



IMANI HNS PRIVACY POLICY

1. INTRODUCTION

IMANI HOME NURSING SERVICES (PTY) LTD, providing Stomaltherapy and Advanced Wound care, understand the importance of protecting your personal information and we value and respect it.

This Privacy Policy describes how IMANI HNS collects and uses your personal information, with whom we share it, and your choices and rights in relation to your personal information.

It applies to personal information that we collect from you physically during direct interactions with you, or through referrals from your attending doctor/s, including through mobile applications, and internet services that link to this Privacy Statement, in writing or orally, or personal information that we may collect online or offline, or receive from third parties involved in your medical care.

2. PERSONAL INFORMATION WE COLLECT

IMANI HNS is subject to the Protection of Personal Information Act, No. 4 of 2013 ("POPIA"), of which the operative provisions came into effect on 1 July 2020.

"Personal information" is defined in POPIA as information relating to an identifiable, living, natural person and where it is applicable, an identifiable, existing juristic person, including but not limited to:

- 2.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person,
- 2.2 information relating to the education and employment of the person, or the medical and surgical history, chronic diseases, medication, or substance use, either chronic or acute, or factors that could influence wound, stoma, or continence recovery or healing, support systems and patient concerns, or any history of the person that could assist in the management of the patient,
- 2.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person,
- 2.4 the biometric information of the person,
- 2.5 the personal opinions, views, or preferences of the person,
- 2.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence,
- 2.7 the views or opinions of another individual or as part of the multidisciplinary team, about the person; and
- 2.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

Depending on how you interact with us, personal information we collect may include but without limitation:

- your name
- identification document (copy)
- medical aid membership card (copy) for authentication purposes and account payment
- access to medical membership on the payer website
- email address
- postal address
- telephone number (fixed and mobile)
- person responsible for the account
- your gender
- a referral letter from your attending physician
- consent to treatment

We may also collect other information that does not personally identify you. Such other information includes medical records, and photographs of the anatomical areas we treat that will be used for reporting progress made with treatments, to the attending physician, or to get authorization from the third-party payer (your medical aid), or information that has been anonymised or aggregated for statistical or teaching purposes. If we link this information with your personal information, we will treat such linked information as personal information.

You can choose not to provide personal information to us when requested. However, if this is necessary to provide you with our treatment, products, and services, or to get authorization or payment, or to perform administrative functions, we may be unable to provide these services.

IMANI HNS may also where applicable, be subject to the General Data Protection Regulations 2016/679 of the European Union ['EU'] ("GDPR"), which is the primary legislation dealing with the protection and regulation of personal information. If you are a natural person who has been treated by IMANI HNS, and you have provided us with personal information for such a treatment contract, we will supplement our obligations as set out herein with additional aspects of GDPR, where appropriate and applicable, some of which are referred to under Section 10.

IMANI HNS may also where applicable, be subject to the Data Protection Act 2018 ("DPA 2018"), and the UK General Data Protection Regulation ("UK GDPR") of the United Kingdom ['UK'] ("GDPR"), which is the primary legislation dealing with the protection and regulation of personal information for citizens of the UK. If you are a natural person who has been treated by IMANI HNS, and you have provided us with personal information for such a treatment contract, we will supplement our obligations as set out herein with additional aspects of GDPR, where appropriate and applicable, some of which are referred to under Section 10.

3. HOW WE COLLECT YOUR PERSONAL INFORMATION

We may collect your personal information from you in a variety of ways when you interact with us, including:

We collect personal information when you make your first appointment, at which you must complete a file with your personal information for account purposes.

We will ask you questions on your current medical problem, personal medical and surgical history, chronic diseases, chronic and acute medication use, tests that might have been done, hospital stay, and history of treatment received to date, and these questions will be asked during our assessments and planning of your specific treatment.

When you communicate with us.

We collect personal information when we make follow up appointments, when we respond to your inquiries and requests, obtain feedback from you about our treatment or accounts, products, and services.

From third party sources such as your family in an emergency, or when you are unable to communicate, or from your parents or legal guardian e.g., in the case of a minor.

We collect personal information from third parties such as your medical aid, including the websites of the medical aid, or authorizations, or remittance advices received from the medical aid.

4. LEGAL BASIS FOR PROCESSING YOUR PERSONAL INFORMATION

When we process your personal information in connection with the purposes set out in this Privacy Statement, we may rely on one or more of the following legal bases, depending on the purpose for which the processing activity is undertaken and the nature of our relationship with you:

Our legitimate interests (or those of a third party with whom we share your personal information) for the purpose of managing and operating our business, including transfers of personal information to your third-party payer or medical aid company for business and administrative purposes, except where such interests are overridden by your interests or fundamental rights or freedoms which require protection of personal information.

Where this is necessary to comply with a legal obligation on us, whether contractually or otherwise.

To protect the vital interests of any individual.

Where you have consented for such processing to take place.

5. USE OF YOUR PERSONAL INFORMATION

We may use your personal information to:

Perform administrative and business functions.

For internal reporting to your medical physicians and medical aid or third party-payer company.

Send administrative information to you.

Obtain feedback from you about our services, product orders, and accounts.

Respond to your inquiries and fulfil requests by you.

Assess the performance of our Personnel's services or administration, and to improve their operation.

Inform you about and provide you with our products, services, and solutions.

Update our records and keep your contact details up to date.

We engage in these activities with your consent or for our legitimate business interests:

To achieve our business purposes and analyse information.

For example, to:

- Establish, manage, and maintain our business relationship with you.
- Compile reports for your attending physician regarding your treatment plan.
- Compile reports for your medical aid for the purpose of payment of accounts.
- Debt collections and handing over accounts to our debt collection lawyers.
- Process and respond to privacy requests, questions, concerns, and complaints.
- Fulfil legal and contractual obligations.

6. YOUR RIGHTS AS A DATA SUBJECT

As a data subject you have the right to have your personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3 of POPIA, including the right—

to be notified that—

- personal information about you is being collected as provided for in terms of section 18; or
- your personal information has been accessed or acquired by an unauthorised person as provided for in terms of section 22,
- to establish whether a responsible party holds personal information of you and to request access to your personal information as provided for in terms of section 23,
- to request, where necessary, the correction, destruction, or deletion of your personal information as provided for in terms of section 24,
- to object, on reasonable grounds relating to your situation to the processing of your personal information as provided for in terms of section 11 (3) (a),
- to object to the processing of your personal information —
 - at any time for purposes of direct marketing in terms of section 11 (3) (b); or
 - in terms of section 69 (3) (c),
 - not to have your personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69 (1),
 - not to be subject, under certain circumstances, to a decision which is based solely based on the automated processing of your personal information intended to provide a profile of you as provided for in terms of section 71,
 - to submit a complaint to the Regulator regarding the alleged interference with the protection of your personal information as a data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74; and
 - to institute civil proceedings regarding the alleged interference with the protection of your personal information as provided for in section 99.

All references to sections above are to sections in POPIA.

7. SHARING YOUR PERSONAL INFORMATION

We may share your personal information for the purposes set out in this Privacy Statement (as applicable):

With our subsidiaries for the purposes set out in this Privacy Statement. IMANI HNS is the party responsible for the management of jointly used personal information.

With business partners with whom we engage to do electronic data interchange activities.

With service providers to provide operational services or facilitate transactions on our behalf, including but not limited to client support systems, email delivery, data analytics and auditing.

Where you consent to the sharing of your personal information.

In connection with any joint venture, merger, sale of company assets, consolidation or restructuring, financing, or acquisition of all or a portion of our business by or to another company.

Where applicable, for credit reference, or fraud prevention.

For debt collection agencies or other debt recovery organisations.

For other legal reasons:

- We may share your personal information in response to a request for information by a competent
- authority in accordance with, or required by any applicable law, regulation, or legal process,
- Where necessary to comply with judicial proceedings, court orders or government orders; or
- To protect the rights, property or safety of IMANI HNS, its business partners, you, or others, or as otherwise required by applicable law.

Any third parties with whom we share personal information are contractually required to implement appropriate data protection and security measures to protect personal information and are not permitted to use personal information for any purpose other than the purpose for which they are provided with or given access to personal information.

8. SECURITY OF YOUR PERSONAL INFORMATION

IMANI HNS is committed to protecting your personal information from accidental or unlawful destruction, damage, loss, alteration, unauthorised access, or disclosure by using reasonable, appropriate, physical, administrative, and technical safeguards and contractually requiring that third parties to whom we disclose your personal information do the same.

9. CROSS BORDER TRANSFERS

IMANI HNS may be required to fulfil its contractual obligations with you outside of South Africa and may transfer your personal information to countries where you are from as per point 2.8, or to international organisations in connection with the purposes identified above and in accordance with this Privacy Statement.

10. YOUR RIGHTS UNDER DATA PROTECTION LAWS

IMANI HNS adheres to applicable data protection laws, which provide you with certain rights relating to your personal information, subject to any legal exceptions. Your rights include:

The right to access personal information that we hold about you.

The right to rectify inaccurate personal information we hold about you without undue delay, and considering the purposes of the processing, to have incomplete personal information about you completed.

The right to ask us to erase your personal information (the right to be forgotten) without undue delay in certain circumstances.

The right to restrict the processing of your personal information in certain circumstances.

The right to receive your personal information from us in a structured, commonly used, and machine-readable format and to transmit your personal information to a third party without obstruction (right to data portability) in certain circumstances.

Where we process personal information based on your consent, you have the right to withdraw your consent at any time for future processing.

Where we process your personal information based upon our legitimate interests or those of a third party, you have the right to object to the processing of your personal information at any time.

12. LINKS TO THIRD PARTY WEBSITES AND APPLICATIONS

Our Internet Services may contain links to third party websites and applications. We are not responsible for and make no representations or warranties in relation to the privacy practices or content of any third-party websites and applications. Your use of such sites and applications is subject to the applicable third-party privacy statement and is at your own risk.

14. RETAINING YOUR PERSONAL INFORMATION

We will retain your personal information for as long as is necessary to fulfil the purpose for which it was collected unless a longer retention period is required to comply with legal obligations, resolve disputes, protect our assets, or enforce agreements. The criteria we use to determine retention periods include whether:

We are under a legal, contractual, or other obligation to retain personal information, or as part of an investigation or for litigation purposes.

Personal information is needed to maintain accurate medical and financial records.

You have consented to us retaining your personal information for the period as required by law, in which case, we will retain personal information in line with your consent.

15. UPDATES TO THIS PRIVACY POLICY

We may update this Privacy Policy at any time. If we do, we will update the “last modified” section at the bottom of this Privacy Statement.

We encourage you to regularly review this Privacy Policy to stay informed about our privacy practices.

16. IMANI HNS INFORMATION OFFICERS

IMANI HNS Information Officer have been appointed.

17. HOW TO CONTACT US

If you have any complaints, requests, or questions about how your personal information is handled by IMANI HNS, you have a privacy concern or you wish to make a request or a complaint relating to your personal information, please contact us.

You can reach us at:

Imani Home Nursing Services (Pty) Ltd

31 Fountain Street, Discovery, 1709

Email: jolanda@imanihns.co.za

Company Information Officer

Jolanda Janse van Noordwyk

You also have the right to lodge a complaint with the Information Regulator once POPIA comes into effect.

Last modified: 30 June 2021

Your health is our priority
