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## PROTECTION OF PERSONAL INFORMATION

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### PROTECTION OF PERSONAL INFORMATION POLICY STATEMENT

Enamel Clinic is a private company duly registered in terms of the company laws of the Republic of South Africa, conducting business as dental specialists at 13 Hudson Street, De Waterkant, Cape Town, 8001.

Enamel Clinic recognises the constitutional rights to privacy and the protection of personal information of our patients as envisaged in the Protection of Personal Information Act 4 of 2013 (hereinafter referred to as "POPI").

Enamel Clinic endeavours to

- respect the rights of our patients to have their personal information processed in a manner that gives effect to their right to privacy subject to limitations;
  - be open and honest with our patients whose personal information our practice processes;
  - provide training and support to all employees who handle personal information so that they can act confidently and consistently.
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### OBJECTIVES

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Enamel Clinic guarantees our commitment to protecting the personal information of our patients and to ensure that their personal information is used appropriately, transparently, securely and in accordance with the applicable laws.

The objective of this policy is to set out the manner in which Enamel Clinic deals with our policy holders' personal information as well as stipulates the purpose for which the information is used and is made available to all patients at our offices, 13 Hudson Street, De Waterkant, Cape Town, 8001.

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### DEFINITIONS

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1. "Consent" – means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
  2. "Data Subject" means the natural or juristic person to whom Personal Information relates;
  3. "Personal Information" - means 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;
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4. "Processing" - means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:
- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - dissemination by means of transmission, distribution or making available in any other form; or
  - merging, linking, as well as restriction, degradation, erasure or destruction of information;
5. "Privacy Legislation" - means any laws that protect Personal Information and privacy of Data Subjects and which apply in the Republic of South Africa or any other territory in which Dr Veronique Eeckhout practices or operates;
6. "Regulator" - means the Information Regulator to be established in terms of the Protection of Personal Information Act.
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## SCOPE

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The policy applies to all employees of Enamel Clinic as well as external service providers and affiliated companies and medical professionals. It shall further be made available to all employees and training shall be scheduled to ensure that the policy is enforced throughout the practice.

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## INFORMATION OFFICER

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Dr Mark Bowes is the appointed Information Officer of Enamel Clinic; it shall be the duty of the Information Officer to:

1. Develop and maintain this policy.
2. Ensure that this policy is supported by appropriate documentation.
3. Ensuring that documentation is relevant and kept up to date.
4. Ensuring that this policy and subsequent updates are communicated to relevant staff where applicable.

The Information Officer may appoint Deputy Information Officers to assist him in discharging his duties.

Details of the information officer are as follows:

Name: Dr Mark Bowes

Tel: 021 4418 2048

Email: [helen@enamel.clinic](mailto:helen@enamel.clinic)

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## PROCESSING OF PERSONAL INFORMATION

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Enamel Clinic subscribes to the principles of lawful processing of personal information as per the provisions of the POPI Act.

These principles are as follows:

### 1. Accountability

In order to comply with the provisions of the POPI Act, an Information Officer has been formally appointed and registered with the Information Regulator and will be responsible for compliance with the act in as a whole.

### 2. Processing Limitations

Personal information will be processed in a manner that is both lawful and reasonable and does not infringe on the privacy of Enamel Clinic's patients.

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### 3. Purpose Specification

Enamel Clinic will take all reasonable steps to ensure that patients are aware of the purpose of processing their collected personal information, and where possible, obtain the necessary consent.

### 4. Further Processing Limitation

Personal information will not be processed in any manner which is not compatible with the original purpose for which it was collected.

### 5. Information Quality

Enamel Clinic aims to process personal information that is relevant, accurate and up to date with respect to the purpose for which it will be processed.

### 6. Openness

Enamel Clinic will endeavour to ensure that policyholders are notified of the personal information collected, the purpose for which the information was collected and their right to have access to, object to and/or rectify the information collected.

### 7. Security Safeguards

Enamel Clinic ensures that personal information is protected by reasonable security safeguards against risks such as the loss or unauthorised access, destruction, use, modification or disclosure of personal information.

### 8. Participation

Enamel Clinic, at the request of their policyholders, will confirm, free of charge, whether or not it holds the personal information of that client and also update/correct this information where necessary.

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## COLLECTING PERSONAL INFORMATION

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Personal information collected by Enamel Clinic or any of its employees and/or affiliated medical practitioners and staff will only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

As a Specialist Dental and Medical Practice; Enamel Clinic collects the personal information of our patients to enable us to provide specific medical services and treatment to such patients.

Such information may be, but is not limited to the following:

- Personal (identifying) particulars of the patient.
- The bio-chemistry history of the patient, including allergies and idiosyncrasies.
- The time, date and place of every consultation.
- The assessment of the patient's condition.
- The proposed clinical management of the patient.
- The medication and dosage prescribed.
- Details of referrals to specialists, if any.
- The patient's reaction to treatment or medication, including adverse effects.
- Test results.
- Correspondence from or to a patient.
- Imaging investigation results.
- Information on the times that the patient was booked off from work and the relevant reasons.
- Written proof of informed consent, where applicable, in respect of medical treatment/s.
- Hand-written contemporaneous notes taken by the health care practitioner.
- Notes taken by previous practitioners attending health care of other health care practitioners including a typed patient discharge summary of summaries.
- Referral letters to and from other health care practitioners.



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- Laboratory reports and other laboratory evidence such as histology sections, cytology slides, and printouts from automated analysers, x-ray files, reports, ECG traces and so on.
  - Audio-visual records such as photographs, videos and tape-recordings.
  - Clinical research forms and clinical trial data.
  - Other forms completed during the health interaction such as insurance forms, disability assessments and documentation of injury on duty.
  - Death certificates and autopsy reports.
  - The above records may be archived on microfilm, microfiche or magnetic data files.

### **Important to note in respect of health care records in terms of the HPCSA:**

- No information may be removed from a health care record.
- An error or incorrect entry discovered in the record may be corrected by placing a line through it with ink and correcting it.
- The date of change must be entered and the correction must be signed in full. The original record must remain intact and fully legible.
- Additional entries added at a later date must be dated and signed in full.
- The reason for an amendment or error should also be specified on the record.

Enamel Clinic further collects patients' personal information for purposes of communication, invoicing and billing, referral, historical data, medical history and marketing purposes in order to ensure that our products and services remain relevant to our patients and their needs and to fulfil obligations conferred on us by the HPCSA Rules and Regulations.

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## **UTILISATION OF PERSONAL INFORMATION**

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Personal information of policyholders will only be used for the specific purpose for which it was collected, which was communicated to the policyholder.

The purpose for which information is collected could include but not be limited to the following:

- Furthering the diagnosis or ongoing clinical management of the patient.
- Conducting clinical audits.
- Promoting teaching and research.
- Being used for administrative or other purposes.
- Being kept as direct evidence in litigation or for occupational disease or injury compensation purposes.
- Being used as research data.
- Being kept for historical purposes.
- Promoting good clinical and laboratory practices.
- Making case reviews possible.
- Serving as the basis for accreditation.
- Protecting further legitimate interests of the patient.
- Justification for the possession of personal information in respect of minors are where the minor patients are patients who have required medical assistance and who have had the consent of their parents as competent persons as required by law. Alternatively these minor patients are legally competent to make their own health care decisions in terms of the Child Care Act (Act No.74 of 1983).



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## DISCLOSURE OF PERSONAL INFORMATION

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- Enamel Clinic may disclose a patient's personal information to any of its affiliated medical practitioners, hospitals, laboratories, companies and/or external service providers who provide services to patients under the scope of care of Enamel Clinic provided such affiliates take the same level of care with regards to the protection of the patient's personal information and have incorporated the provisions of the POPI Act to ensure compliance therewith.
- All of Enamel Clinic's affiliated medical practitioners, hospitals, laboratories, companies and service providers have incorporated the provisions of the POPI Act to ensure compliance therewith as well the privacy and confidentiality of personal information.
- Personal information of patients may also be shared with third parties in and during medical treatment insofar as such personal information is relevant to the particular medical treatment.
- Enamel Clinic may also disclose a patient's personal information where it has a duty or right to disclose such information in terms of applicable legislation, the law, a court order or where it may be deemed necessary by the HPCSA or Information Regulator.

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## CONSENT TO PROCESS

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In order to process personal information, Enamel Clinic must ensure that we obtain the patients express and informed permission to do so. It is therefore imperative that this consent is obtained from the patient at the time of his/her initial consultation or introduction to Enamel Clinic.

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## SAFEGUARDING PERSONAL INFORMATION

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Enamel Clinic is required by the POPI Act to put measures in place to adequately protect the personal information of its policyholders. These safety measures will be reviewed continuously to ensure that all security and controls are updated to protect personal information.

1. The following procedures are in place in order to protect personal information:

- The information officer, responsible for compliance with the provisions of the POPI Act, contact details will be made available to all Enamel Clinic employees and patients;
- Enamel Clinic will conduct training with all employees to enable seamless integration of this policy;
- Each employee currently employed by Enamel Clinic or new employees will be required to sign an addendum to their employment contract which incorporates relevant provisions of the compliance with the POPI Act, specifically related to the lawful processing and confidentiality of personal information;
- Access to personal information stored by Enamel Clinic is limited to authorised personnel only;
- All external service providers who process the personal information of Enamel Clinic patients will be required to sign Service Level Agreements wherein they guarantee their commitment to the protection of personal information as envisaged in the POPI Act.
- Electronic files and data which contain the personal information of policyholders are stored and backed up by Enamel Clinic's external service provider who is responsible for the maintaining of a security system that ensures that the personal information is protected from any physical threat and unauthorised access.



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## ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

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Enamel Clinic's patients have the right to access personal information held by the company about them. Patients have the right to request Enamel Clinic to update, correct or delete personal information on reasonable grounds. Should it not be legal in respect of the HPCSA Regulations to destroy such information the personal information should be stored securely and not further processed in any way without renewed consent from the patient.

Should the policyholder object to the processing of their personal information Enamel Clinic may not process the said information. Enamel Clinic will further take all reasonable steps to confirm its patient's identity before providing any details of their personal information or making changes to their personal information.

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## IMPLEMENTATION

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This policy is implemented by Enamel Clinic and will be adhered to by management and all staff who are tasked with collecting and processing personal information. Non-compliance with this policy may result in disciplinary action and possible termination of employment.

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