# Privacy Policy

**Please read this Privacy Policy carefully to understand how your personal information will be handled by Dr. J.I. Mistry Inc. Every term of this Policy is material.**

## 1. ABOUT THE PRACTICE

Dr. J.I. Mistry Inc. is a private radiology practice, which provides radiological services to patients. The practice is subject to various laws and ethical rules protecting the privacy and confidentiality of patients.

Contact details of the practice:

**Physical Address:** 1682 Impala Street, Lenasia South, Lenmed Daxina Private Hospital
**Postal Address:** P.O. Box 844, Bassonia, 2061
**Telephone Number:** +27 (0)11 211 4815 / 17 / 28
**Email address:** j.mistry@mweb.co.za

## 2. INFORMATION OFFICER

Information Officer of the practice:

**Name:** Ms. Neshi Dharawan
**Email:** accounts@mistryradiology.co.za
**Telephone:** +27 (0) 112114815 / +27 (0) 718610443

## 3. DEFINITION OF TERMS

3.1 **"Data subject"** refers to the person (e.g., patient) or entity to whom the personal information relates.

3.2 **"Personal information"** has the meaning assigned to it in POPIA and refers to information relating to human beings and certain juristic persons. It includes information such as race, gender, pregnancy, age, health status and medical information, date of birth, identity number, contact details and confidential correspondence.

3.3 **"Processing"** has the meaning assigned to it in POPIA and refers to any operation or activity concerning personal information, such as the collection, receipt, recording,

storage, updating, alteration, use, distribution, erasure or destruction of the information.

3.4 **"POPIA"** means the Protection of Personal Information Act (Act 4 of 2013) and its Regulations.

3.5 **"We" / "us"** refers to the practice of Dr J.I. Mistry Inc.

3.6 **"You" / "your"** refers to the data subject (i.e., the person or entity) whose personal information is processed by the practice.

## 4. APPLICATION OF THE PRIVACY POLICY

This Privacy Policy applies to personal information that we have in our possession or under our control and personal information that we collect or receive from or about you. It stipulates, amongst others, how we collect the information, the type of information collected, why that information is collected, the circumstances under which that information will be shared with others, the security measures that we have implemented to protect the information and how you may obtain access to and correct your information.

## 5. OUR COMMITMENT

We understand that your personal information is important to you and that you may be anxious about disclosing it. Your privacy and the security of your information are just as important to us and we want to make sure you understand how your information will be processed. We are committed to conducting our practice in accordance with the law. We will, therefore, only process, which includes collect, use, store or disclose, your personal information in accordance with the law or otherwise with your consent and will always strive to keep your information confidential. We take this commitment to look after your personal information seriously. We have implemented a number of processes to make sure that your personal information is used in the right way.

We apply the following principles in order to protect your privacy:

- We only collect the personal information that is necessary;
- We only use personal information for the purposes specified in this Privacy Policy, unless you are advised otherwise;
- We do not keep personal information longer than needed for lawful purposes; and
- We only share your personal information as specified in this Privacy Policy and permitted in terms of the law or otherwise as agreed with you.

## 6. WHEN YOU PROVIDE INFORMATION ABOUT ANOTHER INDIVIDUAL / ENTITY

You must make sure that if you provide personal information about any individual or entity to us, you may lawfully do so (e.g., with their consent). We will accept that you are acting lawfully. You should make sure that they are familiar with this Privacy Policy and understand how we will use and disclose their information.

## 7. COLLECTION OF YOUR PERSONAL INFORMATION

We collect personal information directly from you when you become a patient or an employee of the practice, when you supply information on our website or when you provide information to us. Information may also be collected from other sources, depending on the circumstances, when it is, for example, not possible to obtain the information directly from you or to protect your legitimate interests such as ensuring your safety during a medical procedure. The information may be collected from persons, such as your next-of-kin, another health care practitioner involved with your care or when you make information publicly available. The information that we collect about patients is necessary to ensure their safety during procedures and to provide them with the requested medical services.

## 8. PROCESSING OF YOUR PERSONAL INFORMATION

There are various laws that permit the processing of personal information of patients such as the National Health Act, POPIA and the Medical Schemes Act. Employment laws permit the processing of employees' information.

We generally process the personal information listed below, if applicable in the circumstances, and retain it as part of our records. Other personal information may be collected and processed, if it is required in the circumstances.

| Patients |
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- Names and surnames, identity numbers, dates of birth, age, contact details, addresses, nationality and gender;

- Names and contact details of next-of-kin;
- Health status, medical information, including medical history and Covid-19 screening information;
- Medical scheme information or information about other relevant funders;
- Procedures performed / treatment provided and relevant reports (e.g., radiological images and reports, pathology results);
- Billing and payment details; and
- Information recorded on practice documentation, such consent forms.

Health Care Practitioners, Employees and Job Applicants

- Names and surnames, titles, identity numbers, dates of birth, age, contact details, addresses, HPCSA / statutory council number, position or role in the practice, nationality, gender, race, qualifications, specialisation, interests and other information included on CVs;
- Membership of professional societies;
- Relevant medical and disability information, including Covid-19 screening information;
- Signatures of official signatories of the practice and proof of residence, if required by the bank;
- Employment-related information;
- Bank details;
- Professional indemnity cover;
- Vetting reports of job applicants (qualifications and criminal records); and
- Correspondence.

Suppliers, Vendors and Other Persons / Entities, including Public Bodies and Regulators

- Organisation's name and contact details;
- Names, titles and contact details of relevant persons (including next-of-kin of patients and employees and guarantors of patients);
- Agreements and related information;
- Invoices;
- Official documentation, including newsletters and statements;
- Covid-19 screening information of visitors to the practice; and
- Correspondence.

## 9. CONSENT

If you consent to the processing of your personal information, you may withdraw your consent at any time. This does not affect the processing of personal information that has already occurred. If you withdraw your consent, your personal information will only be processed as provided for in the law.

## 10. OBJECTION TO PROCESSING

When we process your personal information to protect your legitimate interests or based on the legitimate interests of the practice or those of a third party to whom we supply the information, you may object to our processing, if it is reasonable to do so. This must occur on the form prescribed by POPIA, available at reception / from the Information Officer. This does not affect your personal information that we have already processed. If you object and we agree with your objection, your personal information will only be processed as provided for in the law.

## 11. PURPOSES OF PROCESSING OF YOUR PERSONAL INFORMATION

We generally process your personal information for the following purposes:

- to conduct and manage the practice in accordance with the law, including the administration of the practice and claiming and collecting payment for services rendered from relevant funders, patients and/or responsible persons / entities;
- for treatment and care of patients;
- for communication purposes (e.g., reminders of patient appointments);
- for the maintenance of practice records and patients' medical records;
- for employment / contracting and related matters of employees and health care practitioners;
- for reporting to persons and bodies, including referring practitioners, as required and authorised in terms of the law or by the data subjects;
- for historical, statistical and research purposes;
- for clinical trials / studies;

- for identification of patients;
- for enforcement of the practice's rights; and/or
- for any other lawful purpose related to the activities of our practice.

## 12. DISCLOSURE OF YOUR PERSONAL INFORMATION

We will share only relevant personal information about you with the persons and entities specified below, if it is necessary and lawful in the circumstances.

| Patients |
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- Treating practitioners;
- Hospitals (in-patients);
- Next-of-kin as may be required and authorised in the circumstances;
- Guarantors for payment of invoices;
- Relevant funders such as the patient's medical scheme;
- Practitioners and employees of the practice and service providers who assist us to provide the services and who perform functions related to the administration of the practice on a need-to-know basis, subject to confidentiality undertakings;
- Debt collectors / attorneys;
- Our insurers;
- Our professional and legal advisers, including our accountants / auditors;
- Law enforcement structures, including courts and tribunals;
- Regulatory and other public or private bodies, persons or entities, as may be required or permitted in terms of the law, including to comply with any legal obligation or to protect the rights, property or safety of our practice, employees, patients, the public or others; and
- The purchaser of the practice, if applicable.

| Referring and Other Health Care Practitioners |
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- Next-of-kin of patients;
- Relevant funders such as the patient's medical scheme;
- Hospitals;

- Practitioners and employees of the practice and service providers who assist us to provide the services and who perform functions related to the administration of the practice on a need-to-know basis, subject to confidentiality undertakings;
- Our professional and legal advisers, including our accountants / auditors;
- Law enforcement structures, including courts and tribunals;
- Regulatory and other public or private bodies, persons or entities, as may be required or permitted in terms of the law, including to comply with any legal obligation or to protect the rights, property or safety of our practice, employees, patients, the public or others; and
- The purchaser of the practice, if applicable.

| Practitioners and Employees (including Job Applicants) |
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- Practitioners and employees of the practice and service providers who assist us to provide the services and who perform functions related to the administration of the practice on a need-to-know basis, subject to confidentiality undertakings;
- Next-of-kin in emergency situations;
- Funders;
- Our insurers;
- Suppliers and vendors;
- Vetting agencies (if applicable);
- Employment agencies (if applicable);
- Entities performing peer review (practitioners);
- Our professional and legal advisers, including our accountants / auditors;
- Law enforcement structures, including courts and tribunals;
- Regulatory and other public or private bodies, persons or entities, as may be required or permitted in terms of the law, including to comply with any legal obligation or to protect the rights, property or safety of our practice, employees, patients, the public or others; and
- The purchaser of the practice, if applicable.

| Other Persons and Entities (such as persons responsible for patients' accounts) |
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- Practitioners and employees of the practice and service providers who assist us to provide the services and who perform functions related to the administration of the practice on a need-to-know basis, subject to confidentiality undertakings;
- Our professional and legal advisers, including our accountants / auditors;
- Debt collectors / attorneys;

- Our insurers;
- Law enforcement structures, including courts and tribunals;
- Regulatory and other public or private bodies, persons or entities, as may be required or permitted in terms of the law, including to comply with any legal obligation or to protect the rights, property or safety of our practice, employees, patients, the public or others; and
- The purchaser of the practice, if applicable.

## 13. RECORD-KEEPING

We maintain records of your personal information for as long as it is necessary for lawful purposes related to the conducting of our practice, including to fulfil your requests, provide treatment and care to patients, comply with legal obligations, resolve complaints, attend to litigation where instituted against the practice, enforce agreements and for historical, statistical and research purposes subject to the provisions of the law.

## 14. INFORMATION SENT ACROSS THE BORDERS OF THE REPUBLIC OF SOUTH AFRICA

We process and store your information in records within the Republic South Africa. If we must provide your personal information to any third party in another country, we will obtain your prior consent unless such information may be lawfully provided to that third party.

## 15. SECURITY OF YOUR PERSONAL INFORMATION

We are committed to ensuring the security of your personal information in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. We have implemented and continually review and update our information protection measures to ensure the security, integrity, and confidentiality of your information in accordance with industry best practices. These measures include the physical securing of the offices where information is held, the locking of cabinets with physical records, password control to access electronic records, off-site data back-ups and stringent policies in respect of electronic record storage and dissemination. In addition; only those employees and service providers that require access to your information to discharge their functions and to render services to us are granted access to your information and only if they have concluded

agreements with or provided undertakings regarding the implementation of appropriate security measures, maintaining confidentiality and processing the information only for the agreed purposes. We will inform you and the Information Regulator, if any person has unlawfully obtained access to your personal information, subject to the provisions of the law.

**16. RIGHT TO ACCESS YOUR PERSONAL INFORMATION**

You have the right to request access to your personal information in our possession or under our control and information of third parties to whom we supplied that information subject to restrictions imposed in legislation. If you wish to exercise this right, please complete the prescribed form, available at reception / from the Information Officer, and submit it to the receptionist / Information Officer. Costs may be applicable to such request, which can be obtained from the receptionist / Information Officer. Please consult our PAIA Manual for further information.

**17. ACCURACY OF YOUR PERSONAL INFORMATION**

It is important that we always have accurate information about you on record as it could impact on communication with you and your health, if applicable. You must therefore inform us as soon as any of your information has changed. You may also request us to correct or delete any information. Such a request must be made in writing on the prescribed form, available at reception / from the Information Officer, and be submitted to the receptionist / Information Officer. You must provide sufficient detail to identify the information and the correction / deletion required. Information will only be corrected / deleted, if we agree that the information is incorrect or should be deleted. It may not be possible to delete all the information if we may lawfully retain it. Please enquire at reception or contact the Information Officer to discuss how we can assist you with your request. If we correct any information and the corrected information will impact on any decision made or to be made about you, we will send the corrected information to persons to whom the information has been disclosed in the past if they should be aware of the changed information.

**18. CHANGES TO THIS PRIVACY POLICY**

We reserve the right in our sole and absolute discretion, to revise or supplement this Privacy

Policy from time to time to reflect, amongst others, any changes in our practice or the law. The updated Privacy Policy will be available at our practice reception. Any revised version of the Policy will be effective as of the date stipulated on the Policy, so you should always check the latest version of the Policy at reception. **It is your responsibility to make sure you are satisfied with any changes before continuing to use our services.** If you have any questions concerning this Policy, please contact our Information Officer.

## 19. Concerns and Complaints about the Processing of Your Personal Information

All enquiries, requests or concerns regarding this Policy or relating to the processing of your personal information by the practice should be addressed to the Information Officer. You may also lodge a complaint with the Information Regulator at complaints.IR@justice.gov.za / +27 (0)10 023 5207 / +27 (0)82 746 4173. We would appreciate the opportunity to try and address your concerns before you approach the Information Regulator.

## 20. Laws Applicable to this Privacy Policy

This Privacy Policy is governed by the laws of the Republic of South Africa.