal data is held by ensuring that such data is, at all times, secured and only accessible to authorised personnel.
<u>Key risks</u>	The following potential risks have been identified and which risks this policy aims to mitigate: <ul style="list-style-type: none">• Breach of confidentiality.• Breach of security by allowing unauthorised access.

	<ul style="list-style-type: none"> • Potential harm if personal information is not kept up to date.
<u>Responsibilities of the Information Officer (S55)</u>	<ul style="list-style-type: none"> • Encouraging compliance with the guidelines of this policy and the POPI act. • Developing, reviewing and maintaining the POPI policy. • Ensuring continued POPI training takes places for all staff. • Ensuring that privacy notices for internal and external purposes are developed and circulated. • Handling data subject access requests. • Approval of all disclosures of personal information. • Ensuring that appropriate controls are in place to ensure the safe keeping of collected personal information. • Ensure that only authorised personnel have access to such information that is critical to the fulfilment of their employment obligations. • Give direction to the deputy(s) information officer. • Communicate and deal with all queries raised by and with the Information Regulator

1. **PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013**

1.1. **DEFINITIONS**

1.1.1. The Protection of Personal Information Act 4 of 2013 (POPI) involves three parties (who can be natural or juristic persons). These parties are:

1.1.1.1. The data subject – means the person to whom the information relates;

1.1.1.2. The responsible party - means the person who determines why and how to process the data subject's information; and

1.1.1.3. The operator - means a person who processes the data subjects personal information on behalf of the responsible part for example, an IT vendor.

1.2. INTRODUCTION

HJL, is a specialist medical practice functioning within the health sector and is a healthcare professional registered under the Health Professions Act 56 of 1974. As such, HJL are subject to the rules and regulations of the Health Professions Council of South Africa (HPCSA) and is obligated to comply with the Protection of Personal Information Act 4 of 2013 ("POPI").

POPI requires HJL to inform their patient's (the data subject) as to the manner in which their personal information is used, disclosed and destroyed.

HJL guarantees its commitment to protecting its patient's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

This policy sets out the manner in which HJL deals with their patient's personal information as well as the purpose for which said information is used. This policy is made available by request from the HJL practice.

1.3. PERSONAL INFORMATION COLLECTED

Section 9 of POPI states that *"Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive."*

HJL collects and processes patient's personal information pertaining to the patient's specific healthcare needs and such information as may be required for HJL to adequately provide the patient with certain services and / or products. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible HJL will inform the patient of the information required and what information is deemed optional. Some of the information HJL collects, but is not limited to, are:

- Email addresses
- Telephone number
- Address and postal code
- Identity numbers
- Name and surname
- Banking details
- Medical Aid details

- Medical history
- Details of next of kin

HJL also collects and processes the patient's personal information for the purposes of marketing to ensure that our patient's remain properly informed on new developments, studies, services and products.

HJL aims, where necessary, to have agreements in place with all suppliers and third-party service providers to ensure a mutual understanding with regard to the protection of patient's personal information.

With the patient's consent, HJL may also supplement the information provided with information received from other providers or professionals, in order to offer a more consistent and personalised experience in the patient's interaction with HJL and with the services HJL is able to offer the patient.

1.4. **COLLECTION OF NON-PERSONAL INFORMATION**

HJL may automatically collect non-personal information about our patient's, such as the type of internet browser they may be using, the website from which they linked to the HJL website and their geo-location. HJL may also aggregate details which the patient has submitted on the relevant website (for instance, the specific products or services the patient is interested in). The collection of the information as described herein cannot identify the patient and is only utilised to assist HJL in providing an effective and engaging experience on the website. In certain instances, the non-personal information may be provided to third party service providers for purposes associated solely with HJL'S website design and / or maintenance.

For the purpose of this policy, patients include both potential and existing patients.

1.4.1. Cookie Policy

The term "Cookie" shall be used in accordance with the definition assigned to it and other similar technologies by POPI.

- What is a Cookie?

Cookies are small data files that a browser places on a user's computer or device. Cookies assist a user's browser with navigation of a website and while cookies themselves cannot collect any information stored on a computer or device, they can assist a website in delivering a more user-friendly service. To protect ones

privacy, a user's browser will only give a website access to the cookies it has already sent to the specific user.

- Why does HJL use Cookies?

HJL uses cookies to learn more about how a user interacts with the content and to assist in improving the users browsing experience. Cookies remember the type of browser a user uses and which additional browsing software has been installed by the user. Cookies also remember the user's preferences such as language and region which will remain as the default settings when a website is revisited. Cookies also allow a user to rate pages and fill in online forms. Some of the cookies that HJL uses are session cookies which only last until the browser is closed, others are persistent cookies which are stored on a user's device for longer. For more information on the cookies HJL uses, please read the relevant cookie policy accessible at <https://www.ozone-aesthetics.com>

1.5. **THE USAGE OF PERSONAL INFORMATION**

The patient's personal information will only be used for the purpose for which it was collected and as agreed which may include:

- Providing products and services to patient's and to carry out the services as have been requested;
- Confirming, verifying and updating patient information;
- To respond to patient queries;
- Conducting market or patient satisfaction research;
- For audit and record keeping purposes;
- For legal proceedings and to comply with legal and regulatory requirements or when otherwise permitted by law;
- Providing information on the products and services offered by HJL and any changes that may occur;
- Making HJL's website easier to use and tailoring the site and our services to our patient's specific interests and needs;
- Offering promotional and competition participation;
- To fulfil HJL's contractual obligations arising from any contracts entered into with the patient.

Where HJL collects personal information for a specific purpose, such information shall not be kept for longer than is necessary to fulfil the purpose for which it was collected, unless a legitimate business, legal or medical reason exists.

Personal information may only be processed if certain conditions as set out in Section 10 of POPI have been met:

1.6. DISCLOSURE OF PERSONAL INFORMATION

a)	The patient’s consent to the processing	Consent is obtained from the patient during the admission and / or initial consultation, subsequent consultations and / or the needs analysis stage of the relationship;
b)	The necessity of processing	Required to conduct an accurate analysis of the patient’s needs due and proper fulfilment of the services rendered;
c)	Processing complies with an obligation imposed by law on HJL	
d)	Processing protects a legitimate interest of the patient	It is in the patient’s best interests to have a full and proper needs analysis conducted so as to ensure that the correct service and / or product is supplied;
e)	Processing is necessary for pursuing the legitimate interests of HJL or of a third party to whom information is supplied	In order to provide patients with products and or services, both HJL and third party service providers require certain personal information in order to make an expert submission as to the unique and specific products / services required.

HJL may disclose a patient’s personal information to any approved product or third-party service providers or medical experts whose services or products a patient elects to use or which is essential to ensure due and proper fulfilment of HJL’s contractual, legal or ethical obligations.

HJL may share patients personal information with, and obtain information about patients, from third parties for reasons as herein disclosed and may disclose information where it has a legal or legislative right to do so or for protection of its rights.

1.7. PERSONAL INFORMATION SECURITY

As required by POPI, HJL is required to adequately protect all personal information collected. HJL will, on a continuous basis, review its security controls and processes to ensure that personal information remains secure.

Currently, the following procedures are in place to ensure safe keeping of personal information:

1.7.1. Information Officers

The HJL Information Officer is Dr Hilda Landman whose details are available below and who is responsible for compliance with the conditions of the lawful processing of personal information and other provisions of POPI. She will be assisted by Jolene Sinden who is appointed as the Deputy Information Officer.

1.7.2. Policy Implementation

This policy has been implemented throughout the practice and training on this policy and the POPI Act has taken place. Ongoing training and observance will be implemented by the compliance officers and third-party service providers.

1.7.3. Employment

Every new employee will be required to conclude an employment contract containing relevant consent clauses for the collection, use and storage of employee information in accordance with the provisions as set out in POPI.

All current employees will be required to sign an addendum to their employment contract containing relevant consent clauses for the collection, use and storage of employee information in accordance with the provisions as set out in POPI.

1.7.4. Archived Information

HJL's archived information is securely stored onsite, and access thereto is limited to authorised personnel.

1.7.5. Third Party Service Providers

All third party service providers will be required to confirm their adherence to the terms of POPI. This will be an ongoing process.

1.7.6. Electronic Data

All electronic and data files are backed up and stored by HJL'S IT service provider, who is also responsible for security that protects against third party access and any physical threats and is responsible for Electronic Information Security.

1.8. **NOTIFICATION OF SECURITY COMPROMISE**

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, HJL shall notify the Regulator and the data subject in writing, in accordance with Section 22(3) of POPI, of the suspected compromise.

1.9. **ACCESS AND CORRECTION OF PERSONAL INFORMATION**

Patients have the right to access the personal information HJL holds about them and to request HJL to update, correct or delete any personal information should such request be reasonable and not in breach of any of HJL's rights. Once a request has been lodged, HJL shall take every effort to effect the change, desist with the processing of such personal information or where applicable, delete same.

Should HJL search records which it believes does not exist or cannot be found, the requester will be notified by way of affidavit which will set out the steps taken in an attempt to locate the record.

Kindly note that any request for access to personal information collected may be subject to a payment of a legally allowable fee.

1.10. **DESTRUCTION OF DOCUMENTS**

In accordance with S14(1) and subject to subsections (2) and (3) of POPI, HJL shall not retain records of personal information for any longer than is necessary for achieving the purpose for which the information was collected unless:

- Retention is required or authorised by law;
- HJL requires the record for lawful purposes related to its functions or activities;
- Retention is required by a contract between the parties; and
- The data subject or in the case of a minor, a competent person, has authorised the retention.

1.11. **DETAILS OF HJL'S INFORMATION OFFICER AND PRACTICE DETAILS**

Information Officer Details

Name: Hilda Landman

Telephone number: 021 883 3345

Email: practice@ozone-aesthetics.com

Deputy Information Officer Details

Name: Jolene Sinden

Telephone number: 021 883 3345

Email: practice@ozone-aesthetics.com

Practice Details

Telephone number: 021 883 3345

Email: practice@ozone-aesthetics.com

Postal Address: 9 Old Stellenbosch Road, Somerset West

Physical Address: 9 Old Stellenbosch Road, Somerset West

Website: <https://www.ozone-aesthetics.com>

1.12. **AMENDMENTS TO THIS POLICY**

Amendments to this policy will take place on an ad hoc basis. Patients are advised to access HJL's website periodically to ensure that they remain abreast of any changes.