

HAZEL SACHAROWITZ INC t/a LOW VISION CARE CENTRE

POPI Section 18 – Privacy Notification for collecting information from Patients

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy; furthermore, the Protection of Personal Information Act, 4 of 2013 (POPI) further reiterates that the right to privacy includes a right to protection against unlawful collection, retention, dissemination and use of personal information.

Low Vision Care Centre is highly committed to maintaining high standards of information security, privacy and transparency, whether as a Responsible Party or as an Operator in terms of POPI.

Application of this Privacy Notification:

This POPI Privacy Notification explains how Low Vision Care Centre, referred to as “the Optometrist” or “we,” “our”, handles your Personal Information and can include Personal Information about others where you share their Personal Information with us. It details how we collect your Personal Information, why we collect it, and to whom we may share it. This Privacy Notification also discloses your Personal Information rights. It applies to all your Personal Information, including Personal Information stored electronically or in hard copy and Special Personal Information, which includes Personal Information about racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic information, biometric information for the purpose of uniquely identifying a natural person, information concerning health or information concerning a natural person’s sex life or sexual orientation, and information relating to criminal behaviour.

Definitions

- **‘The Practice’** means HAZEL SACHAROWITZ INC t/a LOW VISION CARE CENTRE.
- **‘Patient’** means the user of healthcare services provided and/or the patient’s legal guardian.
- **‘Personal information’** means information that identifies or relates specifically to the patient, which shall include all health and medical information, personal identification information and benefit information as defined in POPI; and
- **‘POPI’** means Protection of Personal Information Act, 4 of 2013.

What Personal Data may we collect [Section 18(1)(a)]

The Practice collects and processes the patient's personal information, which can come directly from the patient or from third parties such as referring medical practitioners.

The information we process about the patient, may include the following categories of Personal Information:

- Name & Surname
- Age and date of birth
- Demographic data
- Personal contact information (address, telephone, email address)
- Medical Scheme Information
- Communication information
- Payment related information
- Health and other Special Personal Information

We may process your Personal Information for the following purpose [Section 18(1)(c)]

The Optometrist who provides the patient with care maintain records about patient health and any treatment or care the patient has received previously. These records help to provide the patient with the best possible healthcare.

The health records may be electronic, on paper or a mixture of both, and we use a combination of working practices and technology to ensure that patient information is kept confidential and secure. Records which the Practice hold about the patient may include the following information;

- Details about the patient, such as patient address, referral documents
- Any contact the Optometrist has had with the patient such as appointments, practice visits, etc
- Notes and reports about patient health
- Details about patient treatment and care
- Results of investigations such as fundus photos, scans etc.
- Relevant information from other health professionals, teachers, etc

Other purposes for retaining records may include:

- Further the diagnosis or ongoing clinical management of the patient
- Be used for administrative or other purposes;
- Be kept for historical purposes
- Promote good clinical practices
- Make case reviews possible

Is the supply of the information voluntary or mandatory [Section 18(1)(d)]

Supplying of certain types of information is mandatory. Section 13 of the **National Health Act, 2003**, provides that the Practice must ensure that a health record containing such information as may be prescribed is created and maintained for every user of health services. Paragraph 4.1 of the **Health Professions Council of South Africa's Booklet 9: Guidelines on Keeping of Patient Records** provides that we must enter and maintain at least the following information for each patient consulted:

- Personal (identifying) particulars of the patient.
- The time, date and place of every consultation.
- The assessment of the patient's condition.
- The proposed clinical management of the patient.
- Details of referrals, if any.
- Written proof of informed consent, where applicable

Consequences of failure to provide the information [Section 18(1)(e)]

If the patient,

- refuses to provide personal information which we request;
- does not consent to us handling personal information in accordance with this Privacy Notification; or
- revokes any consent regarding the handling of personal information by us which the patient has previously given,

then such refusal or revocation of previously given consent might prevent us from performing our services to the best of our ability, and this might in turn, depending on your circumstances, adversely affect the patient.

Laws authorizing or requiring the collection of the information [Section 18(1)(f)]

- National Health Act, 2003 - Section 13
- Booklet 9: Guidelines on Keeping of Patient Records of the Health Professions Council of South Africa's - Paragraph 4.1
- Medical Schemes Act, 1998 – section 59(1)
- Health Professions Act, 1974 – Section 53(2)

Recipient or category of recipients of the information [Section 18(1)(h)(i)]

In order to deliver the best possible service, the Optometrist will share information (where required) with –

- other healthcare practitioners (including their practice staff in some cases) such as other Optometrists, Ophthalmologists, Occupational Therapists, etc
- Authorised staff members of the Practice
- Where the patient is a minor, the patient's parents and /or guardians
- Third party service providers such as:
 - Companies that provide IT services & support, data hosting service providers; document management services etc.
 - Patient's Medical Aid Schemes or Medical Aid Service Provider
 - Accounting and Tax related services

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When we use a third-party service providers to process personal information on our behalf then we will have an appropriate agreement in place to ensure that they keep the information secure, that they do not use or share information other than in accordance with our instructions and that they are operating appropriately.

How can you access, rectify or object to the personal information that you have given to us [Section 18(1)(h)]

Even if we already hold patient personal information, the patient still has various rights in relation to it. To get in touch about these, please contact us. We will seek to deal with the patient request without undue delay, and in any event in accordance with the requirements of any applicable

laws. Please note that we may keep a record of the patient's communications to help us resolve any issues which the patient may raise.

Right to object: If we are using patient information because we deem it necessary for our legitimate interests to do so, and the patient does not agree, the patient has the right to object. We will respond to the patient request within 30 days (although we may be allowed to extend this period in certain cases).

Right to withdraw consent: Where we have obtained patient consent to process patient personal information or consent to market to the patient, the patient may withdraw consent at any time.

Right to erasure: In certain situations (for example, where we have processed patient information unlawfully), the patient has the right to request us to "erase" the patient personal information. We will respond to the patient request within 30 days (although we may be allowed to extend this period in certain cases). If we do agree to the patient request, we will Delete the patient information but will generally assume that the patient would prefer us to keep a note of the patient name on our register of individuals who would prefer not to be contacted. That way, we will minimize the chances of the patient being contacted in the future where patient information may be collected in unconnected circumstances. If the patient would prefer us not to do this, the patient is free to say so.

Right of data portability: If the patient wishes, the patient has the right to transfer patient information from us to another service provider. We will help with this.

Objections/Complaints:

Should the patient have any concerns about how patient information is managed at the Practice, please contact the Information Officer as below. If the patient is still unhappy following a review by the Practice, the patient has a right to lodge a complaint with the Information Regulator as below.

Information Regulator:

Chief Executive Officer: Mr Marks Thibela
Address: 33 Hoofd Street, Forum III, 3rd Floor Braampark,
P O Box 31533, Braamfontein, Johannesburg, 2017
Tel No: +27 (0) 10 023 5200
Complaints: complaints@IRjustice.gov.za
Website : <https://www.justice.gov.za/inforeg/contact.html>

If you would like to know more about your rights in respect of the personal data we hold about you, please contact the Information Officer as below:

Information Officer for Low Vision Care Centre

Information Officer: Hazel Sacharowitz
Tel No: 072 154 1992
Email address: hazel@lowvision.co.za

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Changes:

It is important to point out that we may amend this Privacy Notice from time to time. If you are dissatisfied with any aspect of our Privacy Notice, please contact the Information Officer.