

# External Privacy Statement

## Introduction

Welcome to the Anova Health Institute NPC's (**Anova**) external privacy statement. This privacy statement applies to all divisions, subsidiaries and health care projects or programmes that Anova may run from time to time. Anova (also referred to as "we", "us" or "our" in this statement) respects your privacy and is committed to protecting your personal information.

This privacy statement explains:

- o How we obtain, use and disclose your personal information, in accordance with the requirements of the Protection of Personal Information Act 4 of 2013 (**POPIA**);
- o How we protect your personal information; and
- o Your privacy rights under POPIA.

Please also use the Glossary at the end of this privacy statement to understand the meaning of some of the terms used in this privacy statement.

## 1. Important information and who we are

### Purpose of this privacy statement

This privacy statement aims to give you information on how Anova collects and processes your personal information when you personally or for a juristic entity:

- visit this website or any other website that is owned or operated by us;
- enquire about or use any of our services as a client, next of kin, legal guardian or in any other capacity;
- consult with one of our healthcare providers;
- are referred to us from another facility or healthcare provider;
- utilise our pharmacy services;
- engage with us on prospective contracts or other commercial arrangements or for other business purposes; and
- conclude a contract with us for example, where you act as a donor, funder, supplier, vendor, agent, etc.

It is important that you read this privacy statement together with any other privacy statement or document we may provide on specific occasions when we are collecting or processing personal information about you so that you are fully aware of how and why we are using your information. This privacy statement supplements other notices, statements and privacy policies and is not intended to override them.

### Responsible party

In respect of the circumstances to which this privacy statement applies, Anova is the responsible party and is responsible for your personal information, (collectively referred to as "Anova", "we", "us" or "our" in this privacy statement).

We have appointed an Information Officer who is responsible for overseeing questions in relation to this privacy statement. If you have any questions about this privacy statement, including any requests to exercise your legal rights, please contact the Information Officer using the details set out below.

## Contact details

If you have any questions about this privacy statement or our privacy practices, please contact our Information Officer in the following ways:

- Full name of legal entity: Anova Health Institute NPC
- Email address: [infoofficer@anovahealth.co.za](mailto:infoofficer@anovahealth.co.za)
- Postal address: Postnet Suite 242, Private Bag X30500, Houghton, 2041
- Telephone number: 011 581 5000

You have the right to make a complaint at any time to the Information Regulator, the South African regulatory authority for personal information protection issues (<http://www.justice.gov.za/infoereg>) (Information Regulator). We would, however, appreciate the opportunity to deal with your concerns before you approach the Information Regulator so, please contact us in the first instance.

## Changes to the privacy statement and your duty to inform us of changes

We keep our privacy statement under regular review. This version was updated on 26 November 2021. Historic versions can be obtained by contacting us.

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your relationship with us.

## Third-party links

This website (or any other website that is owned or operated by us) may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share information about you. We do not control these third-party websites and are not responsible for their privacy statements. We make no representations or warranties about the privacy practices of any third-party website and do not accept any responsibility for the privacy practices of, or content displayed on, these third-party websites. Third-party website providers are responsible for informing you about their own privacy practices. We encourage you to read the privacy statement of every website you visit.

## 2. The personal information we may collect about you

Personal information means information about a natural or juristic person from which that person can be identified. It does not include information where the identity has been removed (anonymous information).

We may collect, use, store and transfer different kinds of personal information which we have grouped together as follows:

- Identity Information **includes first name, maiden name, last name, username or similar identifier, marital status, title, date of birth, gender, company registration number, tax number, and may also include due diligence (know-your-client) information.**

- Contact Information **includes home address, billing address, delivery address, email address and telephone numbers.**
- Financial Information **includes bank account and payment card details, medical aid numbers and details of medical aid providers.**
- Health Information about the physical or mental health of persons.
- Transaction Information **includes details about payments to and from you and other details of products and services you have purchased from us, and includes details about invoicing and other payment arrangements that may apply to our relationship with you.**
- Technical Information **includes internet protocol (IP) address, your login information, 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 this website.**
- Usage Information **includes information about how you use our website.**
- Marketing and Communications Information **includes your preferences in receiving marketing from us and our third parties and your communication preferences.**

We also collect, use, and share **Aggregated Information** such as statistical or demographic information for any purpose, including research purposes. Aggregated Information could be derived from your personal information but is not considered personal information in law as this information is de-identified and will not directly or indirectly reveal your identity.

The categories of information included in this privacy statement are examples only and are not intended to be an exhaustive list.

We may collect this personal information in various ways such as directly from you, from correspondence with you, or through meetings or other assessments; or third parties such as medical aid or other healthcare practitioners.

### **Special personal information**

We may collect **special personal information** about you (this includes details about your race or ethnicity, religious or philosophical beliefs, sex life, sexual orientation, political opinions, information about your health, and biometric information), in addition to the collection of any information about criminal convictions and offences.

Some information we may collect includes special personal information such as:

- race and religious beliefs (for employment equity reporting purposes, and so that we can so that we facilitate observation of religious/cultural customs, for example);
- health information (e.g. from entry medical assessments, medical aid details, allergies, disabilities, dietary requirements, records of accidents, biological samples, injuries and illnesses) – so that we can maintain a safe environment for you and others;
- criminal record checks – so that we can manage any risks and liaise with authorities appropriately;
- biometric information – so that we can control access to our facilities and staff attendance.

### **Personal information relating to children**

Where necessary, and in order to fulfil certain obligations Anova does process personal information relating to children. This is necessary to provide quality treatment, preventive treatment, or other healthcare and/or healthcare related services to children. We will obtain the necessary consent and process children's information in accordance with POPIA.

## **If you fail to provide personal information**

Where we need to collect personal information in order to provide the necessary healthcare treatment, or by law, or under the terms of a contract we have with you, and you fail to provide that information when requested, we may not be able to provide that treatment, and may not be able to perform the contract we have or are trying to enter into with you. In this case, we may not be able to proceed with a particular engagement we have or intend to have with you (this may include cancelling a service you have with us), but we will notify you if this is the case at the time.

## **3. How is your personal information collected?**

We use different methods to collect data from and about you including through:

**Direct interactions.** You may give us your Identity, Contact, Financial Information and Health Information by interacting directly with healthcare providers, filling in forms or by corresponding with us by post, phone, e-mail or other means. This includes personal information you provide when you:

- enquire about or use any of our services as a client, next of kin, legal guardian or in any other capacity;
- consult with one of our healthcare providers;
- are referred to us from another facility or healthcare provider;
- utilise our pharmacy services;
- participate in a research study with us;
- engage with us in respect of a potential contract or commercial engagement;
- subscribe to our newsletters or publications;
- request marketing to be sent to you;
- enter a competition, promotion or survey; or
- give us feedback or contact us.

**Automated technologies or interactions.** As you interact with our website, we may automatically collect Technical Information about your equipment, browsing actions and patterns. We may collect this personal information by using cookies, server logs and other similar technologies. We may also receive Technical Information about you if you visit other websites employing our cookies. Please see below section dealing with Cookies.

**Third parties or publicly available sources.** We may receive personal information about you from various third parties and public sources as set out below:

- Technical Information from the following parties:
  - i. analytics providers;
  - ii. advertising networks; and
  - iii. search information providers.
- Contact, Financial and Transaction Information from providers of technical, payment and delivery services;
- Identity and Contact Information from data brokers or aggregators;
- Identity and Contact Information from publicly available sources;
- Health Information from referring healthcare institutions or medical aid;
- Any other ways the client collects personal information.

## 4. How we use your personal information

We will only use your personal information as the law allows. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the contract we are about to enter into or have entered into;
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests;
- Where we need to comply with a legal obligation;
- Where we have obtained your consent to process your personal information for the specific purposes described to you. Where you have provided such consent, you have the right to withdraw consent at any time by contacting us unless the information is processed in relation to an ongoing transaction or relationship, and you may not be able to access certain services if you withdraw consent; and
- Where applicable law or the Information Regulator has explicitly authorised us to do so.

## 5. Purposes for which we may use your personal information

We have set out below, in a table format, a description of all the ways we plan to use your personal information, and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate.

Note that we may process your personal information for more than one lawful basis depending on the specific purpose for which we are using your information. Please contact us if you need further details regarding the purposes for which we process your personal information.

Purpose/Activity	Type of personal information	Lawful basis for processing including basis of legitimate interest
<b>A. Using our services or visiting our premises</b>		
To allow access to our premises	(a) Identity (b) Contact (c) Health	Necessary for our legitimate interests
To register you as a new client	(a) Identity (b) Contact	Performance of a contract with you
To provide the appropriate level of treatment and/or care as may be required in the circumstances	Health	(a) Performance of a contract with you (b) Necessary for your legitimate interests
To fulfil our contractual obligations towards you including: (a) Manage payments, fees and charges (b) Collect and recover money owed to us	(a) Identity (b) Contact (c) Financial (d) Transaction (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to recover debts due to us)
To enable us to perform our obligations to you in terms of a written contract	(a) Identity	Performance of a contract with you

<b>B. Website</b>		
To administer and protect our business, this website (and any other website owned or operated by us) and our services (including troubleshooting, data analysis, testing, system maintenance, support, reporting and hosting of data)	(a) Identity (b) Contact (c) Technical	(a) Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)  (b) Necessary to comply with a legal obligation
To use data analytics to improve our website, services, marketing, customer relationships and experiences	(a) Technical (b) Usage	Necessary for our legitimate interests (to define types of customers for our products and services, to keep our website updated and relevant, to develop our business and to inform our marketing strategy)
<b>C. Contracts and other commercial engagements with our vendors or other third parties</b>		
To enable us to negotiate a potential contract or commercial engagement with you	(a) Identity (b) Contact	(a) Conclusion of a contract with you (b) Necessary for our legitimate interests (to perform due diligence checks on potential vendors) (c) Necessary to comply with a legal obligation (for example, our obligations under the <i>Financial Intelligence Centre Act, 2001</i> or the <i>Value-Added Tax Act, 1991</i> )
To enable us to perform our obligations to you in terms of a written contract, and/or to enable us to receive services you may be providing to us in terms of a written contract	(a) Identity (b) Contact (c) Financial	(a) Performance of a contract with you (b) Necessary for our legitimate interests (for example, to perform audits to ensure that our counterparties are complying with their obligations under the contract) (c) Necessary to comply with a legal obligation (for example, our obligations under the <i>Financial Intelligence Centre Act, 2001</i> or the <i>Value-Added Tax Act, 1991</i> )
<b>D. General</b>		
To manage our relationship with you which may include: (a) Notifying you about changes to our terms or privacy statement (b) Asking you to leave a review or take a survey	(a) Identity (b) Contact (c) Profile (d) Marketing and Communications	(a) Performance of a contract with you (b) Necessary to comply with a legal obligation (c) Necessary for our legitimate interests (to keep our records updated and to study how customers use our products/services)

To enable you to partake in a prize draw, competition or complete a survey	(a) Identity (b) Contact (c) Profile (d) Usage (e) Marketing and Communications	(a) Performance of a contract with you (b) Necessary for our legitimate interests (to study how customers use our products/services, to develop them and grow our business)
To make suggestions and recommendations to you about goods or services that may be of interest to you	(a) Identity (b) Contact (c) Technical (d) Usage (e) Profile (f) Marketing and Communications	Necessary for our legitimate interests (to develop our products/services and grow our business)

**Marketing (if applicable to our relationship with you)**

We strive to provide you with choices regarding certain personal information uses, particularly around marketing and advertising.

We may use your Identity, Contact, Technical, Usage and Profile Information to form a view on what we think you may want or need, or what may be of interest to you. This is how we decide which products, services and offers may be relevant for you (we call this marketing).

You may receive our marketing communications if you have engaged with, requested information, or purchased goods or services from us, and you have not opted out of receiving that marketing. We will get your express opt-in consent before we share your personal information with any third party for marketing purposes.

You can ask us or third parties to stop sending you marketing messages at any time by logging into the website and checking or unchecking relevant boxes to adjust your marketing preferences **OR** by following the opt-out links on any marketing message sent to you **OR** by contacting us at any time.

Where you opt out of receiving these marketing messages, this will not apply to personal information provided to us as a result of a product/service used, product/service experience or other transactions.

**Cookies (if you are engaging with us via a website owned or controlled by us)**

You can set your browser to refuse all or some browser cookies, or to alert you when websites set or access cookies. If you disable or refuse cookies, please note that some parts of this website may become inaccessible or not function properly.

**Change of purpose**

We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If you wish to get an explanation as to how the processing for the new purpose is compatible with the original purpose, please contact us.

If we need to use your personal information for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so.

Please note that we may process your personal information without your knowledge or consent, in compliance with the above rules, where this is required or permitted by law.

## **6. Disclosures of your personal information**

We may share your personal information with the parties set out below for the purposes set out in the table Purposes for which we will use your personal information above (see section 4 of this privacy statement).

- Internal third parties namely: our employees or affiliates
- External third parties namely:
  - o Third parties in relation to the performance of any contract or business with you, or to whom we subcontract to provide our services, including IT service suppliers or financial institutions. We do not allow our third-party service providers to use your personal information for their own purposes and only permit them to process your personal information for specified purposes and in accordance with our instructions.
  - o Third parties, to whom we may choose to sell, transfer or merge parts of our business or our assets. Alternatively, we may seek to acquire other businesses or merge with them. If a change happens to our business, then the new owners may use your personal information in the same way as set out in this privacy statement.
  - o Legal advisers and insurers where necessary to investigate, exercise or defend claims and other professional advisers.
  - o Auditors where necessary to ensure proper functioning of the Anova business.
  - o Law enforcement bodies, where necessary to facilitate the prevention or detection of crime or the apprehension or prosecution of offenders.
  - o Public authorities, regulators and government bodies, where necessary for us to comply with our legal and regulatory obligations (for example, the Information Regulator), and in some cases contractual obligations
  - o Any other juristic or natural person for any authorised purpose with your express consent.

We require all third parties to respect the security of your personal information and to treat it in accordance with the law.

## **7. Cross-border transfers of personal information**

We do not transfer your personal information outside the Republic of South Africa.

## **8. Security**

We have put in place appropriate security measures to prevent your personal information from being lost, damaged, destroyed in an unauthorised way or accessed in an unauthorised way. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality.

We have put in place procedures to deal with any suspected data breach (that is, where we have reasonable grounds to believe that personal information is accessed or acquired by an unauthorised



person) and will notify you and any applicable regulator of a breach where we are legally required to do so.

## 9. Our retention of your personal information

### How long will you use my personal information for?

We will only retain your personal information for as long as reasonably necessary to fulfil the purposes we collected it for or subsequently processed, unless: the retention of the information is required or authorised by any legal or regulatory requirements; we reasonably require the information for lawful purposes relating to one of our functions or activities (for example in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you); the retention of the information is required by a contract entered into between us; or you consent to such retention of information.

We may also retain your personal information for a longer period for historical, statistical or research purposes only where we have implemented appropriate safeguards against your information being used for any other purpose (for example, by anonymising the information so that it can no longer be associated with you). To determine the appropriate retention period for personal information, we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal, regulatory or other requirements.

In some circumstances you can ask us to delete your information: see “*Your legal rights*” below for further information.

## 10. Your legal rights

Under certain circumstances, you have the following rights under applicable privacy laws in relation to your personal information:

- **Notification that your personal information is being collected.** When your personal information is collected, you have the right to be informed that your information is collected and where the information is not collected from you, you have the right to be informed of the source from whom/which it is collected.
- **Notification of security compromises.** Where reasonable grounds exist for us to believe that your personal information has been accessed or acquired by an unauthorised person, you have the right to be notified.
- **Request access to your personal information.** You have the right to confirm, free of charge, whether or not we hold any of your personal information, and to the extent that we do hold your information, to request a copy or description of that record for a prescribed fee **OR** free of charge. Please use this [e-mail](#) to submit an access request **OR** click [here](#) to view our PAIA Manual which sets out how you can request access to your information. You will be required to provide adequate proof of your identity so that we can confirm your identity and ensure your right to access your personal information. We may need to request other specific information from you to help us process your request. This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it. We may also contact you to ask you for further information in relation to your request to speed up our response.

- **Request correction of your personal information.** You have the right to request us to correct your personal information which we have in our possession, where it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.
- **Request destruction or deletion of your personal information.** You have the right to ask us to delete or remove your personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with the law. Note, however, that we may not always be able to comply with your request of destruction or deletion for specific legal reasons which will be notified to you, if applicable, at the time of your request.
- **Object to processing of your personal information.** You have the right to object to our processing of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information which override your right to object to processing.
- **Request restriction of processing your personal information.** This enables you to ask us to suspend the processing of your personal information in the following scenarios:
  - If you want us to establish the information's accuracy.
  - Where we no longer need the information for the purpose for which the information was initially collected but we need it for purposes of proof.
  - Where our use of the information is unlawful, but you do not want us to erase it.
  - If you want us to transmit your personal information into another automated processing system.
- **Withdraw consent.** You have the right to withdraw your consent at any time where we are relying on consent to process your personal information. However, this will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain products or services to you. We will advise you if this is the case at the time you withdraw your consent.
- **Submit a complaint to the Regulator.** You have the right to submit a complaint to the Information Regulator regarding an alleged interference with the protection of your personal information.
- **Institute civil proceedings.** You have the right to institute civil proceedings regarding the alleged interference with the protection of your personal information.

If you wish to exercise any of the rights set out above, please contact us.

### **Time limit to respond**

We try to respond to all legitimate requests as soon as is reasonably possible. Where your request is particularly complex or you have made a number of requests, we may take some time in process the request/s. In this case, we will notify you and keep you updated.

## 11. Glossary

**Information Regulator** means South Africa's Information Regulator appointed in terms of section 39 of POPIA;

**juristic entity/person** means a social entity, a community or an association of people which has an independent right of existence under the law. It can be 'the bearer of judicial capacities and subjective rights,' and the accompanying legal entitlements and obligations, just like a natural person;

**natural person** for the purposes of South African law, is a human being, recognised as a person;

**personal information** means all information relating to individuals that is processed in terms of this privacy statement, and where applicable, information relating to an identifiable, existing juristic person; and includes Identity Information, Contact Information, Financial Information, Transaction Information, Technical Information, Profile Information, Usage Information, Marketing and Communications Information, and Special Personal Information;

**POPIA** means the *Protection of Personal Information Act, 2013* and its regulations;

**process** 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, and **processing** and **processed** have corresponding meanings;

**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 and for the purposes of this privacy statement is Anova;

**special personal information** means personal information about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, biometric information or any other information that is deemed to be sensitive under applicable privacy laws.