



Section 18 Privacy Notification to Data Subject (Clients / Patients) when Collecting Personal Information

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Privacy Notification.

1. In terms of section 18 of the POPIA Act we need to make our Data Subjects aware of certain information and rights in terms of the POPIA Act. The POPIA Act does not describe how we are to notify you, but the international standard is to do it with a Privacy Notification.
2. This Privacy Notification lets you know what happens to any Personal Information that you give to us, or any that we may collect from or about you.
3. This privacy notice applies to Personal Information processed by or on behalf of the Practice where we act as Responsible Party.
4. In this Privacy Notification you will find –
 - a) what information is being collected and where the information is not collected from you, the source from which it is collected;
 - b) our name and address (where we act as the responsible party);
 - c) the purpose for which the information is being collected;
 - d) whether or not the supply of the information by you is voluntary or mandatory;
 - e) the consequences of failure to provide the information;
 - f) any particular law authorising or requiring the collection of the information;
 - g) the fact that, where applicable, we (as the responsible party) intend to transfer the information to a third country or international Practice and the level of protection afforded to the information by that third country or international Practice;
 - h) any further information such as the—
 - i) recipient or category of recipients of the information;
 - ii) nature or category of the information;
 - iii) existence of the right of access to and the right to rectify the information collected;
 - iv) existence of the right to object to the processing of Personal Information as referred to in section 11(3); and
 - v) right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator,

Collection of Personal Information.

What Personal Information do we collect?

1. Personal Information is collected either by voluntarily action, automatic process or via third party processors.
2. **Voluntarily:** We have collect personal information that you voluntarily give us via email or other direct contact from you.
 - 2.1. Typically, we may collect, use and store the following categories of personal information about you: (but not limited to) -

- a) Identifying particulars – for example names, identification numbers, medical aid membership numbers, etc. for accounting, service delivery and payment purposes;
 - b) Contact information – for example addresses, telephone numbers, e-mail address, etc;
 - c) Personal Information you choose to provide to us e.g. demographics;
 - d) Personal Information you provide when you contact us directly via telephone, whatsapp, email, etc.
 - e) Personal Information you provide through our website e.g. when you sign up for the online support group or buy a product.
 - f) Special personal Information e.g. information about your physical and/or mental health, about your sexual health/behaviour, criminal history/behaviour, etc. you choose to provide to us in the course of receiving therapy.
3. **Automatic:** We may also have access to personal information that we collect automatically when you visit our website e.g. the IP address of the computer and the time that you logged onto our site
4. **Third Parties:** We also collect information about you through our trusted third-party sources to assist us in providing service offerings to you
- 4.1. Typically, we may collect, use and store the following categories of personal information about you: (but not limited to) -
- a) Identifying particulars – for example names, identification numbers, medical aid membership numbers, etc. for accounting, service delivery and payment purposes;
 - b) Contact information – for example addresses, telephone numbers, e-mail address, etc;
 - c) Special personal Information e.g. information about your physical and/or mental health, about your sexual health/behaviour, criminal history/behaviour, etc. you have provided to the hospital or other members of your medical team in the course of receiving therapy.
5. In terms of the POPIA Act we must have accurate and up to date information about you. Please check that your personal details are correct whenever you visit us and inform us of any changes as needed.
6. Personal Information is collected directly from our Data Subjects and/or other sources, subject to restrictions under applicable law, to assist in obtaining relevant Personal Information about you to deliver a service

Our Contact Particulars.

Practice Name:	CL Stander and Associates Inc.
Physical Address	135 Gerhard street, Lyttelton, Centurion // 21 Dane Street Glen Austin Midrand
Postal Address	PO Box 7077, Centurion, 0046
Tel No:	012)664-0222 ext 230
Email:	info@ot4mentalhealth.co.za

Purpose for which the information is being collected.

1. We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:
 - a) The processing is necessary to perform a therapeutic contract with you or take steps to enter into a therapeutic contract at your request.
 - b) The processing is necessary for us to comply with a relevant legal obligation.
 - c) The processing is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
 - d) You have consented to the processing of the information
 - e) We may also use your personal information in the following situations:
 - i Where we need to protect your interests (or someone else's interests).
 - ii Where it is needed in the public interest or for official purposes.
2. We only collect Personal Information for the specific, explicitly defined and lawful purpose of conducting our business (provision of in- and out- of hospital mental health Occupational Therapy services)
3. Direct Marketing
 - 3.1. We may use your personal information to periodically send you direct marketing communications about our related services that we think may be of interest to you. This will be in the form of email, post, [SMS or targeted online advertisements]. We limit direct marketing to a reasonable and proportionate level, based on the information we have about you.
 - 3.2. Where opt-in consent is required, we will ask for your consent.
 - 3.3. You have a right to stop receiving direct marketing at any time - you can do this by following the opt-out or unsubscribe links located in the electronic communications (such as emails) you receive from us, by contacting us, or by emailing us.

Is the supply of the information voluntary or mandatory?

- Supplying of certain types of information is mandatory in terms of legislation and regulations. For example, in terms of the Consumer Protection Act, a supplier of goods or services must provide a written record of each transaction to the consumer to whom any goods or services are supplied.
- In terms of Regulation 5(f) of the Medical Schemes Act 131 of 1998 all accounts submitted to your medical aid must contain a diagnostic code (ICD10 code).

Any particular law authorising or requiring the collection of the information.

- The National Health act stipulates that as a provider of Health Care Services

- The practice keeps a health record for each user that accesses our services
- The practice may examine a user's health records for the purposes of treatment with the authorisation of the user;
- The practice may provide information from a users health record to another health care provider where providing such information is in the interest of the user.
- The Medical Schemes act stipulates that the practice must
 - As a supplier of a service to a beneficiary (yourself) of a funder (your medical aid) provide a detailed account of the services rendered and charged for per beneficiary
 - Provide the medical aid with a copy of your clinical records for forensic audit purposes
- The Health Professional Council of South Africa (HPCSA) requires
 - The practice to retain health records for clients for a period of 6 years since that record became dormant

Failure to provide the requested information.

This personal information is required to enter into a therapeutic contract with you (such as in anticipation of a services level agreement) or to perform a contract with you (such as to provide services at your request), and failure to provide any information may result in our inability to provide you the requested services or products.

Transfer the information to a third country.

The practice does not transfer any of the information we have obtained from you or about you to any other countries outside of South Africa.

Recipient or category of recipients of the information

Your Personal Information will be treated as prescribed by the 8 Conditions for the Lawful Processing of Personal Information in the POPIA Act. We may share your Personal Information with:

1. **Partners & Affiliated Companies** – We may disclose information we collect from you to other health care providers involved in your treatment.
2. **Service Providers** - We may disclose the information we collect from you to third party contractors, technology and other service providers or agents who perform functions on our behalf, or are engaged with us. These service providers are allowed to access and use the information we make available to them only as needed to perform their functions and for no other purposes, subject to appropriate contractual restrictions and security measures. This includes but is not limited to MDS administration that process client accounts on behalf of the practice, the legal firm that is used to collect outstanding accounts, the Auditing firm that manages the practice's financials as well as the IT Consulting firm that manage and maintain our IT record keeping system.
3. **In Response to Legal Process** - We may disclose the information we collect from you in order to comply with the law, a legal proceeding, court order, or other legal process, such as in response to a court order or a subpoena.
4. **Third Parties** –

- a) third parties used to facilitate payment transactions, for example payfast.
 - b) third parties where you have a relationship with that third party, and you have consented to us sending information (for example releasing a report to your employer or insurance provider);
5. **To Protect Us and Others** - We also may disclose the information we collect from you where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of this Privacy Notification, or as evidence in litigation in which we are involved.
6. **Government** - Government bodies, regulators and any other third party necessary to meet our legal and regulatory obligations.
7. **Professional Advisors** - our own professional advisors and auditors for the purpose of seeking professional advice or to meet our audit responsibilities.

Your Rights as a Data Subject.

As a Data Subject in terms of the POPIA Act, you do have the following rights:

1. **Right to be Notified:**

The right to be notified that -

- (i) Personal Information about you is being collected – our Section 18 Privacy Notification; and
- (ii) your Personal Information has been accessed or acquired by an unauthorised person;

2. **Right of Access:**

The right to establish whether we hold Personal Information of you and to request access to your Personal Information – use our form **03.9_PAIA Form C_ Request for Access to Record of Private Body** available on the practice website www.ot4mentalhealth.co.za

3. **Right to Correction, Destruction or Deletion:**

The right to request, where necessary, the correction, destruction or deletion of your Personal Information – use our form **03.8_Request Correction Deletion Personal Information**; available on the practice website www.ot4mentalhealth.co.za

8. **Right to Objection:**

The right to object –

- a) on reasonable grounds relating to your particular situation to the processing of your Personal Information;
- b) to the processing of your Personal Information -
 - (i) at any time for purposes of direct marketing; or
 - (ii) for purposes of direct marketing by means of unsolicited electronic communications

– use our form **03.7_Objection to the Processing of Personal Information**; available on the practice website www.ot4mentalhealth.co.za

9. Right with regards to Automated Processing:

The right not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of your Personal Information intended to provide a profile of you.

10. Right to Complain:

The right to –

- a) submit a complaint to the Regulator regarding the alleged interference with the protection of the Personal Information of any Data Subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as; and
- b) to institute civil proceedings regarding the alleged interference with the protection of your Personal Information.

Complaint's Process:

If you believe that this office has not replied to your access request or has not handled your Personal Information in a reasonable manner, please address your concerns first with our Information Officer. You may also choose to make a complaint to the Information Regulator.

Information Officer:

Name:	Chantelle L Stander
Tel No:	071 890 6361 // 012) 664-0222 ext 230
Email:	chantelle@ot4mentalhealth.co.za

Information Regulator

Address:	33 Hoofd Street; Forum III, 3rd Floor Braampark
Tel No:	+27 (0) 10 023 5200
Email:	complaints.IR@justice.gov.za
Web Address:	https://www.justice.gov.za/inforeg/contact.html

ADDENDUM – FORMS

1. Form 03.7 – Objection to the processing of personal Information

This form can be downloaded from:

[https://ot4mentalhealth.co.za/wp-content/uploads/2021/06/03.7 Objection-to-the-Processing-of-Personal-Information.pdf](https://ot4mentalhealth.co.za/wp-content/uploads/2021/06/03.7%20Objection-to-the-Processing-of-Personal-Information.pdf)

2. Form 03.8 – Request for correction or deletion of personal information

This form can be downloaded from:

[https://ot4mentalhealth.co.za/wp-content/uploads/2021/06/03.8 Request-Correction-Deletion-Personal-Information.pdf](https://ot4mentalhealth.co.za/wp-content/uploads/2021/06/03.8%20Request-Correction-Deletion-Personal-Information.pdf)

3. Form 03.9 – Request for access to record of a private body

This form can be downloaded from:

[https://ot4mentalhealth.co.za/wp-content/uploads/2021/06/03.9 PAIA-Form-C - Request-for-Access-to-Record-of-Private-Body.pdf](https://ot4mentalhealth.co.za/wp-content/uploads/2021/06/03.9%20PAIA-Form-C%20Request-for-Access-to-Record-of-Private-Body.pdf)