

PRIVACY STATEMENT / POLICY

Last updated: June 30, 2021

WHAT IS A 'PRIVACY STATEMENT'?

It is a document written by a business or organisation that generally states how it collects, uses and stores any personally identifiable information it holds about a person (i.e., 'data subject'), such as a patient/client or staff member.

In addition, it usually attempts to explain the rights that 'data subjects' have over their information. This particular privacy statement attempts to explain how this practice - **Kevin Suter : Registered Psychologist (Counselling)** - intends to process any identifiable information about both prospective and existing clients (including their emergency contacts and/or family members) in compliance with the **Protection of Personal Information Act, 2013** ("POPIA"). In this document, "we", "our", or "us" refers to **Kevin Suter : Registered Psychologist (Counselling)**.

We are a private (psychology) practice (**Practice Number: 0860028624267**) registered in **South Africa**. Our registered office is at **415 Lena Ahrens Road, Glenwood, Durban, KwaZulu-Natal. 4001. South Africa**.

INTRODUCTION

This privacy notice sets out the basis on which any personal information we collect from you, or that you provide to us, is used, stored, disclosed and processed by us. Please read the following carefully to understand our practices regarding your personal information, how we will treat it and your rights in relation to that information. By providing your personal information to us or by using our services, website or other online or digital platform(s) you are accepting and consenting to the practices as described or referred to in this privacy notice.

It covers information that could identify you ("*personal information*") and information that could not. In the context of the law and this notice, "*process*" means collect, store, transfer, use or otherwise act on information. *It tells you about your privacy rights and how the law protects you.*

Our policy complies with the **Protection of Personal Information Act 2013**. This law requires us to tell you about your rights and our obligations to you in regard to the processing and control of your personal information. Except as set out below, we do not share, sell, or disclose to a third party, any personal information we collect.

1. Information Officer

We have appointed an Information Officer who is responsible for ensuring that our policy is followed. If you have any questions about this privacy notice, including any requests to exercise your legal rights, please contact our Information Officer: Kevin Suter at kevinsuter@outlook.com or via registered post at: **415 Lena Ahrens Road, Glenwood, Durban, KwaZulu-Natal. 4001. South Africa**.

2. Personal information that may be collected for service delivery

From the first time you (or a referrer) make contact with this practice, any personal confidential information that you (or others) disclose to this practice by any means (e.g. telephone, mobile, email, in writing, in person during a therapy session), may be collected, used or stored if it may: inform or support assessment and treatment efforts, help safeguard someone from harm or ensures compliance with various professional and legal obligations.

General personal information which may be collected, used or stored could include, but is not limited to, your name, surname, address, contact details (landline, mobile, email), date of birth, gender (or preferred identity), age, occupation, education, work status, emergency contacts (name, surname, relationship, landline, mobile), details of those living at home or significant others (name, relationship, age, work status), medical aid scheme details (if applicable), general practitioner details, appointment dates, etc.

More 'sensitive' information which may also be collected, used or stored could include, but is not limited to, your political and religious views, health (e.g. medical and psychological: history, assessments including psychological measures, consultation notes, professional reports, test results, health conditions, treatments, etc.), sex life, sexual orientation, disability, offences (including alleged offences), financial information (e.g., online bank payment receipt details), etc. This information may be collected directly from you, other people (e.g. relatives), health professionals (e.g. referral details from your GP, previous psychotherapist, etc.) or other organisations (e.g. referral details from an employer, etc.).

3. Information we process

We may hold and use personal information about you as a patient, employee, supplier, intern, student or in any other capacity, in accordance with the relevant privacy and national health laws. Depending on what services you receive from us this may include special personal information, as defined in POPIA, such as information relating to your health. The disclosure of your personal information to this practice is required in terms of the services provided to you or agreements with you unless otherwise indicated as voluntary at the point of collection for example where consent is requested.

We may collect, use, store and transfer different kinds of personal information about you. We have collated these into groups as follows:

Your *identity* includes information such as first name, last name, title, date of birth, identification number, and other identifiable information that you may have provided.

Your *contact information* includes information such as billing address, email addresses, telephone numbers and any other information you have given to us for the purpose of communication or meeting (e.g., psychotherapy appointments).

Your *financial information* includes information such as your bank account and payment card details.

Transaction information includes details about payments or communications to and from you and information about the services you have purchased from us.

Technical information includes your internet protocol (IP) address, 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 and/or use for telehealth (e.g., virtual consultations using Zoom or Skype, amongst others).

4. If you do not provide personal information we need

Where we need to collect personal information 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 perform that service. In that case, we may have to stop providing a service to you. If so, we will notify you of this at the time.

5. Who the information may be shared with

In order to provide a psychological service or to ensure your well-being and/or that of others, this practice may sometimes need to share information about you with other organisations (e.g., private or public health services, police services, social services, educational services, relatives or emergency contacts, etc.). However there are strict rules and regulations as to when your information may be shared.

◆ **Professional confidentiality**

All private information you share with this practice will be treated as **strictly confidential**. However, please be aware that for all health professionals there are limits to professional confidentiality. A health professional, such as a psychologist, will not release confidential information about you without your explicit (preferably written) consent unless s/he is legally or professionally required to do so in any of the following situations:

- s/he believes that you may be at risk to yourself or others (e.g. intend to harm yourself or others)
- s/he believes that a vulnerable person (e.g. a child, elderly person or person with learning difficulties) has been subject to, or is at risk of, physical/ emotional/ sexual abuse
- you share information about a past or future intention to commit a terrorist act
- a court of law orders the release of your confidential information

When attempting to protect you or others from possible harm, relevant information may be shared with other organisations or people (e.g., private or public health services, police services, social services, educational services, relatives or emergency contacts, etc.). In the bullet pointed situations above, where information can legitimately be shared without your consent, the health professional will usually attempt to disclose the least information necessary and will also usually try to inform you first before taking appropriate action, provided it is both professionally/ legally advisable and practical to do so.

In all other situations where your consent is explicitly required, the health professional will usually discuss with you what information is to be shared and with whom. You are likely to be asked to sign a 'release of confidential information' form. Sometimes you may be provided with a copy of the letter or report before it is released so that you are more aware of what is being shared. When your consent is required to share information, you have the right to refuse/withdraw consent at any time by explicitly notifying your psychologist (preferably in writing) so that s/he does not continue to share further information from that point on.

◆ *Professional supervision*

As part of their continued professional development requirements, health professionals like psychologists are required to receive ongoing professional supervision from another experienced practitioner. In supervision confidential information about you may be discussed, including your biographical information, confidential consultation notes, session recordings/ transcripts and the like. This information is often anonymised to some extent (e.g. by using a pseudonym or just your first name). Supervisors are bound by the same legal and professional regulations and therefore share the same duty to keep your information private and confidential. Any audio recordings of sessions are destroyed shortly after a supervision session. The aims of supervision are to safeguard the well-being of clients and to enhance the effectiveness of service provision by continually developing the supervisee's professional skill set.

◆ *Professional bodies, regulators, indemnity insurers*

The Health Professions Council of South Africa (HPCSA; <https://www.hpcsa.co.za>) is the regulator for most health professionals in South Africa. Health professionals are usually required to have indemnity insurance to practice. Your consent will usually be sought to share any relevant information with such bodies if ever it is required.

BASES ON WHICH WE PROCESS INFORMATION ABOUT YOU

6. How your personal information may be used (processed)

This practice collects information about you in order to provide a psychological service and to receive/ process payment for this service. In offering a psychological service, the information may be used to:

- o arrange appointments
- o facilitate the continuity of assessment and treatment efforts
- o assess your response to treatment (i.e. monitor progress)
- o inform decisions about your assessment, treatment and care
- o work with other organisations to facilitate your treatment/ care
- o inform good practice, supervision and training needs
- o provide a clear, complete and up-to-date record of assessment, treatment and progress according to professional and legal obligations
- o inform reports issued to third parties if required (e.g. employers, lawyers, medical insurers, other health or care professionals such as your GP, etc.)

In processing payments, the information may be used to:

- o issue invoices and receipts
- o prepare accounts for tax purposes
- o keep records of payments received in compliance with HMRC requirements

7. Information we process because we have a contractual obligation with you

When you register as a patient with this practice for psychological services, or otherwise agree to our terms and conditions, a contract is formed between you and us. In order to carry out our obligations under that contract, we must *process the information* you give us. Some of this information may be personal information and/or special personal information. We may use it in order to verify your identity and provide psychological services to you. We shall continue to process this information until the contract between us ends or is terminated by either party under the terms of the contract.

8. Information we process with your consent

Through certain actions when otherwise there is no contractual relationship between us, such as when you browse our website or ask us to provide you with more information about our business and services, you provide your consent to us to process information that may be personal information. We continue to process your information on this basis until you withdraw your consent or it can be reasonably assumed that your consent no longer exists.

You may withdraw your consent at any time by instructing us at kevinsuter@outlook.com or explicitly advising the Psychologist during a consultation. However, if you do so, this may limit some of the services we offer (e.g., submitting claims directly to your medical aid scheme if you do not consent to an ICD-10 diagnostic code appearing on your invoice/claim).

9. Information we process for the purposes of legitimate interests

We may process the information on the basis there is a legitimate interest, either to you or to us, of doing so. Where we process your information on this basis, we do after having given careful consideration to whether: the same objective could be achieved through other means, processing (or not processing) might cause you harm, you would expect us to process your information, and whether you would consider it reasonable to do so.

For example, we may process your information on this basis for the purposes of:

- record-keeping for the ethical, proper and necessary administration of our practice
- responding to unsolicited communication from you to which we believe you would expect a response
- protecting and asserting the legal rights of any party

- insuring against or obtaining professional advice that is required to manage business risk
- protecting your interests where we believe we have a duty to do so.

10. Information we process because we have a legal obligation

Sometimes, we must process your information in order to comply with a statutory obligation. For example, we may be required to give information to legal authorities if they so request or if they have the proper authorization such as a search warrant or court order. This may include your personal information.

SPECIFIC USES OF INFORMATION YOU PROVIDE TO US

11. Information provided on the understanding that it will be shared with a third party

Websites and other 3rd party services that we advertise on may allow you to post information. Some examples include: posting a message on a forum, tagging an image, clicking on an icon next to another visitor's message to convey your agreement, disagreement or thanks. In posting personal information, it is up to you to satisfy yourself about the privacy level of every person who might use it.

We do not specifically use this information and you are implored to read the privacy policies of all 3rd parties. Once your information enters the public domain, we have no control over what any third party may do with it. We accept no responsibility for their actions at any time.

12. Information relating to your method of payment

Where you request and give consent for this practice to submit claims to your medical scheme for you, we use software that allows the claim to be sent to medical aid schemes and receive remittance advices from them. Where you make payment via EFT and use personal information (e.g., your name and surname) as a payment descriptor, please keep in mind that the practice bookkeeper may have sight of your payment with its descriptor. For this reason, our employees and contractors have signed non-disclosure and confidentiality agreements with this practice.

13. Employment

If we employ you, we collect information about you and your work from time to time throughout the period of your employment. This information will be used only for purposes directly relevant to your employment. After your employment has ended, we will keep your file for seven years (or other period required by law) before destroying or deleting it.

14. Communicating with us

When you contact us, whether by telephone, cellphone, through our website or by e-mail, we collect the information you have given to us in order to reply with the information you need. We record your request and our reply in order to increase the efficiency of our practice. We keep personally identifiable information associated with your messages, such as your name and email address so as to be able to track our communications with you to provide a high-quality service.

15. Complaints

When we receive a complaint, we record all the information you have given to us. We use that information to resolve your complaint. If your complaint reasonably requires us to contact some other person or party, we may decide to give to that other person/party some of the information contained in your complaint *provided that you have given us written consent to do so*.

The **Information Regulator (SAIR)** is the main supervisory and enforcing body under POPIA.

USE OF INFORMATION WE COLLECT THROUGH AUTOMATED SYSTEMS

16. Personal identifiable information from your browsing activity (including cookies)

Cookies are small text files that are placed on your computer's hard drive by your web browser when you visit any website. They allow information gathered on one web page to be stored until it is needed for use on another, allowing a website to provide you with a personalized experience and the website owner with statistics about how you use the website so that it can be improved. Some cookies may last for a defined period, such as one day or until you close your browser. Others last indefinitely. *Your web browser should allow you to delete any you choose. It also should allow you to prevent or limit their use.*

Please note that our website may contain links to other websites. This privacy policy only applies to this website so when you link to other websites you should read their own privacy policies. Like many websites, this practice's website uses *Google Analytics* which is a web analytics service provided by Google, Inc. ("Google"), which may collect some information about you and your visit (e.g. your computer's IP address, pages you visited, general geographical location, etc.). This is discussed in more detail below.

In processing any website information collected (such as your computer's IP address), it may be used by Google Analytics, which usually uses a website visitor's IP address to monitor how visitors are interacting with this practice's website. Please note that Google Analytics only provides this practice with impersonal group statistical data about visitors (e.g. number of people visiting the website, which pages they have visited, how long they visited for, which geographical area they are from, etc.). For more information about Google

Analytics privacy policy please [click here](#). It is our understanding that Google Analytics uses 'cookies' (i.e. text files stored on your computer by your browser when you visit a website) to achieve such an analysis. Therefore by disabling cookies on your device's browser, you should be able to prevent such tracking of your visit. Most browsers allow you to refuse to accept cookies, for further information visit www.aboutcookies.org or www.allaboutcookies.org. This practice uses the reports from Google Analytics to improve its website (e.g. for SEO).

Please note that when you click on a practice email address or telephone link on our website, it will automatically attempt to open a new email on your device to make contact with this practice or open software on your device that will allow you make a call. Only once you send the email or call the practice will your email address, telephone number and message contents become known to the practice and stored.

DISCLOSURE AND SHARING OF YOUR INFORMATION

17. Credit reference

To assist in combating fraud, we share information with credit reference agencies, so far as it relates to clients or customers who instruct their credit card issuer to cancel payment to us without having first provided an acceptable reason to us and given us the opportunity to refund their money.

18. Information may be processed outside South Africa

Our official website (<http://www.kevinsuter.co.za>) is hosted by a an Internet Service Provider (ISP) in South Africa.

We may also use outsourced services in other countries from time to time in other aspects of our business. Examples include the use of cloud-based services for storage and and back-ups. Accordingly, information obtained within South Africa could be processed outside South Africa.

CONTROL OVER YOUR OWN INFORMATION

19. Your duty to inform us of changes or request us to correct your personal information

It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes. We may provide reminders to check the accuracy of your personal information on invoices and statements. If you are a patient returning to the practice after more than 1 year we may request that you complete a new Patient Details form which keeps information and consents current. You have a right to

request that inaccurate personal data is rectified, or completed if it is incomplete. Please note that in certain circumstances a request for rectification can be refused.

20. Access to your personal information

At any time you may review or update personally identifiable information that we hold about you. To obtain a copy of any information you should contact our Information Officer to make that request. After receiving the request, we will tell you when we expect to provide you with the information, and whether we require any fee for providing it to you. However, please note that is not an automatic right as other legal or professional regulations also need to be considered before complying with such requests. The practice will also need to consider the rights of others if information about them forms part of the records (data) requested. If your request is granted then the information will be provided in a commonly used electronic format unless you request otherwise.

21. Removal of your information

If you wish us to remove personally identifiable information from our records you should contact our Information Officer to make your request. This may limit the services we can provide to you. Please also be aware that other laws may require health care professionals to retain records for a particular length of time or indefinitely. If this is the case, we will inform you.

22. Verification of your information

When we receive any request to access, edit or delete personal identifiable information we shall first take reasonable steps to verify your identity before granting you access or otherwise taking any action. This is important to safeguard your information.

OTHER MATTERS

23. Use of website by children

We do not sell products or provide services for purchase by children, nor do we market to children. If you are under 18, you may use our website only with consent from a parent or guardian.

24. Encryption of data sent between us including email

Please note that emails are not a totally secure form of communication and may be intercepted, therefore we suggest that you encrypt emails you send this practice if possible and/or attach any confidential (particularly sensitive) information in a password protected

file, then send the password to the practice using another form of communication if possible. Whenever information is transferred between us, you can check that it is done so using SSL by looking for a closed padlock symbol or another trust mark in your browser's URL bar or toolbar.

25. How you can complain

If you are not satisfied with our privacy policy or if you have any complaint then you should tell us by emailing the Information Officer. If a dispute is not settled, then we hope you will agree to attempt to resolve it by engaging in good faith with us in the process of mediation or arbitration.

THE INFORMATION REGULATOR (SOUTH AFRICA)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

- **Complaints email:** complaints.IR@justice.gov.za *(Use Form 1 or Form 2 below)*
- **General enquiries email:** inforeg@justice.gov.za

26. Retention period for personal data

This practice will keep personally identifiable psychological records for at least 7 years after the date of the last contact. In the absence of any formal personal, regulatory or legal concerns arising during this period the information will be securely destroyed at the end of this period, otherwise it may be kept for a longer period at the discretion of this practice, which is likely to be informed by indemnity, legal and/or professional advice. Except as otherwise mentioned in this privacy notice, we keep your personal information only for as long as required by us or any applicable laws: to provide you with the services you have requested; to comply with other laws, including for the period demanded by our tax authorities; and, to support a claim or defence in court.

27. Compliance with the law

Our privacy policy has been compiled so as to comply with the law of every country or legal jurisdiction in which we aim to do business. If you think it fails to satisfy the law of your jurisdiction, we should like to hear from you. However, ultimately it is your choice as to whether you wish to use our website or services.

28. Review of this privacy policy

We may update this privacy notice from time to time as necessary. Please note that this is essentially a working document that is under regular review and therefore will be amended from time-to-time in accordance with prevailing legal, professional, indemnity and regulatory requirements and practices. As a result it may be amended from time to time without notice, so we encourage you to review this Privacy Policy regularly. This privacy policy was last updated on 30 June 2021.

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

(Regulation 2)

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	
	Code:
Contact Numbers:	
Fax Number / Email address:	
B	DETAILS OF RESPONSIBLE PARTY

Name(s) and surname / Registered Name of Responsible Party:	
Residential, postal or business address:	
	Code:
Contact Numbers:	
Fax Number / Email address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) TO (f) (Please provide detailed reasons for the objection)

Signed at _____ on this _____ day of _____ 20__.

Signature of Data Subject/Designated Person

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

(Regulation 3)

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as applicable.

Mark the appropriate box with an "x".

Request for:

	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
	Destroying or deletion of a record of personal information about the data subject which is in the possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	

	Code:
Contact Numbers:	
Fax Number / Email address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered Name of Responsible Party:	
Residential, postal or business address:	
	Code:
Contact Numbers:	
Fax Number / Email address:	
C	INFORMATION TO BE CORRECTED / DELETED / DESTROYED / DESTROYED

