OTSC
OCCUPATIONAL THERAPY SUPPORT CENTRE (PTY) LTD
Reg no: 2021/466735/07

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Client Personal Information Protection Policy

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2. Purpose, Scope and Users

2.1. This Policy regulates the management of CLIENT Personal Information of **OTSC** (hereinafter the Company) and provides rules and procedures which apply to all departments and individuals within the Company, aimed at ensuring that CLIENT Personal Information is processed and protected properly.

2.2. This Policy applies to the Processing of CLIENT Personal Information by any department or individual within the Company.

2.3. "Company" refers **OTSC** and all wholly owned subsidiaries directly or indirectly controlled by it.

2.4. The users of this document are all CLIENTS of the Company.

3. Reference documents

3.1. Protection of Personal Information Act, 2013

3.2. Promotion of Access to Information Act, 2000

3.3. Personal Information Protection Policy

3.4. Information Retention Policy

3.5. Personal Information Breach Policy

3.6. Cross Border Information Transfer Policy

4. Definitions

The following definitions of terms used in this document are drawn from the Protection of Personal Information Act:

4.1. Personal Information

"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 -

a. 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 (CLIENT).

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b. information relating to the education or the medical, financial, criminal or employment history of the person (CLIENT).
c. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person (CLIENT).
d. the biometric information of the person (CLIENT).
e. the personal opinions, views or preferences of the person (CLIENT).
f. correspondence sent by the person (CLIENT) that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
g. the views or opinions of another individual about the person (CLIENT) and
h. the name of the person (CLIENT) if it appears with other personal information relating to the person (CLIENT) or if the disclosure of the name itself would reveal information.

4.2. Special Personal Information

Special personal information includes personal information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of an information subject, or the criminal behavior of an information subject.

4.3. Processing

‘‘processing’’ means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including -

a. the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use.
b. 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.

4.4. Responsible Party

‘‘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.

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4.5. Operator

''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.

5. General Principles for Processing Personal Information

We have summarized below the most important principles of personal information protection set out in POPI. Any processing of personal information which is incompatible with any of the principles would be unlawful (unless an exemption or derogation applies).

5.1. Purpose of the Guiding Principles.

In order to provide guidance and recommendations in connection with processing the personal information (special or not) related to data subjects in the Company, who has considered it necessary to issue the following guiding principles – which are liable to be updated as.

5.2. Scope.

The issues considered relate, in particular, to information communication and dissemination and the processing of special personal information – especially those suitable for disclosing health and religious beliefs – and/or biometric information.

6. Compliance with Personal Information Protection Principles

6.1. General.

Lawfulness, reasonableness and transparency	Personal information shall be processed lawfully, reasonably and in a transparent manner in relation to the data subject.
Purpose limitation	Personal information shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
Data minimization	Personal information shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.

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Accuracy	Personal information shall be accurate and, where necessary, kept up to date.
Storage limitation	Personal information shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal information is processed.
Integrity and confidentiality	Personal information shall be processed in a manner that ensures appropriate security of the personal information, including protection against unauthorized or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organizational measures.
Accountability	The responsible party shall be responsible for and be able to demonstrate compliance with POPI.

6.2. Objectives

The objectives of this Policy are to:

a. Provide a set of privacy and personal information protection standards that govern our procedures and protect the privacy of the CLIENT's personal information.

b. Demonstrate our on-going commitment to protecting the CLIENT's privacy and addressing any privacy concerns that you might have.

c. Describe the ways in which we collect, use, disclose and retain the CLIENT's personal information.

d. Ensure that we comply with POPI.

e. Facilitate our compliance with any further developments in the protection of personal information.

6.3. Protection of Personal Information Act 2013 ("POPI")

Below, we provide guidance as to how we collect, use, disclose and retain the CLIENT's personal information in accordance with POPI and how we administer this Policy.

6.4. Consent Obligation

i. ***Consent Required***

i. The Company shall not collect, use or disclose the CLIENT's personal information unless;

– the CLIENT gives, or are deemed to give, consent to the collection, use or disclosure of their personal information; or

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- the collection use or disclosure of the CLIENT's personal information without the CLIENT's consent is required or authorized under POPI or other written law.

a. Provision of Consent

i. The Company shall not, as a condition of providing a product or service to our CLIENTS, require them to consent to the collection, use or disclosure of their personal information beyond what is reasonable to provide the product or service to them.

ii. The Company shall not obtain or attempt to obtain our CLIENTS consent for collecting, using or disclosing personal information by providing false or misleading information with respect to the collection, use or disclosure of the CLIENT's personal information, or use deceptive or misleading practices.

b. Implied Consent

i. CLIENTS are deemed to consent to the collection, use or disclosure of their personal information for a purpose if:

- they voluntarily provide their personal information to the Company for that purpose, albeit without actually expressly providing CLIENT's consent; and
- it is reasonable that they would voluntarily provide the information.

ii. If CLIENTS give, or are deemed to give, consent to the disclosure of their personal information by the Company to another organization for a particular purpose, then they are deemed to consent to the collection, use or disclosure of their personal information for that particular purpose by such other organization.

c. Withdrawal of Consent

i. On providing reasonable notice to the Company, CLIENTS may at any time withdraw any consent given, or deemed to be given, in respect of the Company's collection, use or disclosure of their personal information for any purpose.

ii. CLIENTS may submit the withdrawal of consent via mail, email or by completing the Withdrawal of Consent Form and submit to the Company's Information Officer.

iii. On receipt of such notice, the Company shall inform them of the likely consequences of withdrawing CLIENT's consent.

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iv. Processing and updating CLIENTS request can take up to 30 days.

6.5. Purpose Limitation Obligation

i. ***Limitation of Purpose***

The Company may collect, use or disclose CLIENT's personal information only for purposes:

i. that a reasonable person would consider appropriate in the circumstances; and

ii. where the CLIENT has been informed, to the extent applicable.

d. Notification of Purpose

The Company shall provide CLIENTS with the following information whenever we seek to obtain their consent to the collection, use or disclosure of their personal information, except under circumstances where their consent is deemed or is not required:

i. the purpose(s) for the collection, use or disclosure of their personal information, on or before collecting CLIENT's personal information.

ii. any other purpose(s) for the use or disclosure of their personal information of which you have not been informed, before the use or disclosure of CLIENT's personal information for that purpose; and

iii. on requested by them, the contact details of the Company's Information Officer ("IO"), who can answer CLIENT's questions about the collection, use or disclosure of their personal information.

6.6. Access and Correction Obligation

a. ***Access to CLIENTS Personal Information***

i. On CLIENTS request, and subject to the restrictions set forth in POPI, the Company shall, as soon as reasonably possible, provide them with:

- their personal information that is in the Company's possession or control; and
- information about the ways in which their personal information has or may have been used or disclosed by the Company within a year before their request.

ii. the Company may charge CLIENTS a minimum fee for access to their personal information to offset the administrative costs in complying with such requests.

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e. Correction of CLIENTS Personal Information

i. CLIENTS may request the Company to correct an error or omission in their personal information that is under the Company's control or possession. Unless the Company is satisfied on reasonable grounds that a correction should not be made or the law states otherwise. The Company shall:

- correct CLIENTS personal information as soon as practicable; and
- send CLIENTS corrected personal information to every organization to which CLIENT's personal information was disclosed by the Company within a year before the data correction was made, unless that other organization does not need the corrected personal information for any legal or business purpose.

ii. the Company is not required to correct or alter an opinion, including professional or an expert opinion.

6.7. Accuracy Obligation

The Company shall make reasonable efforts to accurately record CLIENT's personal information as given by them or their representatives and make reasonable efforts to ensure that CLIENTS personal information is accurate and complete, if the personal information:

b. is likely to be used by the Company to make a decision that affects them; or

c. is likely to be disclosed by the Company to another organization.

6.8. Protection Obligation

The Company shall protect personal information in its possession or control by making reasonable security arrangements to prevent unauthorized access, collection, use, disclosure, copying, modification, disposal or any other similar risks.

6.9. Retention Limitation Obligation

The Company shall cease to retain documents containing CLIENT's personal information, or remove the means by which their personal information can be associated with them, as soon as it is reasonable to assume that:

a. the purpose for which CLIENT's personal information was collected is no longer being served by retention of their personal information; and

b. retention is no longer necessary for legal or business purposes.

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6.10. Transfer Limitation Obligation

The Company shall not transfer CLIENT's personal information outside of South Africa except in accordance with the requirements of POPI.

6.11. Complaints Handling Procedure

a. Should a CLIENT be unhappy with our treatment of their personal information or they believe there has been a breach of this Policy, they must please contact the Company's Information Officer (details in clause 6.13 below) and clearly set out the nature of CLIENT's concern.

b. Complaints may be initially made orally, or in writing. Where a complaint is made orally, a CLIENT must confirm the complaint in writing as soon as possible. If they require assistance in lodging a complaint, they must please contact our office.

c. CLIENT complaints will be reviewed, and they will be provided with a written response within fourteen (14) working days.

6.12. Compliance with this Policy

a. the Company implements this Policy through the use of proper procedures and staff training to ensure compliance with this Policy.

b. We ensure that all our staff members and any representatives who deal with personal information are aware of the standards of this Policy.

c. the Company requires that all of its staff and representatives with access to personal information maintain confidentiality concerning that personal information. We implement that requirement through appropriate contractual terms and internal policies.

d. Our procedures for handling personal information are developed to implement the standards of this Policy. The Company trains its staff members in the proper conduct of those procedures that are relevant to their duties.

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6.13. Information Officer ("IO")

For further information about this Policy or to access our complaint handling procedure, please address CLIENT's correspondence to the Company Information Officer.

Juané Raats

Tel: 067 397 2076