

# **PRIVACY POLICY**

**Prepared in terms of the Protection of  
Personal Information Act 4 of 2013**

**LAST UPDATED: OCTOBER 2021**

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## 1. Introduction

This policy has been compiled as required in terms of the Protection of Personal Information Act 4 of 2013 for the following companies:

**1. Dr Alberts, Bouwer and Jordaan Incorporated (ABJ Inc)**

Registration number 1994/010256/21

**2. Dr Brittain and Partners Incorporated (ACT Inc)**

Registration number 2007/000389/21

These companies are private companies registered in the Republic of South Africa and will be addressed as a combined entity hereafter referred to as “The Companies”.

The purpose of this document is to outline how to comply with confidentiality and privacy obligations. The Companies’ principal concern is and always will be the health of patients who visit our practices. A high level of trust and confidentiality is required to ensure the confidence of the is patients served.

Patients will be assured that:

- their privacy will be protected when visiting the Companies’ practices.
- the information collected and retained in our records is correct and up-to-date, aligned with what was provided by the patients, and
- that they can access their information for review.

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## 2. Health information

**The Companies** recognises that the information we collect is often highly sensitive and as an organisation, we have adopted the highest privacy compliance standards to ensure that all personal information is protected.

For administrative and billing purposes, and to enable the patients to be attended to by other medical practitioners and services, patient information is shared between the medical practitioners and other healthcare providers. **The Companies** therefore may collect and process personal information regarding the patients (including health information) to provide medical services and treatment, care and related healthcare and administrative services related to his/her condition.

Personal information collected will generally include:

- the main member of the Medical Scheme, the person responsible for payment of the account, patient's name, identity number, address, telephone number and Medical Scheme information,
- current drugs or treatments used by the patient or other care or health-related information,
- previous/current medical history, including, where clinically relevant, a family medical history, and
- the name of any health service provider or medical specialist to whom the patient was referred to, copies of any letters of referrals and copies of any reports or feedback.

**The Companies** may access information:

- provided directly by the patient,
- provided on the patient's behalf with the patient's consent,

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- from a health service provider who refers the patient to medical practitioners providing services at or for The Companies, or from health service providers to and from whom patients are referred.

### **3. Use or disclosure of personal information**

Personal information collected by The Companies may be used, shared, or disclosed:

- for the purpose advised to the patient at the time of collection of the information,
- as required for delivery of the health service to the patient,
- as required for the ordinary operation of our services (i.e. to refer the patient to a medical specialist or other health service provider),
- as required under compulsion of law, or
- where there is a serious and imminent threat to an individual's life, health, or safety, or a serious threat to public health or public safety.
- The Companies may use or disclose personal information with medical practitioners who provide medical treatment and care to the patient and with related third parties, including but not limited to the purpose of quality assurance, training, billing, liaising with Medical Schemes regarding payments and as may be required by the practice's insurers.

### **4. Accuracy of information**

The Companies is committed to ensuring the patient's information is accurate and has processes in place to ensure that the accuracy of this information is maintained.

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## 5. Security of information collected

Other than as described in this Policy or permitted under privacy principles, The Companies uses its reasonable endeavours to ensure that identifying health information is not disclosed to any person unnecessarily or irresponsibly.

Due to the sensitive nature of the information collected by The Companies to provide their services, extra precautions are taken to ensure the security of that information. Information may be stored electronically and/or in hard copy form. All electronically stored files are stored in the cloud in a secure location, is password-protected on several levels, and regular backups of data are performed.

The Companies requires its employees to observe obligations of confidentiality during their employment with all staff/contractors signing Confidentiality Agreements. This Policy has been put in place throughout the organisation and training on this Policy and the POPIA Act has taken place.

Policies and procedures are also in place to cover the following:

- Physical Security;
- Computer and network security;
- Access to personal information;
- Secure communications;
- Security in contracting out activities or functions;
- Retention and disposal of information;
- Acceptable usage of personal information;
- Monitoring access and usage of personal information; and

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- Investigating and reacting to security incidents.

## **6. Policy on the use of the personal information of Children**

The Companies will only collect and process personal information of children under the age of 18 years if the processing is carried out with the prior consent of a competent person, or otherwise permitted in terms of section 35(1) of the Act.

## **7. Retention and destruction of documents and personal information**

**The Companies** keep health information indefinitely for the following reasons:

- a) The nature of our business – cancer is a chronic disease and patients can usually relapse in the excess of 6 years, but the progression of the disease may also occur much later in which case the medical history is necessary for further management and treatment.
- b) For cancer research and statistical purposes.
- c) Possible long-term medico-legal implications.

Our patients do sign a document in which they consent to this retainment period.

All other documents containing personal information will be destroyed after the termination of the specified retention periods.

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## **8. Access and Correction of personal information**

On request, patients may have access to their medical records held by The Companies, except in circumstances where access may be denied under the Promotion of Access to Information Act 4 of 2013 or other laws. For example, access can be denied when letting a patient see their records would pose a serious threat to the patient's life or health, or the life or health of someone else (such as a relative, the health service provider, staff or other patients).

The threat must be significant, for example where there is a serious risk the patient may cause self-harm or harm to another person if they saw the information. The threat can be a risk of danger to physical or mental health but does not need to be imminent - it can be a serious threat that might occur sometime after access is granted.

## **9. Transfer of medical records to a new medical practitioner**

Patients have the right to attend a medical practitioner of their choice and are free to leave a practice and attend another if they wish. There is a professional obligation for a medical practitioner to provide a new treating medical practitioner with all the information that they need to take over a patient's care.

When a patient requests that their health records be transferred to a medical practitioner outside of The Companies, the medical practitioner must provide a copy or summary of the patient health record promptly to facilitate the care of the patient.

For medico-legal reasons, our practice retains the original record and provides the new medical practitioner with a summary or a copy. If a summary of the patient's health record



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is provided to the new medical practitioner, a copy of the summary should be kept on file for record purposes.

A patient can also have a copy of his/her medical records transferred by asking the new medical practitioner to arrange for the transfer of records from the previous treating medical practitioner.

The patient will still have to attend The Companies' offices, to fill in appropriate consent forms if necessary.

## **10. Costs involved for the handing over of medical records**

Some medical practitioners may charge a fee for handling and copying their records to cover the administrative costs involved. The previous medical practitioner may charge a fee for providing a summary, especially if a patient's medical history is long and/or complex.

## **11. Website privacy**

The Companies' website contains links to other sites. Please be aware that The Companies are not responsible for the privacy practices of any linked sites. We encourage users who leave our site to read the privacy statements of each linked website that they choose to visit. All links to external sites are provided for patients' convenience. The information, products and advertisements contained in the linked sites are neither approved nor endorsed by The Companies, and The Companies are not responsible for such information, products, or advertisements.

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Website usage information may be collected using “cookies” which allows the Companies to collect standard internet visitor usage information.

Patients’ privacy is important to us, and we want them to feel comfortable visiting our website.

Any personal information provided by patients will be managed in the following ways:

- personal data given to us will be securely stored;
- The Companies will not provide personal data to any third party not included in the Patient Information Terms and Conditions consent form that is signed by the patients on their first visit to the practice, without their permission;
- if The Companies join with a third party to provide services and the patient signs up for those services, only necessary data will be shared;
- The Companies may share aggregated demographic information with our affiliates. This is not linked to any personal information that can identify our patients or any other visitor to our website.

## **12. Changes to and review of the Privacy Policy**

The Companies has the right to change the Privacy Policy at any time. If there are updates to the Companies’ Privacy Policy, we will address the changes promptly and update the revision date of this document and place the updated document on the website.

Last updated: October 2021

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### 13. Obtaining further information

If patients require more information regarding The Companies, their services and facilities, they can:

- Contact any of our practices, or
- access our website at [www.oncology-sa.co.za](http://www.oncology-sa.co.za)

### 14. Contact information

**Information Officer ABJ: Dr SJ Fourie**

**Dr Alberts, Bouver and Jordaan Incorporated (ABJ Inc)**

Registration number 1994/010256/21

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**Information Officer ACT: Dr D Brittain**

**Dr Brittain and Partners Incorporated (ACT Inc)**

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(012) 993 2555

[popia@abj.org.za](mailto:popia@abj.org.za)

## 15. Disclaimer

While we make every effort to protect your privacy, we may need to disclose personal information when required by law where we have a good-faith belief that such action is necessary to comply with a current judicial proceeding, a court order or legal process served on our company or site.