



## Privacy Policy

---

### **Meyer & Snyman Physiotherapy Inc.**

S Meyer, B.Sc Physiotherapy (UFS) and J Snyman, B.Sc Physiotherapy (UFS)  
Practice No. 839442 · 044 384 0919 · [info@meyersnymanphysiotherapy.co.za](mailto:info@meyersnymanphysiotherapy.co.za)  
Amble Ridge Retirement Village, Sunninghill Drive, Knysna · Western Cape

## Table of Contents

<b>1. Introduction</b>	3
<b>2. Privacy Policy</b>	3
2.1 The Protection of Personal Information Act 2013	3
2.2 Definitions	4
<b>3. Principles Relating to Processing of Personal information</b>	4
3.1 Personal information shall be:	4
3.2 The responsible party shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability').	5
<b>4. Rights of the Individual</b>	5
<b>5. Lawfulness of Processing</b>	6
5.1 Consent	6
5.2 Performance of a Contract	7
5.3 Legal Obligation	7
5.4 Vital Interests of the Data Subject	7
5.5 Task Carried Out in the Public Interest	7
5.6 Legitimate Interests	7
<b>6. Privacy by Design</b>	7
<b>7. Contracts Involving the Processing of Personal information</b>	8
<b>8. International Transfers of Personal information</b>	8
<b>9. Information Officer</b>	8
<b>10. Breach Notification</b>	8
<b>11. Addressing Compliance to the POPI Act</b>	8

### List of Tables

## 1. Introduction

In its everyday business operations Meyer & Snyman Physiotherapy Inc. Meyer & Snyman Physiotherapy Inc. makes use of a variety of data about identifiable individuals, including data about:

- Current, past and prospective employees
- Patients
- Partners including those whose information we process as an Operator in terms of the Protection of Personal Information Act
- Suppliers
- Users of its websites
- Subscribers
- Other stakeholders

In collecting and using this data, the practice is subject to the Protection of Personal Information Act, 2013 (POPIA) controlling how such activities may be carried out and the safeguards that must be put in place to protect it.

The purpose of this policy is to set out the requirements of the legislation and to describe the steps MEYER & SNYMAN PHYSIOTHERAPY INC. is taking to ensure that it complies.

This control applies to all systems, people and processes that constitute the practice's information systems, including board members, directors, patients, employees, suppliers and other third parties who have access to MEYER & SNYMAN PHYSIOTHERAPY INC. systems.

The following policies and procedures are relevant to this document:

- Incident Response Procedure
- Data subject request procedure
- Records Retention and Protection Policy
- Information Security Policy

## 2. Privacy Policy

### 2.1 The Protection of Personal Information Act 2013

The Protection of Personal Information Act, 2013, is one of the most significant pieces of legislation affecting the way that MEYER & SNYMAN PHYSIOTHERAPY INC. carries out its information processing activities. Significant fines are applicable if a breach is deemed to have occurred under the POPI Act, which is designed to protect the personal information of citizens of the Republic. It is MEYER & SNYMAN PHYSIOTHERAPY INC.'s policy to ensure that our compliance with the POPI Act and other relevant legislation is clear and demonstrable at all times.

Meyer & Snyman Physiotherapy Inc. acts as an operator on behalf of patients and in performing this role will always meet the compliance obligations of POPIA.

## 2.2 Definitions

There are many definitions listed within the POPI Act and it is not appropriate to reproduce them all here. However, the most fundamental definitions with respect to this policy are as follows:

**Personal Information is defined as:**

*any information relating to an identifiable, living natural person ('data subject'); and where applicable, an identifiable, existing juristic person; an identifiable natural person is one who can be identified, directly or indirectly, 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 natural person.*

**'processing' means:**

*any operation or set of operations which is performed on personal information or on sets of personal data, whether or not by automated means, such as collection, recording, practice, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;*

**'responsible party' means:**

*the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal information; where the purposes and means of such processing are determined by the POPI Act.*

**"operator" means:**

a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;

## 3. Principles Relating to Processing of Personal information

There are a number of fundamental principles upon which the POPI Act is based.

These are as follows:

### 3.1 Personal information shall be:

- (a) *processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');*
- (b) *collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for*

## Privacy Policy

*archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes ('purpose limitation');*

- (c) *adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');*
- (d) *accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal information that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');*
- (e) *kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal information are processed; personal information may be stored for longer periods insofar as the personal information will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and practical measures required by the POPI Act in order to safeguard the rights and freedoms of the data subject ('storage limitation');*
- (f) *processed in a manner that ensures appropriate security of the personal information, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or practical measures ('integrity and confidentiality').*

3.2 The responsible party shall be responsible for, and be able to demonstrate compliance with, paragraph 1 ('accountability').

MEYER & SNYMAN PHYSIOTHERAPY INC. will ensure that it complies with all of these principles and the 8 conditions for lawful processing, both in the processing it currently carries out and as part of the introduction of new methods of processing such as new IT systems.

## 4. Rights of the Individual

The data subject also has rights under the POPI Act. These consist of:

- a. The right to be informed
- b. The right of access
- c. The right to rectification
- d. The right to erasure
- e. The right to restrict processing
- f. The right to data portability
- g. The right to object
- h. Rights in relation to automated decision making and profiling.

## Privacy Policy

Each of these rights are supported by appropriate procedures within MEYER & SNYMAN PHYSIOTHERAPY INC. that allow the required action to be taken within the timescales stated in the POPI Act.

These timescales are shown in Table 1.

Data Subject Request	Timescale
The right to be informed	When personal information is collected (if supplied by data subject) or within one month (if not supplied by data subject)
The right of access	One month
The right to rectification	One month
The right to erasure	Without undue delay
The right to restrict processing	Without undue delay
The right to data portability	One month
The right to object	On receipt of objection
Rights in relation to automated decision making and profiling.	Not specified

Table 1 - Timescales for data subject requests

## 5. Lawfulness of Processing

There are various alternative ways in which the lawfulness of a specific case of processing of personal information may be established under the POPI Act. It is MEYER & SNYMAN PHYSIOTHERAPY INC. policy to identify the appropriate basis for processing and to document it, in accordance with the Regulation. The options are described in brief in the following sections.

### 5.1 Consent

Unless it is necessary for a reason allowable in the POPI Act, MEYER & SNYMAN PHYSIOTHERAPY INC. will always obtain explicit consent from a data subject to collect and process their personal information. In case of children below the age of 16 parental consent will be obtained. Transparent information about our usage of their personal information will be provided to data subjects at the time that consent is obtained and their rights with regard to their data explained, such as the right to withdraw consent. This information will be provided in an accessible form, written in clear language and free of charge.

If the personal information is not obtained directly from the data subject then this information will be provided to the data subject within a reasonable period after the data are obtained and definitely within one month.

## 5.2 Performance of a Contract

Where the personal information collected and processed are required to fulfil a contract with the data subject, explicit consent is not required. This will often be the case where the contract cannot be completed without the personal information in question e.g. a delivery cannot be made without an address to deliver to.

## 5.3 Legal Obligation

If the personal information is required to be collected and processed in order to comply with the law, then explicit consent is not required. This may be the case for some data related to employment and taxation for example, and for many areas addressed by the public sector.

## 5.4 Vital Interests of the Data Subject

In a case where the personal information are required to protect the vital interests of the data subject or of another natural person, then this may be used as the lawful basis of the processing. MEYER & SNYMAN PHYSIOTHERAPY INC. will retain reasonable, documented evidence that this is the case, whenever this reason is used as the lawful basis of the processing of personal data. As an example, this may be used in aspects of social care, particularly in the public sector.

## 5.5 Task Carried Out in the Public Interest

Where MEYER & SNYMAN PHYSIOTHERAPY INC. needs to perform a task that it believes is in the public interest or as part of an official duty then the data subject's consent will not be requested. The assessment of the public interest or official duty will be documented and made available as evidence where required.

## 5.6 Legitimate Interests

If the processing of specific personal information is in the legitimate interests of MEYER & SNYMAN PHYSIOTHERAPY INC. and is judged not to affect the rights and freedoms of the data subject in a significant way, then this may be defined as the lawful reason for the processing. Again, the reasoning behind this view will be documented.

## 6. Privacy by Design

MEYER & SNYMAN PHYSIOTHERAPY INC. has adopted the principle of privacy by design and will ensure that the definition and planning of all new or significantly changed systems that collect or process personal information will be subject to due consideration of privacy issues, including the completion of one or more personal information impact assessments.

## 7. Privacy Impact Assessment

The personal information impact assessment will include:

## Privacy Policy

- Consideration of how personal information will be processed and for what purposes.
- Assessment of whether the proposed processing of personal information is both necessary and proportionate to the purpose(s).
- Assessment of the risks to individuals in processing the personal information.
- What controls are necessary to address the identified risks and demonstrate compliance with legislation.

Use of techniques such as data minimization and pseudonymisation will be considered where applicable and appropriate.

### **8. Contracts Involving the Processing of Personal information**

MEYER & SNYMAN PHYSIOTHERAPY INC. will ensure that all relationships it enters into that involve the processing of personal information are subject to a documented contract that includes the specific information and terms required by the POPI Act.

### **9. International Transfers of Personal information**

Transfers of personal information outside the Republic will be carefully reviewed prior to the transfer taking place to ensure that they fall within the limits imposed by the POPI Act.

### **10. Information Officer**

A defined role of Information Officer (IO) is required under the POPI Act. The IO is required to be the most senior official in the practice. The Information Officer will be formally appointed and delegate to a Deputy Information Officer. Both Officers will be registered with the Information Regulator.

### **11. Breach Notification**

It is MEYER & SNYMAN PHYSIOTHERAPY INC.'s policy to be fair and proportionate when considering the actions to be taken to inform affected parties regarding breaches of personal information. In line with the POPI Act, where a breach is known to have occurred which is likely to result in a risk to the rights and freedoms of individuals, the relevant supervisory authority will be informed without delay. This will be managed in accordance with our *Information Security Incident Response Procedure* which sets out the overall process of handling personal information security incidents.

Under the POPI Act the relevant Information Regulator has the authority to impose a range of fines for infringements of the regulations.

### **12. Addressing Compliance to the POPI Act**

The following actions are undertaken to ensure that MEYER & SNYMAN PHYSIOTHERAPY INC. complies at all times with the accountability principle of the POPI Act:

- The legal basis for processing personal information is clear and unambiguous



## Privacy Policy

- An Information Officer is appointed with specific responsibility for personal information protection in the practice
- All staff involved in handling personal information understand their responsibilities for following good personal information protection practice.
- Training in personal information protection has been provided to all staff.
- Rules regarding consent are followed.
- Routes are available to data subjects wishing to exercise their rights regarding personal information and such enquiries are handled effectively.
- Regular reviews of procedures involving personal information are carried out.
- Privacy by design is adopted for all new or changed systems and processes.
- The following documentation of processing activities is recorded:
  - Practice name and relevant details.
  - Purposes of the personal information processing.
  - Categories of individuals and personal information processed.
  - Categories of personal information recipients.
  - Agreements and mechanisms for transfers of personal information to other countries including details of controls in place.
  - Personal information retention schedules.
  - Relevant technical and practical controls in place.

These actions are reviewed on a regular basis as part of the management process concerned with data protection.