

	<b>Department: Legal Department</b>	<b>Compiled by: Information Officer</b>
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<b>Doc No: N/A</b>		
<b>Title: Privacy Policy</b>		

## 1. PURPOSE

- 1.1 This privacy policy undertakes to promote the protection of Personal Information processed by Melomed and comply with the conditions for processing as set out in POPIA.
- 1.2 To recognise the Data Subject's right to privacy as enshrined in section 14 of the Constitution of the Republic of South Africa, 1996, which includes the right to protection against the unlawful collection, retention, dissemination and use of personal information.
- 1.3 Melomed and its employees are obligated to treat Personal Information concerning all Data Subjects, including their health information, as private and confidential.

## 2. DEFINITIONS

- 2.1 **Data Subject** means the Person to whom Personal Information relates. As it relates to the Melomed Business, a Data Subject further includes a patient, guardian, guarantor, visitor and / or competent person who consents on behalf of a minor.
- 2.2 **Operator** means a person who processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that party.
- 2.3 **Person** means a natural person or juristic person.
- 2.4 **Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including the following that relates to Melomed, but not limited to: 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, information relating to financial history of the person such as banking details and / or payment card details; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the personal opinions, views or preferences of the person; 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. Technical data including internet protocol address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access Melomed's website.
- 2.5 **Processing** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
  - 2.5.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 2.5.2 dissemination by means of transmission, distribution or making available in any other form; or
  - 2.5.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;

**2.6 Melomed** means Melomed Hospital Holdings (Pty) Ltd (Registration Number: 1998/001843/07), a Responsible Party, together with its subsidiaries Responsible Party's, specifically including the following:

**2.6.1** Gatesville Medical Centre (Pty) Ltd t/a Melomed Gatesville.

**2.6.2** Mitchells Plain Medical Centre (Pty) Ltd t/a Melomed Mitchells Plain.

**2.6.3** Melovest Investment Holdings Limited t/a Melomed Bellville.

**2.6.4** Melomed Claremont Hospital (Pty) Ltd t/a Melomed Tokai.

**2.6.5** Melomed Ambulance Services (Pty) Ltd t/a Melomed 24.

**2.6.6** Melomed Private Clinic (Pty) Ltd t/a Melomed Private Clinic.

**2.6.7** Melomed Richards Bay (Pty) Ltd t/a Melomed Richards Bay.

**2.6.8** Melopharm (Pty) Ltd t/a Melopharm.

**2.7 PAIA** means the Promotion of Access to Information Act 2 of 2000 (as amended).

**2.8 POPIA** means Personal Information in the Protection of Personal Information Act 4 of 2013 (as amended).

**2.9 Responsible Party** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information.

**2.10 Services** means to the services indicated on our website and promoted via other sites of ours (if any).

**2.11 Special Personal Information** means Personal Information of a Data Subject concerning he religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information, criminal behaviour related to alleged commission of any offence or related proceedings.

### **3. DATA SUBJECT RIGHTS**

A Data Subject has the right to have his, her or its Personal Information processed in accordance with the conditions for the lawful processing of Personal Information, which including the right:

**3.1** To be notified that personal information is being collected by Melomed, or has been accessed or acquired by an unauthorised person.

**3.2** To establish whether Melomed holds Personal Information of a Data Subject and to request access to his, her, its Personal Information.

**3.3** To request, where necessary, the correction, destruction or deletion of Personal Information. Data Subjects are requested to ensure that their Personal Information is accurate and up to date.

**3.4** To object, on reasonable grounds, to processing Personal Information.

**3.5** Not to have Personal Information processed for purposes of direct marketing by means of unsolicited electronic communication, unless consent is granted by the Data Subject.

**3.6** To submit a complaint to the Regulator regarding the data breach of a Data Subject's Personal Information. The contact details of the Information Regulator are available on its website at: <https://justice.gov.za/inforeg/>. However, Melomed requests the Data Subject to first attempt to resolve the matter internally with the Information Officer and / or Deputy Information Officer for a more speedy resolution.

- 3.7 To restrict processing of Personal Information in the event that you require Melomed to establish the accuracy of your data or where by law, Melomed is required to delete or withhold information.
- 3.8 To withdraw your consent to process your Personal Information.
- 3.9 To a response within 30 (thirty) days. However, please note Melomed may take longer than 30 (THIRTY) days given the surrounding circumstances of your request. Melomed will endeavour to keep you informed accordingly.

#### **4. RETENTION AND RESTRICTION OF RECORDS**

Melomed will retain the Data Subject's Personal Information:

- 4.1. In terms of section 14 of POPI, records of Personal Information must not be retained any longer than is necessary for achieving the purpose for which the information was collected and processed. Records should not be retained on an indefinite basis.
- 4.2. Statutory and regulatory obligations to keep certain types of records for specific periods must be complied with.
- 4.3. Hospital records will be kept for a period of 5 years if the Data Subject is over the age of majority, being 18 years old.
- 4.4. The 5 year period will commence upon a minor reaching 21 years old.
- 4.5. The records of patients who are mentally impaired should be kept until the patient's death.
- 4.6. Records pertaining to illness or accident arising from a person's occupation should be kept for 20 years after treatment has ended
- 4.7. Should it be required in terms of a contract.

#### **5. HOW DOES MELOMED COLLECT PERSONAL INFORMATION?**

- 5.1. Directly from Data Subjects in writing and / or electronically.
- 5.2. By means of providing feedback on Melomed's website.
- 5.3. When you visit Melomed's website and / or social media platforms.
- 5.4. By completing certain forms that Melomed may require from time to time as prescribed by law or Melomed policy.
- 5.5. By subscribing/joining the Melomed loyalty programmes such as Melobabes, Health Awareness Campaigns and Events.

#### **6. WHO ELSE GETS TO PROCESS YOUR PERSONAL INFORMATION?**

Melomed may make your Personal Information available:

- 6.1. The companies listed under the definition of Melomed, together with their employees.
- 6.2. To third party service providers involved in the treatment of the Data Subject or to the extent that such Personal Information is necessary to render healthcare services to the Data Subject, whether in respect of Service's rendered to the Data Subject during the admission or at future admissions of the Data Subject to Melomed.
- 6.3. For the purpose of payment for the Data Subject's accounts, such of the Data Subject's Personal Information, including without limitation, information relating to diagnosis and treatment, which will be

necessary for the purposes of obtaining authorization for treatment and/or obtaining payment of the Data Subject's account from medical schemes, healthcare funder, Compensation Commissioner, insurers, guardian, guarantor or any other party to whom a claim for payment of the Data Subject's account may be submitted or authority to treat sought.

- 6.4.** Law enforcement, government officials, fraud agencies or other third parties when the disclosure of Personal Information is necessary or appropriate in connection with an investigation of fraud, intellectual property infringements, or other activity that is illegal or may expose Melomed to legal liability or financial loss, to report or support the investigation with the South African Police Services and / or any similar statutory body such a court of law.

## **7. DIRECT MARKETING**

You have the right be requested to be added and / or "opt-in", alternatively removed and / or "opt-out" for purposes of direct marketing by any form of electronic communication from time to time, including but not limited to telephone, email and SMS notifications.

## **8. SOCIAL MEDIA**

Please note that Melomed does not own any of the social media platforms it may interact with Data Subjects from time to time, such as, including but not limited to, Facebook, Instagram, LinkedIn. Melomed and Data Subjects must comply with the terms and conditions, as well as the privacy policies of each respective social media platform.

## **9. SENDING YOUR PERSONAL INFORMATION OUTSIDE SOUTH AFRICA**

Although Melomed does not send Data Subject's personal information outside of South Africa, may in the unforeseen future be required to do and Melomed endeavours to comply with the provisions as set out in POPIA.

## **10. SECURING YOUR PERSONAL INFORMATION**

- 10.1.** Melomed securely stores the Data Subject's Personal Information in our possession or under our control by taking the appropriate, technical and organisational measures to prevent loss, damage or unauthorised use and / or destruction of Personal Information.
- 10.2.** Melomed does not permit any Person to access Personal Information without complying with the requirements as set out POPI, PAIA and Melomed's PAIA Manual, which may be retrieved on Melomed's website at [www.melomed.co.za](http://www.melomed.co.za)
- 10.3.** Melomed strictly prohibits the unlawful processing of Personal Information.
- 10.4.** Melomed has in place policies, controls and processes to secure your Personal Information, which includes but is not limited to:
- 10.4.1.** Security measures, whether this be of a physical, technical, network and / or electronic nature.
- 10.4.2.** Access control and monitoring.
- 10.4.3.** Secure storage of physical records of Personal Information and encryption of electronic records regarding Personal Information.
- 10.4.4.** Personal Information data breach reporting structure.
- 10.4.5.** Non-disclosure agreement to protect Personal Information of Persons and confidential information pertaining to Melomed's business.

**10.5.** Our website, social media pages and / or any electronic means of communication may include links to third party's. Data Subjects, not Melomed, may therefore enable third parties to collect or share their Personal Information by clicking on third party links. Melomed will not in any way be held responsible or liable for any data breach as a result of the Data Subject clicking on third party links. Melomed will not be liable for any loss, damage or destruction to Personal Information, howsoever that loss, damage or destruction may arise.

## **11. INFORMATION OFFICER CONTACT DETAILS**

- 11.1.** Information Officer: Shaafee Hendricks – Company Secretary
- 11.2.** Physical Address: Unit 6 & 8, Melomed Office Park, Punters Way, Kenilworth, 7708
- 11.3.** P.O. Box: Postnet Suite 44, Private Bag X3, Glosderry, 7700.
- 11.4.** Email: [popia@melomed.co.za](mailto:popia@melomed.co.za)
- 11.5.** Tel: 021 699 0950

## **12. REFERENCE AND REFERRED DOCUMENTS**

Record and Documentation	Doc Title	File number / Name	Location	Retention period
	Privacy Policy		Website	Reviewed annually