

# POPI ACT PRIVACY POLICY



**KAIROS-MED (Pty) Ltd**

(Registration Number: 2023/258595/07)

(Herein represented by Marinda Van Niekerk in her capacity as Company Director)

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## PROTECTION OF PERSONAL INFORMATION (POPI)

### PRIVACY POLICY



#### SCOPE OF THE POLICY

According to the South African Constitution, everyone has the right to privacy but at the same time the right to access information that is held by another person and that is required for the exercise or protection of any rights.

The Protection of Personal Information Act (POPI) gives effect to the right to privacy. The POPI Act regulates the processing, collection, storage and disclosure of confidential information with justifiable limitations.

Kairos-Med Bureau takes the privacy of its users seriously.

#### CONFIDENTIALITY

The existing healthcare legislation in South Africa provides for protection of personal health information in the following ways:

All personal health information of persons treated in public or private health institutions (health users) or held by medical schemes and managed health care organizations is confidential.

#### ACCESS TO HEALTH RECORDS

A healthcare provider may access a person's health records for purposes of treatment provided they have consent from the health user (patient).

A medical scheme is entitled to, subject to certain legislative provisions, to access any treatment record held by a managed health care organization or provider if the medical scheme and the organization or provider concluded a managed health care agreement.

Access to records of personal health information by statutory or regulatory bodies is permissible where it is deemed necessary in the interest of justice or for the safety of other patients.

- 1.1 The policy relates to how the Bureau use and store personal information collected from users, it's partners, website and patients.
- 1.2 This policy does not apply to anyone that the Bureau does not own or control or with whom the Bureau is affiliated or contracted, or to people that the Bureau does not employ or manage.

#### USE OF INFORMATION COLLECTED

#### CONSENT TO DISCLOSURE

The National Health Act, 2003 permits the disclosure of personal health information with the informed consent of the patient. Depending on the nature of the institution the requirements for consent differ.

The aim of the POPI Act is to give effect to the constitutional right to privacy by safeguarding personal information of individuals processed by public and private bodies.

An Information Regulator has been appointed to monitor and enforce compliance to this legislation. It will also receive and investigate complaints of violations of POPI and issue codes of conduct for specific sectors.

#### PERSONAL INFORMATION

This includes personal information of a user, living and natural person, such as:

- Name, Surname, Age, gender, physical or mental health, well-being, disability
- Medical/financial information and history there of
- ID number, e-mail, physical address, telephone numbers
- Biometric information e.g., DNA, fingerprint, blood type
- Correspondence of any nature

## **PROCESSING PERSONAL INFORMATION**

- Collection
- Storage
- Destruction
- Receipt
- Updating
- Recording
- Use

## **APPLICATION OF THE POPI ACT POPI is applicable to**

- Medical schemes
- Brokers
- Service providers
- Medical scheme administrators
- Managed health care organizations
- Financial institutions

It is applicable to automated as well as non-automated systems used to process personal information. Filing systems are referred to as non-automated systems.

## **AUTHORITY TO PROCESS PERSONAL INFORMATION**

Authorization for Health Information processed by medical professionals, health care institutions. Section 32 states that such professionals (institutions) may process personal information if necessary to provide proper treatment and care or for administrative reasons.

Authorization is granted to insurance companies, medical schemes, administrators and managed care organizations only if the information relates to the processing of inherited characteristics of serious medical interest / historical research or statistical activity. Assessment of insured risk must be without objection from the insured.

## **PERSONAL INFORMATION OF CHILDREN (EXCLUDING SPECIAL PERSONAL INFORMATION)**

It is important to identify children accurately. A child is a person < 18 years who is not legally competent to take an action/decision regarding him/herself without assistance of a competent person. This results in some application difficulties. The Children's Act refers to the age as 12 years subject to certain conditions and in some cases even younger than 12 years. The choice of termination of pregnancy has no specified age.

The privacy of children online is taken very seriously. Children under the age of 13 years should have a parent/guardian's consent before providing any personal information to an institution. Children under this age will not be required or requested to provide any personal information that is reasonably necessary to participate in the applicable activity on health providers/Bureau websites and billing sites.

## **INFORMATION SHARING AND DISCLOSURE**

Personal Information will not be shared with other people or non-affiliated companies - except to provide reports/clinical/health information/statements and invoices for services users have requested. This will also assist in financial administration of users' accounts between service providers in contract with the Bureau and medical schemes/insurers.

## **THE USER'S ABILITY TO EDIT HIS/HER INFORMATION**

The user may edit their information, including marketing preferences, at any time, provided this information remains accurate.

## **THE REGULATOR**

The Regulator may allow/approve processing when the information is in the public interest and the clear benefit of such processing outweighs interference with privacy to a substantial degree.

Public interest can be the following:

1. State security / related to criminal behaviour
2. Prevention, detection and prosecution of offences
3. Important economic or financial interests of a public body
4. Fostering compliance with legal provisions
5. Historical, statistical or research activity

Exceptions of disclosure of information:

Requirements by law or in the course of proper performance of duties.

## HOW IS PERSONAL INFORMATION USED

- Correct Patient Identification
- Payment of benefits available
- Credit reporting
- Capture claims for services rendered
- Insurance/Medical scheme reports

**CONSENT IS VOLUNTARY**

## IN SERVICE POLICIES

- Information management, including record keeping with providers
- In Service Training of staff
- Signature of confidentiality clause by staff

## CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION

- **Accountability**  
The Responsible Party must ensure compliance with conditions for lawful processing of Personal Information.
- **Purpose specification**  
The Responsible Party may only collect Personal Information for specific and lawful purposes for which it is collected.
- **Information Quality**  
The Responsible Party must take reasonable practical steps to ensure that all Personal Information is complete, accurate, not misleading and updated.

## PERSONAL INFORMATION POLICY

User are hereby advised of the right to request correction or deletion of Personal Information. This applies to inaccurate, irrelevant, excessive, out of date, incomplete, misleading information obtained.

The Responsible Party must correct or delete information as per request.

If the user contests the accuracy of the Personal Information, processing can be restricted until Personal Information has been verified. In this case, processing must be limited to storage, purpose of proof in order to protect the rights of another person or if in the public interest.

## TRANSBORDER FLOW OF PERSONAL INFORMATION

PERSONAL INFORMATION of a USER may only be transferred to a 3rd party in a foreign country if –

- The transfer is to the benefit of the user
- Request submission of personal information to such 3<sup>rd</sup> party in writing
- User is responsible to obtain reasonable confirmation that the 3<sup>rd</sup> party adhere to protection of their personal information.

## TERMS AND CONDITIONS

The Bureau collects personal information when the user requests a service from its contracted providers. The Bureau may combine information about a specific User with information it obtains from business partners.

Once a user is a patient/member of any of Kairos-med's contracted providers - you will no longer be anonymous to the Bureau.

At the point of collection, the user also give consent that the Bureau may communicate, send or contact the user. The user will have the right to decide not to provide its personal information to the Bureau, though if services are requested by the Bureau's providers, users also give consent to the Bureau.

The Bureau will undertake reasonable endeavours to use information collected from its partners, practices, hospitals for the following purposes (not limited):

- \* to fulfil User requests for products and services,
- \* provide User's with the Bureau's services,
- \* to conduct billing and follow up services.

## **CONFIDENTIALITY AND SECURITY**

The Bureau is using external service providers (billing systems) which has placed physical, technological, and procedural security safeguards in place that comply with best practices to protect personal information about user on all sites used for billing purposes. Contracts with these 3<sup>rd</sup> parties include switching companies and the administrative staff.

Responsible parties have to secure integrity and confidentiality of Personal Information. Operators may only process Personal Information when authorized thereto. Personal Information will be treated as confidential when disclosed to relevant participants in rendering a service to a user.

Responsible party will always try to avoid or alleviate harm to a user. Should there be reasonable grounds to suspect that Personal Information was unlawfully accessed or acquired the Regulator and user must be notified in writing. Such notification must advise the user to take proactive measures against potential consequences.

## **CHANGES TO THE PRIVACY POLICY**

The Bureau may update this policy. It is the responsibility of the User to keep up to date of any changes to this policy.

## **CODE OF CONDUCT UNDER POPI**

The Regulator could issue Codes of Conduct applying to class of information, specific bodies, and specific activities or to specific industries or professions.

Such a code would include conditions for processing or obligations that are fundamentally equivalent. It would also prescribe measures to protect legitimate interests of users to automated decision-making. An Adjudicator will preside over complaints. Noncompliance will result in a breach of conditions.

## **COMMUNICATION METHODS/PLATFORM/SYSTEMS**

You hereby acknowledge that the Bureau contact providers and clients through communication methods/platforms/systems which may include Personal Information, bureau information, update of Personal Information and reports, where necessary and indicated. Messages and calls are end-to-end encrypted, no one can read or listen to them. Although the bureau cannot confirm that any communication platform is completely secure as it is a third party, you will not hold the Bureau responsible for any breach of confidentiality via these communication means.

## **INFORMATION OFFICERS**

The owner of a private company. Responsibilities include –

- Encouraging compliance
- Working with the Regulator i.e., investigations pertaining to the body.

## **ENFORCEMENT Complaints are to be directed to the Regulator**

The Protection of Information Act can be accessed at: <http://www.justice.gov.za/legislation/acts/2013-004.pdf>

FINES: Offences e.g., non-compliance – with an enforcement / Infringement notice (Negligence)  
and/or

IMPRISONMENT: 12 months – 10 years (aggravated damages)

## **NOTICES AND DOMICILIUM**

The Party choose as their domicilium citandi et executandi the following addresses for all purposes arising out of or in connection with this Agreement:

### **KAIROS-MED (Pty) Ltd:**

Contact: 044 691 3995

Address : 7 Danie de Jager street, MOSSEL BAY

Email: [admin@kairosmed.co.za](mailto:admin@kairosmed.co.za)