



## PRIVACY NOTICE

### 1. INTRODUCTION

- 1.1 We are committed to safeguarding the privacy of all our patients.
- 1.2 This notice applies where we are acting as a responsible party; in other words, we determine the purposes and means of the processing of that personal data.
- 1.3 In this notice, "we", "us" and "our" refer to HomeHealth Solutions and Sister Adele Duvenage

### 2. THE PERSONAL DATA THAT WE COLLECT

- 2.1 In this Section 2, we set out the general categories of personal data that we process (and, in the case of personal data that we did not obtain directly from you, information about the source and specific categories of that data).
- 2.2 We may process data enabling us to get in touch with you ("**contact data**"). The contact data may include your name, email address, telephone number, postal address and/or social media account identifiers.
- 2.3 We may process information contained in or relating to any communication that you send to us or that we send to you ("**communication data**"). The communication data may include the communication content and metadata associated with the communication.
- 2.5 We may process information received from your General Practitioner or Specialist ("**referral data**").  
This data may include your name, email address, telephone number, and medical aid details.

### 3. PURPOSES OF PROCESSING AND LEGAL BASES

- 3.1 In this Section 3, we have set out the purposes for which we may process personal data and the legal bases of the processing.
- 3.2 **Operations** - We may process your personal data for obtaining medical aid pre-authorization, processing and fulfilment of orders, providing our services, supplying our goods, generating invoices, bills and other payment-related documentation, and credit control. **The legal basis for this processing is our legitimate business interests**, namely the proper administration of our services and business and the fulfilment of a contract between you and us and/or taking steps, at your request, to enter into such a contract.
- 3.3 **Relationships and communications** - We may process contact data, referral data and/or communication data for the purposes of managing our relationships, communicating with you (excluding communicating for the purposes of direct marketing) by email, SMS, post, fax and/or telephone, providing support services and complaint handling. The legal basis for this processing is **our legitimate business interests**, namely communications with our patients, visitors, service users, individual customers and customer personnel, the maintenance of relationships, and the proper administration of our website, services and business.

- 3.4 **Record keeping** - We may process your personal data for the purposes of creating and maintaining our patient records, our electronic databases, back-up copies of our databases and our business records generally. The legal basis for this processing is our **legitimate business interests**, namely ensuring that we have access to all the information we need to run our Practice properly and efficiently in accordance with this notice.
- 3.5 **Security** - We may process your personal data for the purposes of security and the prevention of fraud and other criminal activity. The legal basis of this processing is our **legitimate business interests**, namely the protection of our database, website, services and business, and the protection of others.
- 3.6 **Insurance and risk management** - We may process your personal data where necessary for the purposes of obtaining or maintaining insurance coverage, managing risks and/or obtaining professional advice. The legal basis for this processing is our **legitimate business interests**, namely the proper protection of our business against risks.
- 3.7 **Legal claims** - We may process your personal data where necessary for the establishment, exercise or defense of legal claims, whether in court proceedings or in an administrative or out-of-court procedure. The legal basis for this processing is our **legitimate business interests**, namely the protection and assertion of our legal rights, your legal rights and the legal rights of others.
- 3.8 **Legal compliance and vital interests** - We may also process your personal data where such processing is necessary for compliance with a legal obligation to which we are subject or in order to protect your vital interests or the vital interests of another natural person.

#### **4. Providing your personal data to others**

- 4.1 Your personal data will be stored on the servers of our hosting services providers, Panacea Medical Software(<https://www.panacea.co.za/AboutUs.aspx>), which is a Practice Management Software tool that facilitates submission of claims to your medical aid and provides a platform for communication and document management on your electronic patient records.
- 4.2 Financial transactions relating to our services are handled by our payment services providers. We will share transaction data with our payment services providers only to the extent necessary for the purposes of processing your payments, refunding such payments and dealing with complaints and queries relating to such payments and refunds.
- 4.3 In addition to the specific disclosures of personal data set out in this Section 4, we may disclose your personal data where such disclosure is necessary for compliance with a legal obligation to which we are subject, or to protect your vital interests or the vital interests of another natural person. We may also disclose your personal data where such disclosure is necessary for the establishment, exercise, or defense of legal claims, whether in court proceedings or in an administrative or out-of-court procedure.

## 5. International transfers of your personal data

- 5.1 We may transfer your personal data from South Africa across borders with your prior consent.
- 5.2 Should you consent under point 5.1 then we will make an adequacy determination with respect to **the data protection laws of each of these countries**. Transfers to each of these countries will be protected by appropriate safeguards, namely the use of standard data protection clauses adopted or approved by the competent data protection authorities.

## 6. Retaining and deleting personal data

- 6.1 This Section 6 sets out our data retention policies and procedures, which are designed to help ensure that we comply with our legal obligations in relation to the retention and deletion of personal data.
- 6.2 Personal data that we process for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 6.3 We will retain your personal data according to the HPCSA (Health Professions Council of South Africa) guidelines as follows:
  - a. Records should be kept for at least **6 years** after they become dormant.
  - b. The records of minors should be kept until their **21st birthday**.
  - c. The records of patients who are mentally impaired should be kept until the **patient's death**.
  - d. Records pertaining to illness or accident arising from a person's occupation should be kept for **20 years** after treatment has ended.
  - e. Records kept in provincial hospitals and clinics should only be destroyed with the authorisation of the Deputy Director-General concerned.
  - f. Retention periods should be extended if there are reasons for doing so, such as when a patient has been exposed to conditions that might manifest in a slow-developing disease, such as asbestosis. In these circumstances, the HPCSA recommends keeping the records for at least **25 years**.
- 6.4 Notwithstanding the other provisions of this Section 6, we may retain your personal data where such retention is necessary for compliance with a legal obligation to which we are subject, or in order to protect your vital interests or the vital interests of another natural person.

## 7. Your rights

- 7.1 Your principal rights under data protection law are:
  - a. **the right to access** - you can ask for copies of your personal data;
  - b. **the right to rectification** - you can ask us to rectify inaccurate personal data and to complete incomplete personal data;
  - c. **the right to erasure** - you can ask us to erase your personal data;
  - d. **the right to object to processing** - you can object to the processing of your personal data;
  - e. **the right to complain to a supervisory authority** - you can complain about our processing of your personal data; and
  - f. **the right to withdraw consent** - to the extent that the legal basis of our processing of your personal data is consent, you can withdraw that consent.
- 7.3 These rights are subject to certain limitations and exceptions.

7.4 You may exercise any of your rights in relation to your personal data [by written notice to us, using the contact details set out below].

## **8. Amendments**

8.1 We may update this notice from time to time by publishing a new version on our website.

8.2 You should check this page occasionally to ensure you are happy with any changes to this notice.

## **9. Our details**

9.2 We are registered with the SANC (13350228) and with the Board of Healthcare Funders (Practice Numbers: 0392952 Adele Duvenage, 0306312 Baxolele Ngcemu, and Somnus Angelis 0416339) and our registered office is at 52 Union Street, Deneysville, Freestate, 1932.

9.3 Our principal place of business is at Midvaal Private Hospital, Suite 5 (1st Floor), Nile Drive, Three Rivers, Vereeniging, 1929.

9.4 You can contact us:

- a. by email, using the email address published on our website;
- b. by telephone, on the contact number published on our website; or
- c. by visiting our practice at the address published on our website.

## **10. Information Officer**

10.1 Our Information Officer's contact details are:

Name: Sr Adele Duvenage  
Position: Registered Nurse in Private Practice / Information Officer

Telephone: 081 245 6151  
Email: [adele@snoresister.co.za](mailto:adele@snoresister.co.za)

## **Date**

11.1 Date last reviewed: 27 May 2021