

PRIVACY STATEMENT
IN TERMS OF SECTION 18 OF THE PROTECTION OF PERSONAL INFORMATION
ACT 4 OF 2013

of

B. BRAUN AVITUM (PTY) LIMITED

and

E. OWEN AND PARTNERS INCORPORATED

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1. INTERPRETATION AND DEFINITIONS

- 1.1. In this Privacy Statement, unless clearly inconsistent with, or otherwise clearly indicated by the context –
- 1.1.1. **“B. Braun Avitum”** means B. Braun Avitum (Pty) Ltd, a private company duly incorporated in terms of the laws of South Africa, with registration number 2000/020045/07, with its head office situated at 253 Aintree Road, Hoogland Extension 41, Northriding, Gauteng, South Africa;
 - 1.1.2. **“B. Braun Melsungen AG”** means B. Braun Melsungen Aktiengesellschaft, with its head offices situated at Carl-Braun-Straße 1, 34212 Melsungen, Hessen, Germany;
 - 1.1.3. **“B. Braun SE”** means B. Braun Societas Europaea, with its head offices situated at Carl-Braun-Straße 1, 34212 Melsungen, Hessen, Germany;
 - 1.1.4. **“Data Subject”** means the person to whom Personal Information relates. Persons who may be Data Subjects in respect of us include patients, those who are liable to make payment in respect of the services rendered by ourselves to patients, persons who grant consent on behalf of patients who are incapable to grant such consent or who are children, as well as the next of kin of the patients whose details are provided. Where we use the terms **“you”**, **“your”**, or **“yourself”**, we are referring to a Data Subject;
 - 1.1.5. **“E. Owen and Partners”** means E. Owen and Partners Incorporated, a personal liability company duly incorporated in terms of the laws of South Africa, with registration number 2007/014879/21, with its head office situated at 253 Aintree Road, Hoogland Extension 41, Northriding, Gauteng, South Africa;
 - 1.1.6. **“Effective Date of this Privacy Statement”** means the date reflected in the footnote to each page of this Privacy Statement next to the wording “Effective Date”;

- 1.1.7. **“European General Data Protection Regulation”** means regulation (EU) 2016/679 of the European Parliament and of Council of 27 April 2016;
- 1.1.8. **“Health Act”** means the National Health Act 61 of 2003;
- 1.1.9. **“Health Care Personnel”** has the same meaning as defined in the Health Act;
- 1.1.10. **“Health Establishment”** has the same meaning as defined in the Health Act;
- 1.1.11. **“Information Officer”** means:
- Mr. Scott Farrell;
- Phone Number: (010) 222 3000;
- E-mail Address: paia.za@bbraun.com;
- Physical Address: 253 Aintree Road, Hoogland Ext. 41, Northriding, Gauteng, South Africa;
- Postal Address: P.O. Box 1787, Randburg, 2125
- 1.1.12. **“Information Regulator”** means the Regulator as defined in section 1 of the POPI Act, more specifically the Information Regulator established in terms of section 39 of the POPI Act;
- 1.1.13. **“our/ourselves/us/we”** means B. Braun Avitum and E. Owen and Partners;
- 1.1.14. **“PAI Act”** means the Promotion of Access to Information Act, 2 of 2000;
- 1.1.15. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 1.1.15.1. Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or

mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

1.1.15.2. Information relating to the education or the medical, financial, criminal or employment history of the person;

1.1.15.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

1.1.15.4. The biometric information of the person;

1.1.15.5. The personal opinions, views or preferences of the person;

1.1.15.6. Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

1.1.15.7. The views or opinions of another individual about the person; and

1.1.15.8. The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

1.1.16. **“POPI Act”** means the Protection of Personal Information Act, 4 of 2013;

1.2. Terms used in this Privacy Statement bear the meanings as defined in the PAI Act and the POPI Act.

1.3. This Privacy Statement is aimed at ensuring compliance with section 18 of the POPI Act, with this Privacy Statement not taking away nor limiting any rights which you, or any other person, may have under the PAI Act and/or under the POPI Act. This Privacy Statement furthermore does not give to you, or to any other person,

any rights greater than, or in addition to, the rights set out in the PAI Act and/or in the POPI Act.

2. NOTIFICATION THAT PERSONAL INFORMATION IS BEING/HAS BEEN COLLECTED, AND THE SOURCES FROM WHOM/WHERE PERSONAL INFORMATION IS COLLECTED

- 2.1. Kindly take notice that we collect Personal Information of Data Subjects.
- 2.2. We always endeavour to collect Personal Information directly from a Data Subject. However, in certain instances we do collect Personal Information from other sources:
 - 2.2.1. Where a patient is incapable of providing Personal Information, or where a patient is a child, we shall endeavour to obtain Personal Information from another lawful source, such as a legally competent family member of the patient.
 - 2.2.2. Where the patient's next of kin information is filled out, such next of kin is often times not present, accordingly the next of kin's Personal Information will be obtained from the patient, or the person providing the Personal Information on behalf of the patient.
 - 2.2.3. Where a medical scheme may be identified as possibly liable in respect of any services rendered by us in respect of a patient, we may obtain personal information from such a medical scheme.
 - 2.2.4. Where relevant, from other Health Care Personnel and/or Health Establishments.

3. THE PURPOSE/S FOR WHICH WE COLLECT PERSONAL INFORMATION

- 3.1. We only collect Personal Information for lawful purposes, which purposes include:
 - 3.1.1. The conclusion of service contracts in terms of which we render services to patients.
 - 3.1.2. The rendering of appropriate treatment to patients.
 - 3.1.3. Compliance with our legal obligations.

3.1.4. The pursuance by ourselves of our legitimate interests.

3.1.5. The contacting of next of kin under appropriate circumstances.

4. WHETHER THE SUPPLY OF PERSONAL INFORMATION IS VOLUNTARY OR MANDATORY AND WHAT THE CONSEQUENCES WILL BE SHOULD PERSONAL INFORMATION NOT BE PROVIDED

4.1. Patients/those responsible for the care of patients are free to choose which renal dialysis service provider they wish to use, accordingly it is not mandatory for any person to appoint us as a service provider.

4.2. However, in the event that we are chosen as a service provider, the supply of Personal Information is mandatory in light thereof that:

4.2.1. Without Personal Information no agreement/contract can be entered into as we will not know with whom we are contracting and we will not know what services we are to render.

4.2.2. We are legally obliged to obtain and retain certain Personal Information.

4.3. Accordingly, we shall be unable to render services in respect of any patient in respect of whom we do not obtain the Personal Information we request to be provided.

5. LEGISLATION REQUIRING OF OURSELVES TO PROCESS CERTAIN PERSONAL INFORMATION

5.1. We are obliged in terms of the law to collect and process certain Personal Information, with the following being of particular relevance:

5.1.1. The Health Professions Act 56 of 1974;

5.1.2. The National Health Act 61 of 2003.

6. TRANSFER OF PERSONAL INFORMATION TO OTHER COUNTRIES

6.1. We, as part of the international company B. Braun Melsungen AG, with B. Braun Melsungen AG's parent company being B. Braun SE, may rely on any of the grounds set out in section 72 of the POPI Act to justify the transfer of Personal Information internationally.

- 6.2. We are proud of the fact that both B. Braun Melsungen AG and B. Braun SE are bound by the European General Data Protection Regulation (EU) 2016/679 of the European Parliament and of Council of 27 April 2016.

7. PARTIES TO WHOM WE SUPPLY PERSONAL INFORMATION THAT WE COLLECT

- 7.1. We supply Personal Information to third parties only under circumstances where such supply is lawful. The following are examples of third parties to whom we may supply Personal Information:

- 7.1.1. Our employees and our agents who are authorised to process such information;
- 7.1.2. Our auditors;
- 7.1.3. Our legal advisors;
- 7.1.4. Applicable government institutions/regulatory bodies;
- 7.1.5. Medical schemes;
- 7.1.6. Health Care Personnel, including such persons' administrative personnel;
- 7.1.7. Health Establishments;
- 7.1.8. Those who are involved in the transportation of patients to/from our facilities.

8. THE CATEGORIES OF PERSONAL INFORMATION THAT WE MAY BE PROCESSING

- 8.1. The nature or categories of Personal Information that we process and will depend upon each individual situation.
- 8.2. Personal Information that we process shall however only be processed where such processing has been consented to by the relevant Data Subject and/or where such processing is justified in law as envisaged by section 11(1)(b) up to and including section 11(1)(f).
- 8.3. The nature or categories of information processed by ourselves may include Personal Information pertaining to race; gender; sex; pregnancy; marital status; national, ethnic or social origin; age; physical or mental health; well-being;

disability; language; education; medical, financial, employment history; identity number; passport number; medical scheme membership details; e-mail and physical address; telephone number; biometric information.

9. YOU HAVE RIGHTS IN RESPECT OF YOUR PERSONAL INFORMATION COLLECTED BY US

9.1. You have the right, after having provided ourselves with adequate proof of your identity (we do not wish to provide information about you to an imposter), to:

9.1.1. request ourselves to:

9.1.1.1. confirm, without any fee being payable by you, whether or not we hold any Personal Information about you. Our response in this regard will essentially consist of a “yes” or “no” answer;

9.1.1.2. in the event that we do hold Personal Information about you, provide you with the record of, or description of, the Personal Information that we hold about you, as well as Personal Information about the identity of third parties/categories of third parties who have/had, access to your Personal Information.

You shall be entitled to receive the information requested within a reasonable period of time, in a reasonable manner and format, and in a form that is generally understandable.

We shall be entitled to require payment of the prescribed fee from you.

9.1.1.3. should any of the Personal Information we hold about you be inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, you may request ourselves to correct or delete such Personal Information. Should we not reach agreement with you in respect of the aforementioned request, and should you request, we shall take reasonable steps to attach an indication to your Personal Information to

the effect that you have requested a correction of your Personal Information, but such a correction had not been made.

Any request by you for the correction or deletion of Personal Information, or for the destruction or deletion of a record of Personal Information, must be submitted by you to us, with you using **Form 2** attached hereto, and forwarding same to our Information Officer e-mail address: paia.za@bbraun.com. In the event that it is not practicable for you to submit Form 2 via e-mail to ourselves, kindly contact our Information Officer so that appropriate arrangements may be made.

9.1.2. withdraw your consent to the processing of your Personal Information. Do however note that such a withdrawal of consent will not prohibit us from continuing to process your Personal Information in the event that any of the justification grounds recorded in section 11(1)(b) up to and including section 11(1)(f) of the POPI Act continue to exist, which grounds are the following:

9.1.2.1. Processing of your Personal Information is necessary to carry out our actions for the conclusion or performance of a contract to which you are a party;

9.1.2.2. Processing of your Personal Information complies with an obligation imposed by law on us;

9.1.2.3. Processing of your Personal Information protects a legitimate interest of yourself; or

9.1.2.4. Processing of your Personal Information is necessary for pursuing a legitimate interest/s of ourselves, or of a third party to whom your Personal Information is supplied.

9.1.3. object to our processing of your Personal Information where we process your Personal Information on the basis of section 11(1)(d) or section 11(1)(f) of the POPI Act. The provisions of the

aforementioned sections are described respectively in clauses 9.1.2.3 and 9.1.2.4 above.

Kindly note that your objection will have to be based upon reasonable grounds, and must be submitted by you to us, with you using **Form 1** attached hereto, and forwarding same to our information officer e-mail address: paia.za@bbraun.com . In the event that it is not practicable for you to submit Form 2 via e-mail to ourselves, kindly contact our Information Officer so that appropriate arrangements may be made.

Provided that you submitted Form 1 to ourselves, and provided that your objection is based upon reasonable grounds, and provided that no other grounds of justification outside of those grounds listed in section 11(1)(d) and section 11(1)(f) of the POPI Act exist, we shall no longer process your Personal Information.

- 9.2. You have a right in terms of section 74 of the POPI Act to submit a complaint, as envisaged by such a section, to the Information Regulator.

10. THE INFORMATION REGULATOR

- 10.1. The contact details of the Information Regulator are:

Physical Address : JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address : P.O. Box 31533, Braamfontein, Johannesburg, 2017

Complaints email : complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 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 is 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 number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at _____ 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 NO. 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 request 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 is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in the 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 THE DATA SUBJECT
Name(s) and surname/registered name of data subject:	
Unique identifier/Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	

C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and/or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN <i>(Please provide detailed reasons for the request)</i>

Signed at _____ this ____ day of _____ 20_____

**SIGNATURE OF DATA SUBJECT/
DESIGNATED PERSON**