

# PRIVACY POLICY

Your privacy and the security of your personal information are important to us. Please read this Privacy Policy carefully to understand how your information will be processed by SAMED. Every term of this Policy is material.

## 1. About SAMED

The South African Medical Technology Industry Association (SAMED) is a voluntary not-for-profit industry association and is the voice of the medical technology and in vitro diagnostics (IVD) industry in South Africa. Our contact details are as follows:

Hammets Crossing Office Park

Prince House 816/4

No 2 Selborne Road

Johannesburg North

Randburg

E-mail: [info@samed.org.za](mailto:info@samed.org.za)

Telephone: +27 (0)11 704 2440

Website: [www.samed.org.za](http://www.samed.org.za)

## 2. Information Officer

The contact details of our Information Officer are as follows:

Name: Tanya Vogt

E-mail: [tanya@samed.org.za](mailto:tanya@samed.org.za)

Telephone: +27 (0)11 704 2440

## 3. Definition of Terms

3.1 **“Member”** refers to an entity or a person that has been admitted as a member of SAMED in terms of SAMED’s Constitution and **“membership”** has a corresponding meaning.

3.2 **“Officer”** refers to a member of the Board or any Committee of SAMED.

- 3.3 **“Personal information”** has the meaning assigned to it in POPIA and refers to information relating to human beings and certain juristic persons. It includes information such as race, gender, pregnancy, age, health status and medical information, date of birth, identity number, contact details and confidential correspondence.
- 3.4 **“Processing”** has the meaning assigned to it in POPIA and refers to any operation or activity concerning personal information, such as the collection, receipt, recording, storage, updating, alteration, use, distribution, erasure or destruction of the information.
- 3.5 **“POPIA”** means the Protection of Personal Information Act (Act 4 of 2013) and Regulations made in terms thereof.
- 3.6 **“SAMED”** means the South African Medical Technology Industry Association.
- 3.7 **“We” / “us”** refers to SAMED.
- 3.8 **“You” / “your”** refers to the data subject (i.e., the individual or entity) whose personal information is in the possession of or under the control of or processed by SAMED.

#### **4. Application of the Privacy Policy**

This Privacy Policy applies to personal information that we have in our possession or under our control that we collect or receive from or about you, and our processing practices, which include collecting, using, storing, linking and disseminating, that information. It stipulates, amongst others, how we collect your personal information, the type of information we collect, why that information is collected, the circumstances under which that information will be shared with others, the security measures that we have implemented to protect your personal information and your right to obtain access to and correct the information in our possession or under our control.

## 5. Our Commitment

We understand that your personal information is important to you and that you may be anxious about disclosing it. Your privacy and the security of your information are just as important to us and we therefore want to make sure you understand how your information will be processed. We acknowledge that we are bound by applicable law to keep your personal information confidential and protect such information. We are committed to conducting our business in accordance with the law in order to ensure that the confidentiality of your personal information is protected and maintained. We take this commitment to look after your personal information seriously. We have implemented a number of processes to make sure that your personal information is used in the right way.

We apply the following principles in order to protect your privacy:

- No more personal information about you than what is necessary is collected;
- Your personal information is only used for the purposes specified in this Privacy Policy unless you are advised otherwise;
- We do not keep your personal information if it is no longer needed; and
- Other than as specified in this Privacy Policy, or otherwise agreed with you, we do not share your personal information with third parties.

## 6. When You Provide Information about Another Individual / Entity

You must ensure that if you provide personal information about any individual or entity to us, you may lawfully do so (e.g., with their consent). We will accept that you are acting lawfully. You should make sure that they are familiar with this Privacy Policy and understand how we will use and disclose their information.

## 7. Collection of Your Personal Information

We obtain personal information directly from you –

- when you become a member, officer or employee of SAMED;

- when you are nominated to a position at SAMED;
- when you provide information to us;
- when you log on to SAMED's website;
- during any complaint resolution process; or
- during the enforcement of the Medical Device Code of Ethical Marketing and Business Practice (Code).

Information about you may also be collected from other sources, depending on the circumstances, such as public records, complaint documentation, regulators and the media, and when you make information publicly available. In addition, member companies supply personal information about certain of their staff members / officials upon joining SAMED and on various other occasions where it may be required.

Information is generally collected for the purposes as set out below.

## **8. Processing of Your Personal Information**

There are various laws that permit the processing of your personal information such as POPIA. We will only process, which includes collect, use, store or disclose, your personal information in accordance with the law or otherwise with your consent and will always strive to keep your information confidential, whether you supply it directly to us or whether it is collected lawfully from other sources. We generally process the following personal information, as may be applicable in the circumstances, and retain it as part of our records:

### **Members and Applicants for Membership**

- All the information provided on the member application form, such as names, registration numbers, entity-related information and contact details of the entity and specified individuals, including of the auditors / accountants, annual turnover bands, Black Economic Empowerment (BEE) status, medical device / IVD establishment licences, and product lists / categories of medical devices or IVDs that the member / applicant trades in, company logos, VAT status, certification (e.g. ISO, CRICE, etc.) and signatures of persons signing the application form, which information is updated from time to time;

- Billing details and payment history related to membership fees;
- Gender and race of employees;
- Opinions on matters relevant to SAMED's business, SAMED's products and services and industry-related matters;
- Payments due to members by and experience with public bodies;
- Utilisation of SAMED's products and services;
- Complaint-related information;
- Relevant market information;
- Information supplied during member surveys; and
- Correspondence.

### **Officers**

- Name, identity number, age, contact details, physical and postal addresses, telephone numbers, position at SAMED, nationality, gender, race, qualifications, curriculum vitae, bank details, criminal record and photos;
- Signatures of official signatories of SAMED and proof of residence, if required by the bank;
- Interests and gifts as declared;
- References and vetting details;
- Appointment-related information, including all information supplied during the nomination and appointment process; and
- Correspondence.

### **Employees**

- Name, identity number, date of birth, age, contact details, physical and postal addresses, telephone numbers, position at SAMED, nationality, gender, race, education, qualifications, curriculum vitae, bank details, criminal record, photos and contact details of next-of-kin;
- References and vetting details;
- Relevant medical and disability information;
- Employment-related information, including all information supplied on the employment contract with SAMED; and
- Correspondence.

### **Participants at SAMED Events**

- Names, contact details and employer details, if applicable;
- Billing and payment details, if applicable; and
- Correspondence.

**Suppliers, Service Providers, Complainants, Other Stakeholders in the Health Care Industry, including Public Bodies and Regulators**

- Organisation name and contact details;
- Names, titles and contact details of relevant persons and officials;
- BEE status of suppliers;
- Agreements and related information;
- Invoices;
- Official documentation, including newsletters and statements;
- Information supplied on complaint forms; and
- Engagement-related information and correspondence.

Other personal information may be collected and processed, as may be necessary and applicable in the circumstances.

## 9. Links to Social Networking Services

We use social networking services such as LinkedIn, Twitter and Facebook to communicate with the public about its services. When you communicate with us through these services, the relevant social networking service may collect your personal information for its own purposes. These services have their own privacy policies, which are independent of this Privacy Policy.

## 10. Objection to Processing and Withdrawal of Consent

When we process your personal information to protect your legitimate interests or based on the legitimate interests of SAMED or those of a third party to whom we supply the information, you may object to such processing by using the form prescribed by POPIA for this purpose. This does not affect your personal information that we have already processed. If you object and we agree with your objection, your personal information will only be processed as provided for in the law.

If you have provided consent for us to process your personal information, you may also withdraw your consent at any time. This does not affect your personal information, which has already been processed. If you withdraw your consent, your personal information will only be processed as provided for in the law.

## **11. Purpose of Processing Your Personal Information**

We generally process personal information for the following purposes:

- conduct of the business of SAMED;
- administration of membership and collection of membership fees;
- provision of membership services;
- communication of relevant information, industry matters and events;
- maintenance of our records;
- employment and related matters of employees;
- appointment and related matters of officers;
- procurement of products and services;
- engagement with Regulators and relevant public bodies on behalf of members;
- marketing of SAMED's services and events;
- enforcement of the Code;
- Code certification purposes;
- historical, statistical and research purposes; and
- any other lawful purpose related to the business of SAMED.

We do not use your personal information for commercial purposes.

## **12. Disclosure of Your Personal Information**

### **Members**



In order to provide members with membership services, and as may be relevant and necessary in the circumstances, we will share your relevant personal information with

- funders;
- our professional advisers and auditors;
- employees, administrators and service providers who assist us with the provision of services and who must perform functions related to the administration of our business subject to confidentiality agreements;
- the public;
- other relevant persons and bodies; and
- law enforcement structures, including courts and tribunals,

as advised when we collect the information or as may be required or permitted by law, including to comply with any legal obligation or to protect the rights, property or safety of our business, employees, patients, the public or others, or otherwise with your consent.

### **Officers and Employees**

We will share the relevant personal information of officers and employees with

- members;
- vetting agencies;
- regulatory and other public bodies;
- industry stakeholders;
- our professional advisers and auditors;
- law enforcement structures, including courts and tribunals; and
- other relevant persons and bodies,

as advised when we collect the information or as may be as required or permitted by law, including to comply with any legal obligation or to protect the rights, property or safety of our business, employees, patients, the public or others or otherwise with your consent.

### **Other Persons**

The personal information of other persons will only be shared as permitted in terms of the law or as otherwise agreed to with such a person.

### **13. Record-Keeping**

We maintain records of your personal information for as long as it is necessary for lawful purposes and in accordance with the law, including to fulfil your requests, provide services to you, comply with legal obligations, resolve disputes, enforce agreements and enforce the Code. These records may be held in electronic format. We may also retain your personal information for historical, statistical and research purposes, subject to the provisions of the law.

### **14. Sending Information Across the Borders of the Republic of South Africa**

We process and store your information in records within the Republic South Africa, including in 'clouds', which comply with legal requirements to ensure the protection of your privacy. If we must provide your personal information to any third party in another country, we will obtain your prior consent unless such information may be lawfully provided to that party.

### **15. Security of Your Personal Information**

We are committed to ensuring the security of your personal information in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. There are also inherent risks in the electronic transfer and storage of personal information. We have implemented, and continually review and update, information protection measures to ensure the security, integrity, and confidentiality of your information in accordance with industry best practices. These measures include the physical securing of the offices where information is held, the locking of cabinets with physical records, password control to access electronic records, off-site data back-ups and stringent policies in respect of electronic record storage and dissemination. In addition, only those employees and service providers that require access to your information to discharge their functions relating to SAMED's business are granted access provided that they have concluded agreements or provided undertakings regarding the implementation of appropriate security measures, maintaining confidentiality and processing the information only for the agreed purposes. We will inform you and the Information Regulator, if any person has unlawfully obtained access to your personal information, subject to the provisions of the law.

## **16. Right to Access your Personal Information**

You have the right to have access to your personal information subject to restrictions imposed in legislation. You may request access to your information in our possession or under our control and information of third parties to whom we supplied that information. If you wish to exercise this right, please complete and submit the prescribed form to the Information Officer. Costs may be applicable to such request. The relevant form and costs can be obtained from the Information Officer. You may also consult our PAIA Manual.

## **17. Accuracy of Your Personal Information**

It is important that we always have accurate information about you on record as it could impact on communication with you and the credibility of information that we share with relevant persons in the industry. You must therefore inform us as soon as any of your information has changed. You may also request that we correct or delete any information. Such a request must be made in writing to the Information Officer on the form prescribed by POPIA and must provide sufficient detail to identify the information and the correction or deletion required. Information will only be corrected or deleted, if we agree that the information is incorrect or should be deleted. It may not be possible to delete any or all information if there is a legal basis to retain the information. However, please contact the Information Officer to discuss how we can assist you with your request. If we correct any information and the corrected information will impact on any decision made or to be made about you, we will send the corrected information to persons to whom the information has been disclosed in the past if they should be aware of the changed information.

## **18. Marketing of Products and Services**

If you have provided consent, we may occasionally inform you, electronically or otherwise, about supplementary products and services offered by us and relevant industry bodies or others that may be useful or beneficial to you. You may at any time withdraw your consent and opt out from

receiving such information. You may not opt-out of service-related communications, which are not promotional in nature.

## 19. Changes to this Privacy Policy

We reserve the right in our sole and absolute discretion, to revise or supplement this Privacy Policy from time to time to reflect, amongst others, any changes in our business or the law. We will publish the updated Privacy Policy on our website at <http://www.samed.org.za/>. It will also be available at our offices. Any revised version of the Policy will be effective as of the date of posting on our website, so you should always refer back to the website for the latest version of the Policy. **It is your responsibility to make sure you are satisfied with any changes before continuing to use our products and services.** If we make a material change to our Privacy Policy, you will be notified (by e-mail and/or posting on our website) that our privacy practices have changed and refer you to the new Policy. In the event that we make a material change to how we use your personal information, we will provide you with an opportunity to opt out of such new or different use. If you have any questions concerning this Policy, please [contact](#) the Information Officer.

## 20. Enquiries, Concerns and Complaints

All enquiries, requests or concerns regarding this Policy or relating to the processing of your personal information should be addressed to the Information Officer. You may also lodge a complaint with the Information Regulator at [POPIAcomplaints.IR@inforegulator.org.za](mailto:POPIAcomplaints.IR@inforegulator.org.za) (violation of personal information) or [PAIAcomplaints.IR@inforegulator.org.za](mailto:PAIAcomplaints.IR@inforegulator.org.za) (access to record requests). We would appreciate it if you would give us the opportunity to consider your complaint before you approach the Information Regulator.

## 21. Laws applicable to this Privacy Policy

This Privacy Policy is governed by the laws of the Republic of South Africa.