

Data Privacy Policy

Section: Data Management

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Statement of Policy and Procedures relating to ‘Heardat Access and Security’			
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Privacy Policy

Last updated: 7 May, 2020

This Privacy Policy describes our policies and procedures on the collection, use and disclosure of information when you use the service and tells you about your privacy rights and how the law protects you and your patients’/customers’ details.

We use your patients’ personal data to provide and improve the service. By using the service, you agree to the collection and use of information in accordance with this Privacy Policy.

Interpretation and Definitions

Interpretation

The words of which the initial letter is capitalized have meanings defined under the following conditions. The following definitions shall have the same meaning regardless of whether they appear in singular or in plural.

Definitions

For the purposes of this Privacy Policy:

- **Client** refers to the Health Care Practitioner whom uses the services and product of the company and whom is signed agreement of the company.
- **Company** (referred to as either "the Company", "We", "Us" or "Our" in this Agreement) refers to Heardat (Pty) Ltd, 2 Reddersburg street, Centurion, South Africa, 0157.
- **Application** means the software program provided by the Company and used by you on any electronic device, named Heardat (Pty) Ltd
- **Affiliate** means an entity that controls, is controlled by or is under common control with a party.
- **Account** means a unique account created for you to access our Service or parts of our Service.
- **Country** refers to: South Africa
- **Main Member** refers to the individual in whom is responsible for the patient's account and/or the person whom is the first beneficiary of the medical aid plan.

- **Operator** refers to the “Company” that drives and carries out tasks related to, and enabled by the product that is instructed by the client.
- **Service Provider** means any natural or legal person who processes the data on behalf of the Company. It refers to third-party companies or individuals employed by the Company to facilitate the Service, to provide the Service on behalf of the Company, to perform services related to the Service or to assist the Company in analyzing how the Service is used.
- **Service** refers to the product and or services the Company provides.
- **Third-party Social Media Service** refers to any website or any social network website through which a User can log in or create an account to use the Service.
- **Patient** means the individual/patient of the practice.
- **Personal Data** is any information that relates to an identified or identifiable individual.
- **Product** The company’s core feature herein as the online data base platform that hosts the client’s customer details. Also refers to the product and or services the Company provides
- **Device** means any device that can access the Service such as a computer, a cell phone or a digital tablet.
- **Usage Data** refers to data collected automatically, either generated by the use of the Service or from the Service infrastructure itself (for example, the duration of a page visit).

Collecting and processing data

Types of Data Collected

Personal Data (Of the patient)

1. The following data of the client's patients and/or main members and/or guardian is captured by either the client or by the client's patient or by the client's employees or by an authorised employee of the company in an electronic format via an online link, device or manually.
 - Full names and surname and preferred name
 - Title
 - Language preference
 - Identification number or passport number
 - Landline number
 - Cellular number
 - Occupation, employer name and work telephone number
 - Gender
 - Religion
 - Email address
 - Next of kin name and contact details
 - Date of Birth
 - Residential Address, Province, Postal code, City
 - Clinical Diagnosis
 - Medical aid details (Scheme, plan, membership number & dependant code)
 - Referring healthcare professional
 - All outgoing and incoming SMS communication sent from Heardat.
 - All outgoing emails sent out from Heardat
 - General notes, appointment notes, device repair note.

Medical/Clinical Data (Of the patient)

2. The following data of the client's patients is captured by either the client or by the client's patient or by the client's employees or by an authorised employee of the company in an electronic format via an online link, device or manually. An electronic record is kept in historical format of the following items. (Subject to terms and conditions set out in point 7.2 of the Heardat Data Backup and Storage Policy)
 - Clinical Diagnosis (ICD10 codes)
 - Procedures performed on the patient
 - Clinical notes
 - Consultation notes
 - Hearing aid/device/accessory information. (All and any information related to the specific devices)

Transaction and research data

3. This data is captured used for internal research purposes only. No personal/identifiable details of any patient or practitioner will ever be disclosed. Heardat harvests this data to better understand buying patterns and advise the client on marketing strategies and overall customer journey characteristics.

Data concerning the:

- technology level and quantity of devices sold/fitted in a,
- certain location on/to,
- patients with a certain diagnosis,
- whom was referred by a specific,
- media campaign or media lead within a certain,
- time frame of the patient's journey in the practice.

is processed by Heardat without utilizing any sensitive data that would affect the patient nor the service provider/Client nor disclosing the Client/practice's and/or patient's identity. No identity or identifiable information will ever be disclosed to any other party other than the health care professional who the patient belongs to.

Responsibility (Client & Patient)

4. The company will always and only act as the operator and will only act on the client's behalf if so clearly instructed via written request such as per email in the event sending communication to patients. It is the client's responsibility to use the product with utmost care and within legal parameters.
 - 4.1 It is the client's responsibility to ensure that the client's patients provide proper consent to have their details electronically stored and processed by using the product of the company.
 - 4.2 The client should familiarise themselves and abide and comply with information protection laws such as the Protection of Personal Information Act of South African as well as regulations from governing bodies such as the Health Practitioners Council of South Africa.
 - 4.3 Should the product and its features be used by the client to obtain consent from the patient, a consent certificate shall be kept by the product on a secure database. However, the company strongly advise that a hard copy, signed document should also be kept with the client.
 - 4.4 The client should present the patient with a consent form and the consent form may refer to the company's policies such as this policy. The policies can be found by visiting www.heardat.net.
 - 4.5 The company will provide the client with basic content that can be used as in the consent request form that is used to obtain consent from the patient whether it's by means of digital consent and/or a hardcopy document.
 - 4.6 Consent for the following events should be obtained and is regarded as consent given to the client only;
 - Digital data Capturing, Processing and Storage
 - Marketing/promotional communication
 - Use of personal and identifiable data
 - Any other consent needed by the client.

Use of Personal Data(Client)

5. The Company may use Personal Data for the following purposes:

- **To provide and maintain our Service**, including to monitor the usage of our Service.
- **To manage Your Profile:** to manage Your registration as a user of the Service. The Personal Data You provide can give You access to different functionalities of the Service that are available to You as a registered user.
- **For the performance of a contract:** the development, compliance and undertaking of the purchase contract for the products, items or services You have purchased or of any other contract with Us through the Service.
- **To contact You:** To contact You by email, telephone calls, SMS, or other equivalent forms of electronic communication, such as a mobile application's push notifications regarding updates or informative communications related to the functionalities, products or contracted services, including the security updates, when necessary or reasonable for their implementation.
- **To provide You** with news, special offers and general information about other goods, services and events which we offer that are similar to those that you have already purchased or enquired about unless You have opted not to receive such information.
- **To manage Your requests:** To attend and manage Your requests to Us.

6. We may share your personal information in the following situations:
- **For Business transfers:** We may share or transfer Your personal information in connection with, or during negotiations of, any merger, sale of Company assets, financing, or acquisition of all or a portion of our business to another company.
 - **With Affiliates:** We may share Your information with Our affiliates, in which case we will require those affiliates to honor this Privacy Policy. Affiliates include Our parent company and any other subsidiaries, joint venture partners or other companies that we control or that are under common control with us.

Retention of Your Personal Data

7. The company will retain your personal data only for as long as is necessary for the purposes set out in this Privacy Policy. We will retain and use your personal data to the extent necessary to comply with our legal obligations (for example, if we are required to retain your data to comply with applicable laws), resolve disputes, and enforce our legal agreements and policies.
8. The company will also retain usage data for internal analysis purposes. Usage data is generally retained for a shorter period of time, except when this data is used to strengthen the security or to improve the functionality of our service, or we are legally obligated to retain this data for longer time periods.

Disclosure of Your Personal Data (Client)

Business Transactions

9. If the company is involved in a merger, acquisition or asset sale, your personal data may be transferred. We will provide notice before your personal data is transferred and becomes subject to a different Privacy Policy.

Law enforcement

10. Under certain circumstances, the Company may be required to disclose your personal data if required to do so by law or in response to valid requests by public authorities (e.g. a court or a government agency).

Other legal requirements

11. The company may disclose your personal data in the good faith belief that such action is necessary to:

- Comply with a legal obligation
- Protect and defend the rights or property of the company
- Prevent or investigate possible wrongdoing in connection with the service
- Protect the personal safety of the patients and/or customers
- Protect against legal liability

Security of Your Personal Data (Client & Patient)

12. The security of your personal data and that of your patients/customers is important to us, but remember that although all and any data submitted electronically/digitally is encrypted, no method of transmission over the internet, or method of electronic storage is 100% secure. Although we comply with strict information security laws and do more than the minimum required whilst striving to use commercially acceptable means to protect your personal data, we cannot guarantee its absolute security.

Email Marketing (To the client)

13. We may use your personal data to contact you with newsletters, marketing or promotional materials and other information that may be of interest to You. You may opt-out of receiving any, or all, of these communications from Us by following the unsubscribe link or instructions provided in any email We send or by contacting Us.

We may use Email Marketing Service Providers to manage and send emails to You.

- **Heardat (Pty) Ltd**
- Their Privacy Policy can be viewed at www.heardat.net

Changes to this Privacy Policy

We may update our Privacy Policy from time to time. We will notify You of any changes by posting the new Privacy Policy on this page.

We will let You know via email and/or a prominent notice on Our Service, prior to the change becoming effective and update the "Last updated" date at the top of this Privacy Policy.

You are advised to review this Privacy Policy periodically for any changes. Changes to this Privacy Policy are effective when they are posted on this page.

Contact Us

If you have any questions about this Privacy Policy, you can contact us:

- By email: charl@heardat.net
- By phone number: 0822226668

Privacy Policy for Heardat (Pty) Ltd