



**POT10CHIL**  
CENTRE FOR THERAPY

# PRIVACY POLICY

for

# PO10CHIL CENTRE FOR THERAPY (PTY) LTD

Prepared in terms of the Protection of Personal Information Act 4 Of 2013 and incorporating provisions contained in the Promotion of Access to Information Act 2 of 2000 (as amended).

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**Please note:**

***This applies to how we collect, use and process your personal information. All of the provisions of this Privacy Policy are important, but please pay special attention to the parts that are in bold writing. These parts contain information about provisions that have special consequences for you and are only intended to bring such provisions to your attention, and, where necessary, to explain their fact, nature and effect. Where explanations are given, they may be in italics and bold writing. Such explanations are aids to understanding only and are not provisions themselves. They will be preceded by the words "Please note:". They do not limit the meaning or application of the provisions, and do not apply only to the situations and examples described or only to similar situations or examples.***

**1. LIST OF DEFINITIONS, ACRONYMS AND ABBREVIATIONS**

- 1.1. **“Associates”** means and includes the members, partners, directors, patients, agents, employees, consultants of Po10chil; if and when applicable;
- 1.2. **“Cookie”** means a small file that is placed on your device when you visit a website. In this Policy, a reference to a "Cookie" includes analogous technologies such as web beacons and clear Graphic Interchange Format files ("GIFs"). You may disable “cookies” by following the instructions to disable it on any of your devices;
- 1.3. **“CEO”** Chief Executive Officer;
- 1.4. **“DIO”** Deputy Information Officer;
- 1.5. **“IO”** Information Officer;
- 1.6. **“Minister”** Minister of Justice and Correctional Services;
- 1.7. **“Operator”** means any person or entity that Processes Personal Information on behalf of the Responsible Party;
- 1.8. **“PAIA”** *Promotion of Access to Information Act, 2 of 2000* (as amended) (also referred to as “the Act”);



- 1.9. **"Personal Information"** means information that is about any individual, or from which any individual is directly or indirectly identifiable, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that individual – which includes children;
- 1.10. **"Po10chil"** Po10chil Centre for Therapy Proprietary Limited trading as Po10chil Educational Centre; and trading as Po10chil Centre for Play Therapy;
- 1.11. **"POPIA"** *Protection of Personal Information Act, 4 of 2013;*
- 1.12. **"Process"** Includes "Processing" or "Processed" means anything that is done with any Personal Information, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;
- 1.13. **"Regulator"** Information Regulator;
- 1.14. **"Republic"** The Republic of South Africa;
- 1.15. **"Responsible Party"** means the entity that decides how and why Personal Information is Processed – For purposes of this Privacy Policy it is Po10chil;
- 1.16. **"Sensitive 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, national identification number, or any other information that may be deemed to be sensitive under applicable law;

1.17. **"Service Provider"** third party providers of various services whom we, engage including, but not limited to, providers of information technology, communication, file storage, data storage, copying, printing, accounting or auditing services, counsel, experts, investigators, attorneys, legal advisors, translators, taxation consultants and our insurers and professional advisors; and

1.18. **"Website"** means [www.po10chiltherapy.co.za](http://www.po10chiltherapy.co.za) or our social media platforms, operated, or maintained, by us or on our behalf.

## 2. INTRODUCTION

2.1. **PO10CHIL CENTRE FOR THERAPY PROPRIETARY LIMITED**, registration number 2024/110741/07 ("**Po10chil**" or "**we**" or "**us**" or "**our**") conducts its business as a therapy practice with offices at 39a Kingfisher Drive, Fourways, Sandton. We are a responsible party (or data controller, in some jurisdictions) in respect of your (included in the definition of "**you**" and "**your**", is your child/ren) Personal Information defined below, and Special Personal Information also defined below, which means that we determine the purpose of and means for processing your Personal Information.

2.2. June Elaine Rheeder is the Data Protection Officer and Information Officer as envisaged in the *Protection of Personal Information Act 4 of 2013*.

2.3. We are committed to protecting and respecting your privacy. We strive to ensure that our use of your Personal Information is lawful, reasonable, and relevant to our business activities, with the goal of improving our services and your experience.



2.4. You may contact our Information Officer at [info@po10chiltherapy.co.za](mailto:info@po10chiltherapy.co.za) to discuss this Privacy Policy or your rights under data protection legislation applicable to you.

2.5. This Privacy Policy is available on our website and at our head office.

2.6. This Privacy Policy describes how we will treat your Personal Information whether provided by you to us or collected by us through other means when you engage with us in your ordinary use of our products and services, in providing us with your products and services, or in accessing our website.

2.7. This Privacy Policy must be read together with any other documents or agreements which may be entered into between you and us and which describe the way we collect or process your Personal Information. This will enable you to understand the way in which we will process your Personal Information. This Privacy Policy supplements such agreements, but does not supersede them and in the event of any conflict, ambiguity or inconsistency between this Privacy Policy and any agreements, such documents shall be construed in the following order of priority:

2.7.1. this Privacy Policy; and

2.7.2. the agreements.

### **3. CONSENT TO THE PROCESSING OF YOUR PERSONAL INFORMATION**

3.1 By providing us with your and / or your child's Personal Information, you: –

3.1.1 agree to the terms and conditions set out in this Privacy Policy and authorise us to retain, process, use and disseminate such information as set out herein; and

3.1.2 authorise Po10chil, our Staff, Members, Service Providers and other third parties to use, disseminate and process your and /or your child's Personal Information for the purposes stated in this Policy.



- 3.2 We will not use your and/or your child's Personal Information for any other purpose than that set out in this Policy and will endeavour to protect your Personal Information and that of your child, that is in our possession, from unauthorised alteration, loss, disclosure, use, dissemination, or access.
- 3.3 Please note that we may review and update this Policy from time to time. The latest version of this Policy is available on request, free of charge, at our offices and available on our Website. See our contact details herein below.
- 3.4 This Policy applies to our franchises, employees, patients and all external parties with whom we interact, including but not limited to our consultants, agents, individuals, representatives of organisations, visitors to our offices and visitors to our website and social media platforms.
- 3.5 We may collect, obtain, receive, record, organise, collate, store, update, change, retrieve, read, process, use and share your Personal Information in the ways set out in this Privacy Policy. When we do one or more of these actions with the Personal Information, we are "**Processing**" your Personal Information (and "**process**" has a corresponding meaning).
- 3.6 If you are concerned about any aspect of this Privacy Policy as it relates to your Personal Information, please do not continue to engage with us or use our products and services.
- 3.7 We may, where permitted or required to do so by applicable law, process your Personal Information without your knowledge or permission, if sufficient grounds of justification are present, and we will do so in accordance with the further provisions of this Privacy Policy.

#### **4. APPLICATION OF PRIVACY POLICY**

- 4.1 This Privacy Policy applies to the processing by us or on our behalf, and our successors-in-title, of the Personal Information relating to you, being a user who accesses and/or uses our website or our products and services, or a provider of products and services to us, clients, suppliers, employees, former employees, prospective employees and other data subjects that engage with us.



## 5. TYPES OF PERSONAL INFORMATION

5.1 We may process various types of Personal Information about you, as follows:

- 5.1.1 **Identity Information**, which includes information concerning your name, username or similar identifier, marital status, title, occupation, interests, date of birth, gender, race and legal status, as well as copies of your identity documents, photographs, identity number, registration number and your qualifications.
- 5.1.2 **Contact Information**, which includes your billing addresses, delivery addresses, email addresses and telephone numbers.
- 5.1.3 **Financial Information**, which includes bank account details; insurance information, financial statements, tax clearance certificates, income tax and VAT registration numbers.
- 5.1.4 **Transaction Information**, which includes details about payments made to or received from you and company information, which may consist of financial activity.
- 5.1.5 **Technical Information**, to the extent applicable, which includes your internet protocol (IP) address, your login data, 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 our website or to use our products and services or engage with us.

## 6. SPECIAL PERSONAL INFORMATION

6.1 We hereby notify you that, in certain circumstances, by engaging with us, we may collect certain Special Personal Information about you. "**Special Personal Information**" refers to details about your religious or philosophical beliefs, race or ethnic origin, health or sex life, biometric information or information about your criminal offences or convictions.



6.2 The processing of Special Personal Information requires higher levels of protection. We need to have further justifications for processing Special Personal Information. We have implemented appropriate policies and safeguards, which we are required by law to maintain, to process Special Personal Information.

## 7. PURPOSES OF PROCESSING AND LEGAL BASES FOR PROCESSING

7.1 We will process your and / or your child's Personal Information in the ordinary course of operating Po10chil. We will primarily use your and / or your child's Personal Information only for the purpose for which it was originally or primarily collected.

7.2 We will use your and / or your child's Personal Information for a secondary purpose only if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the Personal Information was collected. We may subject your Personal Information to processing, use and / or dissemination, and during the course of various activities, including, without limitation, the following: -

7.2.1 operating Po10chil;

7.2.2 analysis, evaluation, review and collation of information in order to determine legal issues and potential disputes, prepare or comment on opinions, memoranda, agreements, correspondence, reports, publications, documents relating to legal proceedings and other documents and records (whether in electronic or any other medium whatsoever);

7.2.3 compliance with applicable law and fraud prevention;

7.2.4 transfer of information to our Service Providers and other third parties; and / or

7.2.5 recruitment.

7.3 We may process your Personal Information for relationship management and marketing purposes in relation to our services (including, but not limited to,



processing that is necessary for the development and improvement of our Therapy Centre), for accounts management, and for marketing activities in order to establish, maintain and/or improve our relationship with you and with our Service Providers. We may also analyse your Personal Information for statistical purposes.

7.4 We may process your Personal Information for internal management and management reporting purposes, including but not limited to: conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and for management reporting analysis.

7.5 We may Process your Personal Information for safety and security purposes.

## **8. PROCESSING OF SPECIAL PERSONAL INFORMATION**

8.1 Where and when we need to process, disseminate and / or use your and / or your child's Sensitive Personal Information, we will do so in the ordinary course of the operation of Po10chil, for a legitimate purpose, and in accordance with applicable law.

8.2 We will generally not process Special Personal Information about you unless it is necessary for establishing, exercising or defending a right or obligation in law, or where we have obtained your consent to do so.

8.3 On rare occasions, there may be other reasons for processing your Special Personal Information, such as where the information has been deliberately made public by you. The situations in which we may process your Special Personal Information include the following:

8.3.1 as part of the recruitment and hiring process, we may process information relating to your race or any criminal behaviour on your part;

8.3.2 as part of the know your client (KYC) processes and customer due diligence (CDD) checks;



- 8.3.3 we may process information relating to your health as part of our screening processes when accessing our premises, to comply with Covid-19 regulations and protocols; and
- 8.3.4 we may process information which indicates your religious beliefs (for example, when you attend certain specified event or therapy sessions.

## 9. COLLECTION OF PERSONAL INFORMATION

Having regard to sections 6, 8, 9 and 10 of the Children's Act, Act 38 of 2005 as amended, (regarding the consent required by children and rights of children) and in general; -

9.1 We collect your Personal Information in the following ways:

- 9.1.1 through direct or active interactions with you;
- 9.1.2 through automated or passive interactions with you; and
- 9.1.3 from third parties and public sources.

9.2 We may collect or obtain Personal Information about you / our patients: -

- 9.2.1 directly from you and / or your child;
- 9.2.2 in the course of our relationship with our patients;
- 9.2.3 in the course of treating you and rendering and promoting our services;
- 9.2.4 when you make your Personal Information public;
- 9.2.5 when you visit and/or interact with our Website or our various social media platforms;
- 9.2.6 when you interact with any third-party content and / or from any third-party (e.g., law enforcement authorities);



- 9.2.7 when you register to use any of our services, buy our products, including but not limited to our products, newsletters and updates;
- 9.2.8 when you and / or your child attend any activity and / or event of whatsoever nature at Po10chil and / or presented and/or organised by Po10chil; and
- 9.2.9 when you visit our Centre and / or grant you access to our premises.
- 9.3 In addition to the above, we may create Personal Information about you such as records of your communications and interactions with us, including, but not limited to, electronic communications, your attendance at events or at interviews in the course of applying for a job with us, other mailings and interactions with you and also during the course of our digital and other marketing campaigns in any form.
- 9.4 We also collect Personal Information when you complete and submit onboarding forms such as KYC forms, CDD checks, and vendor forms. Further through any correspondence via email, telephone calls, feedback forms, registering for and attending events, giving us your business card etc.
- 9.5 If you contact us, we reserve the right to retain a record of that correspondence in accordance with any record retention policy, as may be applicable, from time to time, and applicable data protection legislation, which may include Personal Information.
- 9.6 The Personal Information that we actively collect from you may include any of the Personal Information listed in this Privacy Policy and, in some instances, certain Special Personal Information listed in this Privacy Policy.
- 9.7 We receive Personal Information and Special Personal Information about you from various third parties including recruitment agencies, suppliers of background checks services and publicly available sources.

## 10. UTILISATION OF PERSONAL INFORMATION

- 10.1 We use your Personal Information for the following purposes:



- 10.1.1 to provide remedial and play therapy related services to our clients;
- 10.1.2 in relation to matter-related documents and information, for research, referencing and drafting (i.e. documents / reports are re-used for know-how purposes);
- 10.1.3 to comply with our regulatory reporting obligations;
- 10.1.4 to comply with our statutory obligations, including client identification and verification as part of our KYC and CDD obligations, and screening clients and visitors' health when accessing our premises to comply with Covid-19 regulations and protocols;
- 10.1.5 to conduct the recruitment and hiring processes, which includes conducting criminal record and credit checks (where appropriate), the capturing of a job applicant's details and providing status updates to job applicants;
- 10.1.6 in relation to supplier information, to create supplier profiles on our systems, pay suppliers, and for general supplier administration;
- 10.1.7 to maintain and update our client, or potential client databases;
- 10.1.8 to maintain and update our supplier database;
- 10.1.9 to detect, prevent or manage actual or alleged fraud, security breaches or the abuse, misuse or unauthorised use of our systems and files, our website and/or contraventions of this Privacy Policy or the agreements;
- 10.1.10 for security, administrative and legal purposes;
- 10.1.11 for client relations purposes, which may include storage of clients' marital status and birthdates;
- 10.1.12 to communicate with you and retain a record of our communications with you and your communications with us;



10.1.13 to fulfil any contractual obligations that we may have to you or any third party;

10.1.14 to invite you to webinars, functions or events that we may host; and

10.1.15 for other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our services and/or our business activities or such other purpose for which it was collected.

10.2 We will obtain your permission before collecting or using your Personal Information and/or Special Personal Information for any other purpose.

## **11. CATEGORIES OF PERSONAL INFORMATION**

11.1 We may use, retain and process the following categories of Personal Information about you and/or your child-

11.1.1 personal details: full name and surname, photographs, video material and medical information, inclusive of but not limited to existing and future medical records and medical information, future medical records and information, health, and at any time, information regarding mental and/or psychological state, health and condition;

11.1.2 demographic information: gender, date of birth / age, nationality, culture, ethnicity, religion, salutation, title, and language preferences;

11.1.3 identifier information: passport or national identity number, utility provider details;

11.1.4 contact details: correspondence address, telephone number, mobile number, email address, and details of your public social media profile(s);

11.1.5 attendance records: details of meetings and other events organised by or on behalf of Po10chil that you may and / or may not have attended;



- 11.1.6 consent records: records of any consents you may have given, together with the date and time, means of consent and any related information;
- 11.1.7 payment details: billing address; payment method, bank account number or credit card number, invoice records, payment records, SWIFT details, IBAN details, payment amount, payment date, and records of cheques and EFT payments;
- 11.1.8 data relating to your visits to our Website and or social media platforms, your device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to a Website and / or social media platform, and other technical communications information;
- 11.1.9 employer details: where you interact with us in your capacity as an employee of an organisation, the name, address, telephone number and email address of your employer, to the extent relevant; and
- 11.1.10 content and advertising data: records of your interactions with our online advertising and content, records of advertising and content displayed on pages displayed to you, and any interaction you may have had with such content or advertising (including, but not limited to, mouse hover, mouse clicks and any forms you complete).

11.2 We will obtain your permission before collecting or using your Personal Information and /or Special Personal Information for any other purpose.

## **12. COMPULSORY PERSONAL INFORMATION**

12.1 The following information is compulsory Personal Information:

- 12.1.1 your full legal name/s and surname;
- 12.1.2 your contact details, such as your email address and/or your telephone number; and



12.1.3 depending on the nature of your engagement or relationship with us, other types of Personal Information that may be necessary.

12.2 All other Personal Information is optional. If you do not agree to share the abovementioned compulsory Personal Information with us, then you will not be able to engage with us, supply your products or services to us or make full use of our products and services. If you do not agree to share your optional information with us, then you might not be able to engage with us fully, be paid for your products and services or receive complete and accurate products and services from us.

***Please note:***

***In the clause above, you agree and accept that there is certain compulsory Personal Information you must provide us with if you want to engage with us fully, supply your products or services to us. If you decide not to provide us with such compulsory Personal Information, you agree that we may limit our engagement with you, our procurement of your goods and services.***

### **13. SHARING OF YOUR PERSONAL INFORMATION**

13.1 We may disclose your Personal Information to our associates, agents and service providers, for legitimate business purposes, in accordance with applicable law and subject to applicable professional and regulatory requirements regarding confidentiality. In addition, we may disclose your Personal Information; -

13.1.1 if required by law;

13.1.2 legal and regulatory authorities, upon request, or for the purposes of reporting any actual or suspected breach of applicable law and / or regulation;

13.1.3 third party Operators (including, but not limited to, data processors such as providers of data hosting services and document review technology and services), located anywhere in the world;



- 13.1.4 where it is necessary for the purposes of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;
  - 13.1.5 to any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including, but not limited to, safeguarding against, and the prevention of threats to, public security;
  - 13.1.6 to any relevant third party acquirer(s), in the event that we sell or transfer all or any portion of our business or assets (including, but not limited to, in the event of a reorganization, dissolution or liquidation); and
  - 13.1.7 to any relevant third-party provider, where our Website and / or social media platforms uses third party advertising, plugins or content.
- 13.2 If we engage a third party Operator to process any of your Personal Information, we recognise that any Operator who is in a foreign country must be subject to a law, binding corporate rules or binding agreements which provide an adequate level of protection similar to POPIA. We will review our relationships with Operators we engage and, to the extent required by any applicable law if force, we will require such Operators to be bound by contractual obligations to:
- 13.2.1 only Process such Personal Information in accordance with our prior written instructions; and
  - 13.2.2 use appropriate measures to protect the confidentiality and security of such Personal Information.
- 13.3 We will not intentionally disclose your Personal Information, whether for commercial gain or otherwise, other than with your permission, as permitted by applicable law or in the manner as set out in this Privacy Policy.
- 13.4 You agree and give permission for us to share your Personal Information under the following circumstances:



- 13.4.1 with our agents, professional correspondents, franchisees, colleagues, advisers and suppliers that have agreed to be bound by applicable data protection legislation and this Privacy Policy or similar terms, which offer a similar level of protection as this Privacy Policy;
- 13.4.2 with our employees, suppliers, consultants, contractors and agents if and to the extent that they require such Personal Information in order to process it for us and/or in the provision of services for or to us, which include know-how and research, pitching to other clients to obtain further instructions; reporting purposes (e.g. the South African Revenue Service and the FIC); hosting, development and administration, technical support and other support services relating to our website or the operation of our business. We will authorise any Personal Information processing done by a third party on our behalf, amongst other things by entering into written agreements with those third parties governing our relationship with them and containing confidentiality; non-disclosure and data protection provisions. Such persons may be disciplined, their contracts terminated or other appropriate action taken if they fail to meet their obligations;
- 13.4.3 to enable us to enforce or apply our terms and/or any agreement you have with us;
- 13.4.4 to protect our rights, property or safety or that of our clients, employees, contractors, suppliers, agents and any other third party; and
- 13.4.5 with governmental agencies and other regulatory or self-regulatory bodies, if required to do so by law or when we reasonably believe that such action is necessary to:
  - 13.4.5.1. comply with the law or with any legal process;
  - 13.4.5.2. protect and defend our rights, property or the safety of our clients, employees, contractors, suppliers, agents or any third party;
  - 13.4.5.3. detect, prevent or manage actual or alleged fraud, security breaches, technical issues, or the abuse, misuse or



unauthorised use of or contraventions of this Privacy Policy;  
and / or

13.4.5.4. protect the rights, property or safety of members of the public.

13.5. We will get your permission before disclosing your Personal Information to any third party for any other purpose, if we are required by law to do so.

## **14. STORAGE AND TRANSFER OF YOUR PERSONAL INFORMATION**

14.1. We store your Personal Information on:

14.1.1. our premises, in the form of hard copies;

14.1.2. the premises of third-party service providers such as document storage service providers;

14.1.3. our servers / cloud-based storage facilities; and / or

14.1.4. on the servers of our third-party service providers, such as IT systems or hosting service providers.

14.2. In the event of the scenarios contemplated in clauses 14.1.2 and 14.1.4, we will ensure that we have entered into written agreements with those third-party service providers governing our relationship with them that require them to secure the integrity and confidentiality of Personal Information in their possession by taking appropriate, reasonable technical and organisational measures.

## **15. INTERNATIONAL TRANSFER OF PERSONAL INFORMATION**

15.1 From time to time, we and our service providers may need to transfer to and/or store your Personal Information on servers in a jurisdiction other than where it was collected (i.e. outside of South Africa and in the cloud) and we hereby notify you that such jurisdiction may not have comparable data protection legislation.

15.2 If the location to which Personal Information is transferred and/or is stored does not have substantially similar laws to those of South Africa, which provide for the



protection of Personal Information, we will take reasonably practicable steps, including the imposition of appropriate contractual terms to ensure that your Personal Information is adequately protected in that jurisdiction.

## **16. SECURITY OF DATA AND INFORMATION**

16.1. We implement appropriate technical and organisational security measures to protect our patients' Personal Information that is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law. We keep hard copies and documentation containing Personal Information, especially that of children under safe lock and key to which only authorised persons have access to. Electronic data is protected by regular password changes and firewalls.

16.2. Where there are reasonable grounds to believe that your Personal Information that is in our possession has been accessed or acquired by any unauthorised person, we will notify the relevant Regulator and you, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs us that notifying you will impede a criminal investigation.

16.3. Because the internet is an open system, the transmission of information via the internet is not completely secure. Although we will implement all reasonable measures to protect your Personal Information that is in our possession, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during the course of such transmission.

16.4. When you are using our website or other social media platforms you could be directed to other sites that are beyond our control. We are not responsible for the content or the privacy policies of those third-party websites.

16.5. We take reasonable technical and organisational measures to secure the integrity of your Personal Information and using accepted technological standards to prevent unauthorised access to or disclosure of your Personal Information, and protect your Personal Information from misuse, loss, alteration and destruction.



- 16.6. We review our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.
- 16.7. We also create a back-up of your information for operational, business continuity and safety purposes and we have a back-up disaster recovery program.
- 16.8. **Despite the above measures being taken when processing Personal Information and Special Personal Information, as far as the law allows, we will not be liable for any loss, claim and/or damage arising from any unauthorised access, disclosure, misuse, loss, alteration or destruction of your Personal Information and/or Special Personal Information.**
- 16.9. We have implemented policies and procedures to address actual and suspected data breaches and undertakes to notify you and the relevant regulatory authorities of breaches in instances in which we are legally required to do so and within the period in which such notification is necessary.

***Please Note:***

***In this clause, you acknowledge that you know and accept that technology is not absolutely secure and there is a risk that your Personal Information and Special Personal Information will not be secure when processed by means of technology. We do not promise that we can keep your Personal Information and Special Personal Information completely secure. To the maximum extent permitted by law, you will not be able to take action against us if you suffer losses or damages in these circumstances.***

## **17. RETENTION OF YOUR PERSONAL INFORMATION**

- 17.1. We may keep your Personal Information for as long as you continue to engage with us, provide services or products to us, or use our products and services or for as long as reasonably necessary or until you contact us and ask us in writing to destroy it.
- 17.2. Aside any other clause in this Privacy Policy, we may retain and process some or all of your Personal Information if and for as long as:



17.2.1. we are required or permitted by law, a code of conduct or a contract with you to do so;

17.2.2. we reasonably need it for lawful purposes related to the performance of our functions and activities; and / or

17.2.3. we reasonably require it for evidentiary purposes.

17.3. To determine the appropriate retention period for Personal Information, we will consider, among other things, the nature and sensitivity of the Personal Information, the potential risks or harm that may result from its unauthorised use or disclosure, the purposes for which we process it and whether those purposes may be achieved through other means. We will always comply with applicable legal, regulatory, tax, accounting or other requirements as they pertain to the retention of Personal Information, as well as our record retention policy.

## **18. MAINTENANCE OF YOUR PERSONAL INFORMATION**

18.1. Where required by law, we will take all reasonable steps to ensure that your Personal Information is accurate, complete, not misleading and up to date.

18.2. We acknowledge that you may have rights of access to, and the right to rectify, your Personal Information, and rights to object to the processing of your Personal Information in certain circumstances.

18.3. You must advise us if any of the Personal Information that we have about you is incorrect, incomplete, misleading or out of date, by notifying us.

18.4. Where required by law, we will take reasonable steps to correct or update your Personal Information accordingly, having regard to the purpose for which such Personal Information was collected or used.

## **19. YOUR RIGHTS**

19.1 Data protection legislation may confer certain rights on you in respect of your Personal Information. You may have rights under the South African and other laws to have access to your Personal Information and to ask us to rectify, erase and



restrict use of your Personal Information. You may also have rights to object to your Personal Information being used, to ask for the transfer of Personal Information you have made available to us and to withdraw consent to the use of your Personal Information. You may, therefore, on reasonable grounds, object to us using your Personal Information. If you object, we will stop using your personal information, except if the law allows its use.

19.2 We aim to be clear about what Personal Information we collect so that you can make meaningful choices about what Personal Information you make available to us. You may, for example:

19.2.1 **Request access to your Personal Information** (commonly known as a "data subject access request"), which indicates what Personal Information we have about you;

19.2.2 **Request the correction of your Personal Information**, in order to ensure that any incomplete or inaccurate Personal Information is corrected;

19.2.3 **Request erasure of your Personal Information**, where there is no lawful basis for the retention or continued processing of it;

19.2.4 **Object to the processing of your Personal Information** for 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 as you feel it impacts on your fundamental rights and freedoms;

19.2.5 **Request restriction of processing of your Personal Information**. This enables you to ask us to suspend the processing of your Personal Information in limited circumstances, which may differ by jurisdiction;

19.2.6 **Withdraw consent which you previously gave to the processing of your Personal Information at any time**. You may withdraw your consent for us to process your Personal Information at any time. The withdrawal of your consent can only be made by you on condition that such withdrawal of your consent:



- 19.2.6.1 does not affect the processing of your Personal Information before the withdrawal of your consent;
- 19.2.6.2 does not affect the processing of your Personal Information if the processing is in compliance with an obligation imposed by law on us;
- 19.2.6.3 does not affect the processing of your Personal Information where such processing is necessary for the proper performance of a public law duty by a public body;
- 19.2.6.4 does not affect the processing of your Personal Information as required to finalise the performance of a contract in which you are a party; and / or
- 19.2.6.5 does not affect the processing of your Personal Information as required to protect your legitimate interests or our own legitimate interests or the legitimate interests of a third party to whom the information is supplied.

19.2.7 Withdrawal of consent may limit our ability to provide certain products and services to you or the ability of a third party to provide certain products or services to you but will not affect the continued processing of your Personal Information in instances in which your consent is not required; and

19.2.8 **Institute civil proceedings** regarding an alleged interference with the protection of your Personal Information processed in accordance with this Privacy Policy.

19.3 As far as the law allows, we may charge a fee for attending to any of the above requests, and we may refuse to carry out any of your requests in whole or in part.

## 20. CHANGES TO THIS PRIVACY POLICY

20.1 To the extent allowed by the law, this Privacy Policy may be amended and updated from time to time in our sole discretion, without notice, provided that if we do so,



we will post the revised policy on our website. Accordingly, please periodically check our Privacy Policy on our website.

20.2 If you continue to engage with us, provide products or services to us or use our products and services after amendments are made to the Privacy Policy and displayed on this Website, you will be deemed to have accepted the updated Privacy Policy.

## **21. CHILDREN'S INFORMATION**

21.1 Po10chil in the course of business operations, has to and will collect, disseminate and / or use personal and sensitive information of children (persons under the age of 18 years). We shall do so with express consent of a parent or guardian of such child and / or where relevant and applicable the express consent of such child and / or if the law otherwise allows or requires us to process, use and / or disseminate such personal information regarding any child patient of Po10chill. This shall always be done in accordance with applicable law.

21.2 Our products or services are targeted at children under the age of 18.

21.3 We may process Personal Information of children with the consent of a competent person or to comply with an obligation in law.

21.4 We will not knowingly collect Personal Information of persons in this age group without express consent to do so or without a legal obligation to do so.

21.5 For any questions in respect of the processing of Personal Information of children, please contact the Information Officer or the Deputy Information Officer on [info@po10chiltherapy.co.za](mailto:info@po10chiltherapy.co.za).

## **22. DIRECT MARKETING**

22.1 We may Process your Personal Information for the purposes of providing you with information regarding services that may be of interest to you. You may unsubscribe for free at any time.



22.2 If you currently receive marketing information from us which you would prefer not to receive in future please notify us at [info@po10chiltherapy.co.za](mailto:info@po10chiltherapy.co.za).

## 23. CONSUMER PROTECTION ACT AND OTHER LAWS

23.1 If this Privacy Policy or any provision in this Privacy Policy is regulated by or subject to the *Consumer Protection Act*, 68 of 2008, POPIA or other laws, it is not intended that any provision of this Privacy Policy contravenes any provision of the Consumer Protection Act, POPIA or such other laws. Therefore, all provisions of this Privacy Policy must be treated as being qualified, to the extent necessary, to ensure that the provisions of the Consumer Protection Act, POPIA and such other laws are complied with.

23.2 No provision of this Privacy Policy:

23.2.1 does or purports to limit or exempt us from any liability (including, without limitation, for any loss directly or indirectly attributable to our gross negligence or wilful default or that of any other person acting for or controlled by us) to the extent that the law does not allow such a limitation or exemption;

23.2.2 requires you to assume risk or liability for the kind of liability or loss, to the extent that the law does not allow such an assumption of risk or liability; and / or

23.2.3 limits or excludes any warranties or obligations which are implied into this Privacy Policy by the Consumer Protection Act (to the extent applicable), POPIA (to the extent applicable), or other applicable laws or which we give under the Consumer Protection Act (to the extent applicable), POPIA (to the extent applicable), or other applicable laws, to the extent that the law does not allow them to be limited or excluded.

## 24. DATA ACCURACY

24.1 The Personal Information provided to Po10chil should be accurate, complete and up-to date.



24.2 Should Personal Information change, the onus is on the provider of such data to notify Po10chil of the change and provide it with the accurate data.

## **25. DATA MINIMISATION**

Po10chil will restrict its processing of Personal Information to data which is sufficient for the fulfilment of the primary purpose and applicable legitimate purpose for which it was collected.

## **26. COOKIES AND SIMILAR TECHNOLOGIES POLICY**

26.1 We may Process your Personal Information by our use of Cookies and similar technologies in future.

26.2 When you visit our Website and/or social media platforms, we may, in future, place Cookies onto your device, or read Cookies already on your device, subject always in accordance with applicable law. We may, in future, use Cookies to record information about your device, your browser and, in some cases, your preferences and browsing habits. We may, in future, process your Personal Information through Cookies and similar technologies, in accordance with our Cookie Policy, which Policy we shall make available via our websites and/or social media platforms if, and when applicable.

## **27. GENERAL**

27.1. You agree that this Privacy Policy, our relationship and any dispute of whatsoever nature relating to or arising out of this Privacy Policy whether directly or indirectly is governed by South African law, without giving effect to any principle of conflict of laws.

27.2. You agree that we may, at any time, transfer, cede, delegate or assign any or all of our rights and obligations under this Privacy Policy without your permission. We will notify you if we transfer, cede, delegate or assign any rights or obligations to a third party, but we do not have to notify you if we transfer, cede, delegate or assign any rights or obligations to any person which acquires all or part of our business and/or assets. We may in certain instances, also sub-contract our obligations, for example, engaging with external IT service providers or printers. Where we



engage such subcontractors, we will do so without your permission and we do not have to notify you if we sub-contract any of our obligations.

27.3. This Privacy Policy shall apply for the benefit of and be binding on each party's successors and assigns.

27.4. Our failure to exercise or enforce any right or provision of this Privacy Policy shall not constitute a waiver of such right or provision.

27.5. Each provision of this Privacy Policy, and each part of any provision, is removable and detachable from the others. As far as the law allows, if any provision (or part of a provision) of this Privacy Policy is found by a court or authority of competent jurisdiction to be illegal, invalid or unenforceable (including without limitation, because it is not consistent with the law of another jurisdiction), it must be treated as if it was not included in this Privacy Policy and the rest of this Privacy Policy will still be valid and enforceable.

## **28. CONTACT DETAILS OF INFORMATION OFFICER**

28.1 Information Officer / Data Protection Officer: June Elaine Rheeder;

28.2 Email: [info@po10chiltherapy.co.za](mailto:info@po10chiltherapy.co.za);

28.3 Mobile: 065 582 7830; and

28.4 Physical Address: 39A Kingfisher Drive, Fourways, Sandton, 2191.

## **29. QUERIES AND CONTACT DETAILS OF THE INFORMATION REGULATOR**

29.1. Should you feel that your rights in respect of your Personal Information have been infringed, please first address your concerns to the Information Officer or Deputy Information Officer at [info@po10chiltherapy.co.za](mailto:info@po10chiltherapy.co.za).

29.2. If you feel that the attempts by us to resolve the matter have been inadequate, you may lodge a complaint with the South African Information Regulator by accessing their website at [www.justice.gov.za/inforeg](http://www.justice.gov.za/inforeg).



29.3. If you are located outside of South Africa, you may contact the appropriate regulator in your country of domicile.

### 30. LODGING A COMPLAINT

30.1. You may lodge a complaint to the Information Regulator (South Africa) with the following contact details:

30.1.1. Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za);

30.1.2. General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za);

30.1.3. Website: <https://www.justice.gov.za/infoereg/index.html>; and

30.1.4. Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 P.O Box 31533, Braamfontein, Johannesburg, 2017.

30.2. If you are in the European Union or the United Kingdom, the following details may be used for the relevant regulatory authority the details of which can be found at:

[https://commission.europa.eu/about-european-commission/contact/problems-and-complaints/complaints-about-breaches-eu-law-member-states/how-make-complaint-eu-level\\_en](https://commission.europa.eu/about-european-commission/contact/problems-and-complaints/complaints-about-breaches-eu-law-member-states/how-make-complaint-eu-level_en).

**THUS APPROVED AND SIGNED ON THIS THE 4<sup>TH</sup> DAY OF APRIL 2024 BY THE INFORMATION OFFICER AND CO-OWNER OF PO10CHIL CENTRE FOR THERAPY (PTY) LTD, DULY AUTHORISED BY RESOLUTION:**



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**JUNE ELAINE RHEEDER**