

# Lenmed Privacy Policy

**Lenmed Health (Pty) Ltd**

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## Document Information

Full Document Name	Lenmed Policy Template
Document Owner	Owner Name
Document Author	Author Name
Document Version	1.0
Document Path	(To be allocated)
Creation Date	June 2021
Last Modified Date	June 2021
Accepted By	Dr Nilesh Patel
Approved By	Jayesh Parshotam
Approval Date	1 June 2021
Effective Date	1 July 2021

## Revision Information

Date	Author	Document Name	Version	Change Description

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## LENMED HEALTH PRIVACY NOTICE

### INTRODUCTION

This Privacy Notice applies to the Lenmed Health Group, including its hospitals and subsidiary companies (“Lenmed” or “we”), in respect of all persons that it processes personal information in respect of, including its clients, patients, 3<sup>rd</sup> parties and website visitors (“you”).

Lenmed is committed to protecting the confidentiality and privacy of the personal information it processes. This Privacy Notice explains how we process and protect your personal information.

As a South African registered Company, all our data processing activities are primarily regulated by the Protection of Personal Information Act, No. 4 of 2013 (“POPIA”), as amended from time to time. For the purposes of this Privacy Notice, the terms “personal information” and “process”, are as defined in POPIA.

### WHO WE ARE

We are the Lenmed Health Group, a private hospital group of companies that own and operates private hospitals within the Republic of South Africa, Mozambique and Botswana. Our South African operations are held under Lenmed Health Proprietary Limited (Registration No. 2005/022423/07), a private company with limited liability, registered in the Republic of South Africa.

### WHO THIS PRIVACY NOTICE APPLIES TO

This Privacy Notice applies to all persons (both natural and juristic) that Lenmed collects and process personal information from or about, including but not limited to website users, patients, suppliers, employees, consultants, volunteers, job candidates, medical practitioners, practices and suppliers (including medical practitioners, practices and allied health professionals providing medical services at our hospitals).

### PERSONAL INFORMATION

POPIA defines personal information as information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, 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 the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of 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;
- the views or opinions of another individual about the person; and
- 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.

## WHAT PERSONAL INFORMATION WE MAY COLLECT AND PROCESS

While using our website or engaging with us for the provision of any of our services, you may be required to provide us with your personal information. This may happen when, for example, you send through an enquiry on a contact form on our website, you complete the pre-admission process on our website, you visit or are admitted to a Lenmed hospital, or when you contract with us for the provision of services.

In certain instances, you may also be required to provide us with health information and other sensitive information that is classified by POPIA as special personal information. The collection of this information from you, when required, will be necessary in order to provide you with our services.

Given the nature of the services we provide, we are also required to collect and process the personal information of children, for example where the patient being treated at one of our hospitals is under the age of 18 years.

Some of the personal information that we may collect from you, could include:

- Identification details such as name, surname, ID/Passport Number;
- Contact details, such as phone numbers, email addresses, physical and postal addresses
- Personal details, such as names, family information, ages and next of kin details;
- Demographical details, such as race, and age groups;
- Pre-admission information;
- Admission information;
- Health information and other special personal information, regarding your medical treatment (historic and current);
- Children's personal information, in relation to children (under the age of 18) who receive treatment and care at a Lenmed hospital;
- Biometric information;
- Financial information, such as account numbers;
- Credit information;
- Medical scheme information;
- Background information;
- Qualification information, CV's and other personal information that may be requested throughout the recruitment process to assess and consider the job application (in relation to job applicants);
- Professional body registration information and practice information (in relation to medical practitioners and medical practices);
- When visiting our website, anonymised data relating to your location and your browser type, browser version, the pages of our website that you visit, the date and time of your visit, the duration of time spent on the website pages and other applicable statistics are recorded by Google Analytics to analyse user behaviour on our website. No personally identifiable

Information is collected at any point;

- When you use one of our Webforms on our website, personal information may be requested and once submitted will be stored in the database of our website. All data submitted by our Webforms is encrypted.

## WHO WE COLLECT YOUR PERSONAL INFORMATION FROM

Generally, we collect your personal information directly from you.

In certain circumstances we may also collect your personal information from other sources, such as when you are admitted to or being treated at one of our hospitals. In these circumstances we may, for example, collect your personal information, including your health information, from your treating doctor, the radiology department, the pathology department, your medical aid scheme (including the scheme administrator) or any third-party medical insurer you have contracted with, and other medical practitioners and allied health professionals involved in your treatment and care.

Generally, the collection of personal information from you and the other sources referred to above is mandatory in order to achieve the purpose for which it is being collected by us (as set out below). We will notify you where the collection of certain personal information is voluntary and not mandatory. The refusal to provide us with the mandatory personal information that we may require, may have an impact on our ability to provide you with our products or services or to provide you with proper treatment and care.

## THE PURPOSES THAT WE MAY USE PERSONAL INFORMATION FOR

We may **collect, use, share and/or generally process** your personal information (including, where applicable your special personal information, such as your medical information) for the following purposes:

- To provide you with products and services;
- To process your hospital admission (including pre-admission through our website) or to process any other enquiry that you may make with Lenmed, whether through our website, or directly

with Lenmed or any of our hospitals;

- To make an online appointment;
- To assess any medical treatment you may require;
- To provide you with appropriate treatment and care and to enable treating medical practitioners, medical practices (including radiology and pathology practices), Allied health professionals and other medical persons involved in your treatment and care, to provide you with appropriate treatment and care. In providing you with appropriate treatment and care it is important to note that some of your personal information, including where necessary your health information, will be displayed on information boards that appear in the ward where you are admitted, or above your bed-side. While we will take all reasonably practical steps to minimise the personal and health information displayed in our wards, the personal and health information that is displayed on these information boards is critical, essential and necessary for your treatment and care;
- To process any claim that may be made on your behalf through your medical aid scheme (including the scheme administrator) or any third party medical insurer you have contracted with;
- To process any medical claim that may be made by us with the Road Accident Fund (under the Road Accident Fund Act) or the Compensation Fund (under the Compensation for Occupational Injuries and Diseases Act) or any other similar body, in relation to your treatment and care;
- To comply with all legislative and legal requirements placed on us, which may include, but not be limited to, legislative reporting and document retention periods and where the law requires that information regarding certain diseases be notified to the authorities;
- To conclude or perform a contract with you, or to take any take steps linked to or necessary for the conclusion or performance of a contract with you;
- Where applicable, for general marketing and communication purposes, where you are an existing customer of Lenmed or where we have received your consent to receive these communications, and in compliance with the provisions of POPIA. You will be given the opportunity to unsubscribe from any marketing communications, general communications and/or newsletters at any time, and with each communication received;

- Where necessary, for any purposes which are in our, your or a third party's legitimate interests;
- To improve our services, the quality of our care, the quality of the medical technology that we have available at our hospitals, and to manage our relationship with you, for example by asking for your feedback on the services and quality of care you received from us or through the completion of a customer service satisfaction survey;
- To perform general administrative, operational, management and performance functions and activities relating to the operation and running of our business and of our website, and for the purposes of managing our legal and operational affairs;
- For credit checking or credit reporting purposes (through a credit bureau), in order to assist Lenmed's decision to provide services to you or to report on any slow or non-payment of your accounts with Lenmed to any third party;
- For any purposes which are required or authorised by law;
- To respond to requests by government, a court of law, or law enforcement authorities conducting an investigation;
- For reporting (including but not limited to efficiency management and reporting), statistical, analytical, research and historical purposes;
- Where you are applying for a vacancy, to process your application throughout our recruitment process;
- In relation to the use of our website, to identify, investigate and attend to any technical issues, support and user queries;
- To detect, prevent or deal with any actual or alleged fraud, security breach, or the abuse, misuse or unauthorised use of the website and/or contravention of this Privacy Notice.

We may also **collect, use, share and/or generally process** personal information or data, including health information that has been de-identified and/or aggregated, for example statistical or demographic data, for any purpose. In certain circumstances this aggregated or de-identified data may also be commercialised. Aggregated or de-identified data is not considered personal information in terms of POPIA, as this information is de-identified and does not, directly or indirectly, reveal your identity.

## DISCLOSURE OF YOUR PERSONAL INFORMATION

We value and respect the confidentiality and privacy of the personal information that you entrust us with. We are not in the business of selling your personal information and we will not share or disclose your personal information to anyone except as provided in this Privacy Notice and/or any contracts or terms and conditions of Service concluded with us.

By using our website and/or engaging with us for the provision of our services, you acknowledge and agree that we may share your personal information (including, where applicable your special personal information, for example your medical information) in the following instances:

- If it is necessary in order to provide you with a service that have you have requested or contracted us to provide or source on your behalf;
- If it is necessary in order to provide you with proper treatment and care;
- If it is in your legitimate interest;
- If it is necessary for the proper performance of a public law duty by a public body;
- If it is required or authorised by law;
- If you have provided us with your consent;
- With third party medical practitioners, medical practices, medical facilities (including pathology and radiology medical practices) and Allied health professionals who are involved in your treatment and care;
- With your medical scheme and its medical scheme administrator, the Road Accident Fund (under the Road Accident Fund Act) or the compensation fund (under the Compensation for Occupational Injuries and Diseases Act) or any other similar body, for the purposes of submitting and processing any claims to made to these Parties associated with the treatment and care provided to you;
- With our service providers (including our suppliers, subcontractors, affiliates, partners, agents and professional advisors), in order to provide you with our services, to provide you with proper treatment and care, for efficiency reporting purposes or generally as required for the administration and management of our business. In these instances, we will ensure that the

necessary security safeguards and confidentiality undertakings are in place to secure your personal information. We will only allow third parties to process your personal information for a specific purpose, in accordance with our instructions and in accordance with the requirements of POPIA and any other applicable data privacy laws;

- With our employees, who may require that information to do their jobs;
- With regulators and government authorities in connection with our compliance procedures and legal obligations;
- With a purchaser or prospective purchaser of all or part of our assets or our business or the shares of our company (or any subsidiary company), and their professional advisers, in connection with the purchase;
- With a third party, in order to enforce or defend our rights, or to address financial or reputational risks.

## SECURING YOUR PERSONAL INFORMATION

Securing the personal information you give us, or that we receive about you, is a priority for Lenmed.

We take appropriate and reasonable technical and organisational security measures to protect the personal information that we process, in accordance with the requirements of POPIA.

## HOW LONG WE RETAIN PERSONAL INFORMATION FOR

We will not retain your personal information longer than necessary. We will retain the personal information you provide to us or that we receive about you for as long as is needed to achieve the purpose that it was collected for, or for an extended period of time, even after the personal information is no longer needed to achieve the purpose that it was collected for, if the retention of your personal information records is:

- required by law or any code of conduct;
- required to meet regulatory requirements;

- needed for evidentiary purposes, to resolve disputes, to prevent or investigate fraud and abuse, or to enforce any contract concluded with you;
- reasonably required for lawful purposes that are related to Lenmed's function, operations or activities;
- determined necessary in accordance with our internal document retention and destruction policies;
- required for historical, research or statistical purposes. In these circumstances we will take measures to de-identify this personal information as far as reasonably possible.

Where applicable, personal information that has been included on our customer database and that is used for marketing and communication purposes will be retained by us. When you request to unsubscribe from these communications, your contact information contained in our customer communication databased will be placed into an unsubscribe list, to enable us to manage and honour your unsubscribe request. Should you require us to delete your information completely from our customer communication data base, you understand that we will no longer be able to manage your unsubscribe request (as we will no longer have a record of your unsubscribe request available in our database).

## DIRECT MARKETING

Generally, Lenmed does not use personal information for direct marketing purposes. Lenmed may however send out informative communications to its patients and other data subjects on its database, from time to time. Any communications sent out by Lenmed for the purposes of direct marketing would however be done in compliance with the requirements of POPIA.

To ensure that we maintain the quality of our service offering and the quality of our care, we may ask patients to complete a customer service satisfaction survey, which may either be given to the patient prior to or during the patient discharge process, or by electronic means after you have been discharged from one of our hospitals.

## STORAGE AND TRANSFER OF YOUR PERSONAL INFORMATION

Given the nature of our business, we may store both hard copy and electronic records containing personal information.

Hard copy personal information records may be stored at our facilities or premises, or when archived, at a third-party document retention service provider for the duration of the applicable document retention period. We will take reasonable and appropriate measures to ensure that hard copy personal information records stored or retained by third party service providers is done in compliance with POPIA.

Electronic personal information records may be stored on Lenmed's servers and/or on third party servers, including servers used for cloud-based software and applications used by Lenmed for the purposes of providing you with treatment and care at our hospitals and for the administration and management of our business.

While Lenmed endeavours, as far as reasonably possible, to store your personal information locally in South Africa, we may be required to transfer to and/or store your personal information on servers located outside of South Africa. Lenmed may also have third party service providers that are located outside of South Africa, which may result in your personal information being transferred and processed outside of South Africa. Given the nature of Lenmed's business, some of this personal information may be health information or other categories of special personal information, and some of this information may include the personal information of children.

Lenmed will take reasonable and appropriate measures to ensure that any personal information, special personal information or children's information that is transferred outside of the borders of South Africa is transferred in compliance with the requirements of POPIA and that an adequate level of privacy protection is in place between us and these third-party service providers.

## PROCESSING OF SPECIAL PERSONAL INFORMATION AND CHILDREN'S PERSONAL INFORMATION

Due to the nature of Lenmed's business as a hospital group, it is required to collect and process special personal information and children's personal information, particularly in relation to the provision of treatment and care to our patients.

All special personal information and children's personal information collected and processed by Lenmed will be done in compliance with the provisions of POPIA.

## WHAT ARE YOUR PRIVACY RIGHTS

As a data subject, POPIA provides you with a number of rights in relation to how your personal information is used and processed. In terms of POPIA, you are entitled, in the prescribed manner and form, to:

- request a copy of the personal information that we hold about you (subject to and in accordance with the provisions of the Promotion of Access to Information Act);
- update the personal information you have given to us, in the event that the personal information is inaccurate or outdated;
- request the correction, destruction or deletion of personal information we hold about you (where legally permissible and subject to our right not to correct or delete the personal information record in certain circumstances);
- object to your personal information being processed by us (on reasonable and lawful grounds), in instances where you have a legitimate reason to believe that we are not processing your personal information in accordance with the provisions of POPIA; and to
- object to any processing of your personal information for the purpose of direct marketing by electronic communication, in the prescribed manner and form, or to unsubscribe from receiving any marketing or communication emails received from us by clicking the "unsubscribe" link at the bottom of any email.

We will make commercially reasonable efforts to provide you reasonable access to any of your personal or other account information that we process and/or retain. In certain circumstances, such as when we are required retain or withhold the disclosure of certain personal information by law, we may not be able to provide you with access to all your personal information or we may not be able to change,

rectify or delete your personal information at your request. In these circumstances, we will provide you with reasons as to why your request cannot be complied with.

Hospital records will only be made available in accordance with the Promotion of Access to Information Act, 2 of 2002.

## COMPLAINTS

If you have a complaint about how we are processing your personal information, or if you wish to object to us processing your personal information or request the correction, deletion or destruction of any of the personal information records we hold about you please contact our Group Information Officer at [info@lenmed.co.za](mailto:info@lenmed.co.za) (**Attention: Group Information Officer, Jayesh Parshotam**), in the first instance, so that we can resolve the complaint or attend to your request.

All requests need to be submitted on the prescribed forms, as set out in the POPIA Regulations.

The prescribed form for reporting complaints regarding the use or processing of your personal information by us, must be addressed on [Form 1](#)

The prescribed form for requesting the correction, deletion or destruction of your personal information records by us, must be addressed on [Form 2](#). You acknowledge that in some instances Lenmed may not be able to comply with your request to correct or delete your personal information, where this request conflicts with any applicable laws.

In terms of POPIA, you are also entitled to direct a complaint to the Office of the Information Regulator, South Africa if you feel that your complaint has not been adequately addressed directly with us. Complaints to be addressed to the Information Regulator must be completed in the prescribed manner and form (on prescribed Form 5 Part II, as set out in the POPIA Regulations).

The Office of the Information Regulator may be contacted at [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za) (general enquiries) or [POPIAComplaints@inforegulator.org.za](mailto:POPIAComplaints@inforegulator.org.za) (complaints).

Their website is: <http://www.justice.gov.za/inforeg/>.

## CHANGES TO THIS PRIVACY NOTICE

Changes may need to be made to this Privacy Notice, from time to time. We will endeavour to only make changes to this Privacy Notice where they are material, necessary and/or required as a result of legislative or regulatory changes or guidance, or any code of conducts published that may be relevant to the industry in which our business operates.

Any changes made to this Privacy Notice will be posted through an updated Privacy Notice that is loaded onto this website page. Please check this page to keep informed of any updated or revised Privacy Notice that may be posted.

## LAWS APPLICABLE TO THIS PRIVACY NOTICE

This Privacy Notice is governed by the laws of the Republic of South Africa, and you hereby consent to the jurisdiction of the South African courts in respect of any dispute which may arise out of or in connection with the formation, interpretation, substance or application of this Privacy Notice.