

Respiratory Care Africa

Reg No: 1998/17606 | VAT No: 4940179676 | www.rca.co.za

CONSUMER EDUCATION PERSONAL INFORMATION PROCESSING NOTICE

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1. INTRODUCTION

Thank you for using our services. To provide these services, we will have to process your Personal Information in accordance with the applicable data processing laws, which require that we provide you with certain details on how we will be dealing with your personal information. This notice therefore sets out how we will be using and processing your Personal Information.

2. APPLICATION

This Processing Notice applies to the following Data Subjects:

Salon Owners;
Therapists of Salons;
Salon Owners;
International Educators;
International Distributors; and
Users of our products. (our customer)

We will, in order to provide you with our services in your capacity as our customer, hold and use your Personal Information, including your special personal such as your medical history and conditions, medical diagnosis and requirements, treatments and other information relating to your health.

3. PURPOSE

We need to process your personal information, including your special personal information, such as information relating to your health and medical records to enrol and accept you as our customer; and for the following specific purposes: to contact you in order to provide you with certain goods, services, advice and training which are specific to skincare therapist in the skincare industry;

- to educate you about our products and treatments, consumables & equipment (steamers, etc);
- to provide you with refreshing and upskilling services concerning our products and services, including treatments and facilities from a technical point of view;
- To assess you as a therapist/attendee/customer on your practical administration of our products and treatments, consumables & equipment (steamers, etc);
- Providing you with gifting (stock from warehouse) and catering; examining you and making certain diagnostics in relation to you and our requirements and your needs in respect of our products and services;
- To train you and to provide you with a training (Nimue) certificate
- To ensure that the salon owner/manager where you are employed are part of our communications with you at all times;
- To ensure that feedback reports are communicated;

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4. TYPES OF PERSONAL INFORMATION COLLECTED

In order to achieve the purposes, set out above, we will, without detracting from the generality thereof, use and process the following personal information:

- Name, Surname and Identity Number;
- Contact details; Personal Cellphone Nr; Personal Email Address
- Salon Name;
- Salon Owner Name, Telephone Nr, Salon Email Address;
- Medical aid or health insurance details;
- Medical history, including any medical records which may be in existence;
- Allergies;
- Opinions and preferences;
- Invoicing and payment method details;
- IP Address;
- Valid and accredited skincare qualification; other's contact details who we may contact in the case of an emergency;
- Previous facilities where you may have worked or where you have performed treatments;
- Employer details
- And in this regard you warrant that you have obtained such persons' permission to pass this information onto us.

5. WHEN THIS INFORMATION WILL BE COLLECTED AND USED?

We will collect personal and special personal information about you when you:

- Make an appointment to see us or when we make contact with you as our customer;
- Are registered on our systems and books as a customer;
- Receive any of our diagnostic or complementary services;
- Are referred by any organization for services;
- Require details about our products and services;
- Visit one of our websites;
- Use or request to use any of our online services;
- Fill in a form or survey for us;
- Carry out a transaction on our website;
- Make payments to us;
- Contact us, for example by email, telephone or social media;
- Participate in interactive features on any of our websites;
- Interact with us in general.

Please note in the interests of continually improving our services, calls and / or electronic communications may be monitored or recorded.

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6. LAWFUL BASIS AND AREAS WHERE WE MAY NEED YOUR CONSENT

In terms of the data privacy laws, including POPIA, in order to process your personal information, including your special personal information, such as your health details and / or conditions we either need your consent to process this information or we must have a legitimate and / or lawful basis for doing so which must be at least one of the following:

- The processing of your personal information is necessary for the performance or management of a contract;
- The processing of your personal information is necessary for the performance or management of a legal obligation or public law duty;
- The processing of your personal information is necessary for the protection of our / your or any third parties' legitimate interests.

In line with the above, we confirm that we will be processing your Personal Information for a number of legitimate and lawful reasons and purposes.

Where you are of the view that the processing of your personal information does not fall within any of the above areas, then you, by providing us with your personal information, give us the required consent to use and processing your personal information as described under this notice.

7. THE SECURITY AND STORAGE OF YOUR PERSONAL INFORMATION

Your Personal Information will be kept confidential and secure and will, unless you agree otherwise, only be used for the purpose(s) for which it was collected and in accordance with this processing notice, which has been done through the employment of appropriate organisational and technical security measures which are aimed at preventing unauthorized access or unlawful processing of your personal information and / or to prevent your personal information from being lost, destroyed or damaged.

Please note however, that where you make use of our websites or where the transmission of information via the internet is carried out, including the use of email, that in such case we cannot guarantee the security of your personal information as these electronic modes of transmission are not due to their nature completely secure and as a result the use of these systems will be at your own risk.

8. TRANSFERS OF PERSONAL INFORMATION OUTSIDE OF SOUTH AFRICA

Your personal information may be transferred to, and stored at, a destination outside of South Africa. It may also be processed by staff operating outside South Africa who work for us or for one of our suppliers. Where we transfer your personal information outside South Africa, we will endeavour to ensure that there are adequate protections in place for your rights, in accordance with POPIA. By submitting your Personal Information, and in providing any Personal Information to us, you agree to this transfer, storing or processing.

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9. DISCLOSURE OF YOUR PERSONAL INFORMATION

We may process and disclose your personal information to the extent necessary under the following circumstances:

- To confirm that you are a qualified skincare therapist in the skincare industry;
- To ensure that your details are correct when we issue you with a Nimue certificate;
- You ensure the salon owner/manager are part of communication with you at all times;
- To ensure that certificates and feedback reports are communicated personally with customers and in particular therapists as well as with the salon owners/managers,
- And to internal persons including our professional and administration staff and to certain third-party organizations who we use to support the delivery of our goods and services during our usual course of business;
- To facilities, including to their staff and healthcare providers, medical professionals such as doctors, pathologists, radiologists and therapists (and other allied healthcare professionals or auxiliary medical professionals);
- To clinical engineering and clinical equipment suppliers and maintenance technicians to the extent that your information is stored or recorded on any of the clinical equipment;
- To attorneys and other professionals for litigious or non-litigious reasons including in respect of instituting or defending any potential legal and/or medico-legal claims and/ or evaluating any treatment;
- To investigation teams in the event that an incident related to your treatment as part of quality control, internal complaints and incident investigation processes;
- To non-clinical third parties such auditors;
- To debt collectors in respect of any outstanding accounts, who are assisting us in recovering payment on the account from you to service providers for the purposes of conducting our post-discharge survey or for other marketing content, unless you have opted out of these activities;
- To business partners, suppliers and sub-contractors for the performance of a variety of services, including IT services and systems support and software development, and hosting, records management, delivery and transportation; marketing, etc;
- To regulators such as the Department of Health, the Health Professions Council or the NICD;
- In the event of an emergency and if you are incapacitated, to third parties on the basis of protecting your 'vital interest' (i.e. your life or your health);
- To service providers conducting audits, where we participate in national audits and initiatives to help ensure that patients are getting the best possible outcomes from their treatment and care, which information will be sent in an Anonymous, pseudonymous or aggregated format;
- To third parties in the event that we sell or buy any business or assets or where we are required by law to do;
- To CareConnect and other members of the health information exchange (such as other healthcare providers and medical schemes involved in your treatment and care), for the purposes of the health information exchange (HIE).

All your personal information when shared will be done subject to strict confidentiality conditions, and in accordance with all applicable laws, applicable clinical confidential guidelines and retention periods.

10. CCTV

Many of our premises are surveyed by CCTV for the purposes of security and the safe provision of care. Images and videos may be retained for a limited period.

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11. STATISTICAL AND RESEARCH PURPOSES

We may also retain your personal and health information for statistical, historical or research purposes. In such instances, we shall maintain the confidentiality of your information through adequate security measures such as de-identification or anonymisation of the information concerned.

12. YOUR RIGHTS

You have the following rights in relation to your personal information, where legally permissible:

- Right of access: the right to make a written request for details of your personal information and a copy of that personal information;
- Right to rectification: the right to have inaccurate information about you corrected or removed; right to erasure ('right to be forgotten'); the right to have certain personal information about you erased;
- Right to restriction of processing: the right to request that your personal information is only used for restricted purposes;
- Right to object: the right to object to processing of your personal information in cases where our processing is unlawful;
- Right to information portability: the right to ask for your personal information to be transferred to you or a third-party in machine-readable formats;
- Right to withdraw consent: the right to withdraw any consent you have previously given us.

Please note: Your rights are not absolute: they do not always apply in all cases and we will let you know in our correspondence with you how and whether we will be able to comply with your request. Should you wish to exercise any of the above rights you may contact the Information Officer at gustav@rca.co.za

Should you not be satisfied with the outcome, you also have the right to lodge a complaint regarding the processing of your Personal Information with the Information Regulator. In terms of POPIA, you are also entitled to direct a complaint to the Office of the Information Regulator see their Website: <http://www.justice.gov.za/infoereg/> for further details

13. CHANGES TO OUR PROCESSING NOTICE

We reserve the right to amend our Processing Notice from time to time without notice. As a result, we encourage you to review our website regularly.

14. PROCESSING OTHER PERSONS PERSONAL INFORMATION

If you process another's Personal Information on our behalf, or which we provide to you in order to perform your contractual or legal obligations or to protect any legitimate interest, you will:

- If you are processing such Personal Information as our Operator as defined under POPIA, process all and any such Personal Information in compliance with the obligations set out under our standard "Operator Agreement" housed on our website; or

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- Where not acting as an Operator, nonetheless keep such information confidential and secure as per POPIA and you will not, unless authorized to do so, process, publish, make accessible, or use in any other way such Personal Information unless in the course and scope of your duties, and only for the purpose for which the information has been received and granted to you, and related to the duties assigned to you.

15. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT

By providing the Company with the Personal Information which we require from you as listed under this Processing Notice:

- You acknowledge that you understand why your Personal Information needs to be processed;
- You accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information cross border;
- Where consent is required for any processing as reflected in this Processing notice, you agree that we may process this Personal Information.

Where you provide us with another person's Personal Information for processing, you confirm that that you have obtained the required permission from such person (s) to provide us with their Personal Information for processing.

The rights and obligations of the parties under this Processing Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable.

Should any of the Personal Information concern or pertain to a legal entity whom you represent, you confirm that you have the necessary authority to act on behalf of such legal entity and that you have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organization or entities' Personal Information.

END.