

PRIVACY POLICY

This Privacy Policy explains how we obtain, use and disclose your personal information, in accordance with the requirements of the Protection of Personal Information Act No 4 of 2013.

At Gatehouse Surgery Inc., we are committed to protecting your privacy and to ensure that your personal information is collected and used properly, lawfully and transparently.

1. DEFINITIONS

In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings–

- 1.1. “Child” means any natural person under the age of 18 (eighteen) years;
- 1.2. “the Practice” means The Gatehouse Surgery Inc and having its registered address at Oasis Lane, Off Century Way, Century City, 7441;
- 1.3. “Data Breach” means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of the Practice;
- 1.4. “Data Subject” has the meaning ascribed thereto under POPIA;
- 1.5. “Employee(s)” means any employee of the Practice;
- 1.6. “Government” means the Government of the Republic of South Africa;
- 1.7. “Operator” means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.8. “PAIA” means the Promotion of Access to Information Act, No 2 of 2000;

- 1.9. "Personal Information" has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;
- 1.10. "Policy" means this Website Privacy Policy;
- 1.11. "POPIA" means the Protection of Personal Information Act No. 4 of 2013;
- 1.12. "Processing" has the meaning ascribed thereto under POPIA. "Process" has a corresponding meaning;
- 1.13. "Regulator" means the Information Regulator established in terms of POPIA;
- 1.14. "Responsible Party" means a public or private body or any other person which alone or in conjunction with others determines the purpose of and means for Processing Personal Information;
- 1.15. "Special Personal Information" means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and
- 1.16. "Third Party" means any independent contractor, agent, consultant, sub-contractor or other representative of the Practice.

2. PURPOSE OF THIS POLICY

- 2.1. The purpose of this Policy is to inform Data Subjects about how the Practice Processes their Personal Information.
- 2.2. The Practice in its capacity as Responsible Party and/or Operator where applicable shall observe and comply with its obligations under POPIA as well as accepted information protection principles, practices and guidelines when it Processes Personal Information from or in respect of a Data Subject.

- 2.3. This Policy applies to Personal Information collected by the Practice in connection with the services which the Practice provides. This includes information collected directly from you as a Data Subject as well as information the Practice collects indirectly through its service providers who collect your information on its behalf.
- 2.4. This Privacy Policy does not apply to the information practices of Third Party companies with whom the Practice may engage in relation to its business operations (including, without limitation, their websites platforms and/or applications) that the Practice does not own or control; or individuals that the Practice does not manage or employ. These Third Party sites may have their own privacy policies and terms and conditions and the Practice encourages you, as the Data Subject, to read them before using them.

3. PROCESS OF COLLECTING PERSONAL INFORMATION

- 3.1. The Practice collects Personal Information directly from Data Subjects as and when required for a defined purpose, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public, or the Personal Information is contained in or derived from a public record).
- 3.2. The Practice will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy, and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.
- 3.3. The Practice often collects Personal Information directly from the Data Subject and/or in some cases from Third Parties. Where the Practice obtains Personal Information from Third Parties the Practice will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where the Practice is permitted to do so in terms of clause 3.1 above or the applicable law.

4. LAWFUL PROCESSING OF PERSONAL INFORMATION

- 4.1. Where the Practice is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –
 - 4.1.1. consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;
 - 4.1.2. Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
 - 4.1.3. Processing complies with an obligation imposed by law on the Practice;
 - 4.1.4. Processing protects a legitimate interest of the Data Subject;
 - 4.1.5. Processing is necessary to pursue the legitimate interests of the Practice or of a Third Party to whom the information is supplied.
 - 4.1.6. The Practice will only Process Personal Information where one of the legal bases referred to in paragraph 4.1 above are present.
 - 4.1.7. The Practice will make clear to the Data Subject the manner and reason for which the Personal Information will be Processed.
- 4.4. Where the Practice is relying on the consent of the Data Subject as the legal basis for Processing Personal Information, the Data Subject may withdraw their consent or may object to the Practice Processing of the Personal Information at any time. Such withdrawal or objection by the Data Subject shall not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or objections, nor any Processing justified by any other legal ground provided under POPIA.
- 4.5. If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, the Practice will ensure that the Personal Information is no longer Processed.

5. RIGHTS OF DATA SUBJECTS

- 5.1. Data Subjects have the right to know what Personal Information the Practice has about the Data Subject, to correct it and to opt out of any marketing, as detailed below.
- 5.2. Data Subjects have the right to:
 - 5.2.1. enquire with the Practice as to what Personal Information is held by the Practice about the Data Subject;
 - 5.2.2. enquire with the Practice what Personal Information was sent to the Practice's suppliers, service providers or any other Third Party;
 - 5.2.3. request the Practice to update, correct or delete any out-of-date or incorrect Personal Information held by the Practice about the Data Subject;
 - 5.2.4. unsubscribe from any direct marketing communications that the Practice may send to the Data Subject; and
 - 5.2.5. object to the processing of the Data Subject's Personal Information.
- 5.3. Should the Data Subject require the Practice to delete all Personal Information held by the Practice about the Data Subject, the Practice reserves the right to terminate all agreements that the Data Subject has with the Practice, as the Practice cannot maintain its relationship with the Data Subject without having some of the Data Subject's Personal Information.
- 5.4. The Practice also reserves the right to refuse to delete a Data Subject's Personal Information if the Practice is required by law to keep it or if the Practice requires it to protect its rights.

6. STORAGE AND PROCESSING OF PERSONAL INFORMATION BY THE PRACTICE AND THIRD PARTY SERVICE PROVIDERS

- 6.1. The Practice may store the Data Subject's Personal Information in hardcopy format and/or in electronic format using the Practice's own secure on-site servers or other internally hosted technology. The Data Subject's Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom the Practice has contracted with, to support the Practice's operations.
- 6.2. The Practice's Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.
- 6.3. The Practice will ensure that such Third Party service providers will Process the Personal Information in accordance with the provisions of this Policy and all other relevant internal policies and procedures and POPIA.
- 6.4. The Practice will ensure that such Third Party service providers do not use or have access to the Personal Information of the Data Subject except for the purposes specified by the Practice, and the Practice requires such parties to employ at least the same level of security that the Practice uses to protect the personal data of the Data Subject.
- 6.5. Personal Information may be Processed in South Africa or another country where the Practice, its affiliates and their Third Party service providers maintain servers and facilities and the Practice will take steps including by way of contracts to ensure that Personal Information continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law, including POPIA.

7. RETENTION OF PERSONAL INFORMATION

- 7.1. The Practice may keep records of the Personal Information, correspondence, or comments it has collected in an electronic or hardcopy file format.
- 7.2. In terms of POPIA, the Practice may not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or

Processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as it is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –

- 7.2.1. where the retention of the record is required or authorised by law or by any Government authority;
 - 7.2.2. the Practice requires the record to fulfil its lawful functions or activities;
 - 7.2.3. retention of the record is required by a contract between the parties thereto;
 - 7.2.4. the Data Subject (or competent person, where the Data Subject is a Child) has consented to such longer retention; or
 - 7.2.5. the record is retained for historical, research, archival or statistical purposes provided safeguards are put in place to prevent use for any other purpose. Accordingly, the Practice will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.
 - 7.2.6. Where the Practice retains Personal Information for longer periods for statistical, historical, archival or research purposes, the Practice will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.
- 7.3. Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, the Practice will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where the Practice de-identify the Data Subject's Personal Information, the Practice may use such de-identified information indefinitely.

8. SAFE-KEEPING OF PERSONAL INFORMATION

- 8.1. The Practice shall preserve the security of Personal Information and prevent its alteration, loss and damage, or access by non-authorised third parties.
- 8.2. The Practice will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.
- 8.3. The Practice has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification.

9. INFORMATION DISCLOSURE

- 9.1. Notwithstanding anything to the contrary in this Policy, the Practice reserves the right to disclose any Personal Information about a Data Subject if the Practice is required to do so by law, and/or if the Practice believe that such action is necessary to:
 - 9.1.1. fulfil a Government request;
 - 9.1.2. conform with the requirements of the law or legal process;
 - 9.1.3. protect or defend the Practice's legal rights or property, its website, or other users; or
 - 9.1.4. in an emergency to protect the health and safety of its website's users or the general public.

10. BREACHES OF PERSONAL INFORMATION

- 10.1. A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.
- 10.2. A Data Breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which Personal Information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; or (g) alteration of Personal Information without permission and loss of availability of Personal Information.
- 10.3. The Practice will address any Data Breach in accordance with the terms of POPIA.
- 10.4. The Practice will notify the Regulator and the affected Data Subject (unless the applicable law or a Government authority requires that the Practice delays notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of the Personal Information of the Data Subject.
- 10.5. The Practice will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of the Personal Information of the Data Subject.
- 10.6. Where the Practice acts as an 'Operator' for purposes of POPIA and where any Data Breach affects the data of the Data Subject whose information the Practice Processes as an Operator, the Practice shall (in terms of POPIA) notify the relevant Responsible Party immediately where there are reasonable grounds to believe that the Personal Information of the relevant Data Subject has been accessed or acquired by any unauthorised person.

11. PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS

- 11.1. The Practice may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process Personal Information in accordance with the provisions of this Policy and POPIA.
- 11.2. The Practice notes that such Third Parties may assist the Practice with the purposes listed in paragraph 5.3 above – for example, Third Parties may be used, inter alia,
 - 11.2.1. for data storage;
 - 11.2.2. to assist the Practice with auditing processes (external auditors);
 - 11.2.3. for providing outsourced services to the Practice, including in respect of its (i) legal, (ii) data storage requirements and (iii) upskilling of its Employees;
 - 11.2.4. to notify the Data Subjects of any pertinent information concerning THE PRACTICE.
- 11.3. The Practice will disclose Personal Information with the consent of the Data Subject or if the Practice is permitted to do so without such consent in accordance with applicable laws.
- 11.4. The Practice may send Personal Information to a foreign jurisdiction outside of the Republic of South Africa including for Processing and storage by Third Parties.
- 11.5. When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa including to any cloud, data centre or server located outside of the South Africa, the Practice will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where the Practice is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA.

- 11.6. Processing of Personal Information in a foreign jurisdiction and to the extent such Processing does occur, may be subject to the laws of the country in which the Personal Information is held and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

12. USE OF TECHNOLOGIES

- 12.1. Various technologies may be used on the Practice's website in order to make it more user-friendly, effective and secure. Such technologies may lead to data being collected automatically by the Practice. Examples of such technologies are as follows:

12.1.1. The Practice's website uses cookies, which are small text files sent by a web server to store on a web browser. They are used to ensure websites function properly, store user preferences when needed and collect anonymous statistics on website usage.

12.1.2. The Practice's website may also contain electronic image requests (called a single-pixel gif or web beacon requests) that allows the Practice to count page views and to access cookies. Any electronic image viewed as part of a web page can act as a web beacon. The Practice's web beacons do not collect, gather, monitor or share any of the Data Subject's Personal Information. The Practice merely uses them to compile anonymous information about its website.

12.1.3. A visit to the Practice's website results in data that is transmitted from the Data Subject's browser to the Practice's server being automatically collected and stored by the Practice or by third parties on behalf of the Practice. This data can include, in particular, the following:

- a) the visitor's IP address;
- b) the date and time of the visit;

- c) the referral URL (the site from which the visitor has come);
- d) the pages visited on our website; and
- e) information about the browser used (browser type and version, operating system, etc).

12.1.4. The Practice's website also uses a special form of cookie that is the so-called flash cookie. In contrast to normal cookies, these cookies are not created and saved by the browser but are governed by the Adobe Flash plug-in. These can contain more information than normal cookies and cannot be deleted or disabled via the web browser; this is only possible using tools such as the Adobe Flash Player website.

12.1.5. Web analytics is the term given to a method for collecting and assessing the behaviour of visitors to websites and (mobile) applications. This includes the analysis of traffic patterns in order, for example, to determine the frequency of visits to certain parts of a website or (mobile) application, or to find out what information and services our visitors are most interested in. For these purposes, the Practice primarily makes use of click-stream data and the other techniques listed above. Web analytics are carried out by the Practice and/or other selected parties.

12.1.6. When a Data Subject visits the Practice's website, the Practice may collect information, such as the Data Subject's IP address, the name of the Data Subject's ISP (Internet Service Provider), the Data Subject's browser, the website from which the Data Subject visits the Practice, the pages on the Practice's website that the Data Subject visits and in what sequence, the date and length of the Data Subject's visit, and other information concerning the Data Subject's computer's operating system, language settings, and broad demographic information. This information is aggregated and anonymous data and does not identify the Data Subject specifically. However, the Data Subject acknowledges

that this data may be able to be used to identify the Data Subject if it is aggregated with other Personal Information that the Data Subject supplies to the Practice. This information is not shared with third parties and is used only within the Practice on a need-to-know basis. Any individually identifiable information related to this data will never be used in any way different to that stated above, without the Data Subject's explicit permission.

- 12.2. The Data Subject may also provide additional information to the Practice on a voluntary basis (optional information). This includes content or products that the Data Subject decides to upload or download from the Practice's website or when the Data Subject enters competitions, takes advantage of promotions, responds to surveys, orders certain additional goods or services, or otherwise uses the optional features and functionality of the Practice's website.
- 12.3. The Data Subject may refuse to accept cookies by activating the setting on its browser which allows it to refuse the setting of cookies. However, if selected this setting may prevent the Data Subject from accessing certain parts of the website. Unless a browser setting is adjusted so that it will refuse cookies, the system will issue cookies when one logs on to the website. If a "cookie" is accepted or there is a failure to deny the use of "cookies", the Data Subject agrees that it is the Data Subject's Personal Information collected using "cookies" and may be used (subject to the provisions of this Policy). Where the Data Subject either rejects or declines cookies, the Data Subject may not be able to fully experience the interactive features of the website.

13. CHANGES TO THIS POLICY

- 13.1. The Practice reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify the Data Subject of such amendments.

- 13.2. The current version of this Policy will govern the respective rights and obligations between the Data Subject and the Practice each time that the Data Subject accesses and uses the Practice's site.

14. DATA SUBJECT ACCESS REQUESTS

- 14.1. All Data Subjects are entitled to request information from the Practice pertaining to the Data Subject's Personal Information that is held by the Practice.
- 14.2. All requests for information should be made in writing by the Data Subject to the Practice. the Practice will furnish the Data Subject with the requested information within 21 (twenty-one) days from the date of receipt of the written request by the Practice.
- 14.3. Prior to furnishing the Data Subject with the requested information, the Practice will first have to verify the identity of the Data Subject.

15. POLICY REVIEW

- 15.1. The Practice has pledged to adhere to the fundamental principles of Data Protection and considers the privacy policy as being binding in nature. These procedures will be reviewed annually and may also be reviewed in the light of new legislation or incident that may occur related to this policy. The Practice will not restrict your rights granted in accordance with this privacy policy without your explicit consent.

16. CONTACT DETAILS

- 16.1. If you have any queries about this notice; you need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your personal information, please contact us at the numbers/addresses listed on our website.

16.2. Our Information Officer contact details are:

Name: Gaylene Du Plessis

Tel: 021 518 1123

Email: gdduplessis@icloud.com

Physical Address: Oasis Lane, Off Century Way

Century City

Cape Town

7441

South Africa