

ALIDA LOUW REGISTERED COUNSELOR

WEBSITE TERMS OF USE, DISCLAIMER AND PRIVACY POLICY

BY MAKING USE OF THIS WEBSITE, YOU AGREE TO AND CONSENT TO THE TERMS OF USE, DISCLAIMER AND PRIVACY POLICY SET OUT HEREUNDER. IF YOU DO NOT AGREE WITH ANY OF TERMS OF USE, DISCLAIMER, OR PRIVACY STATEMENTS, YOU MUST CEASE YOUR ACCESS OF THIS WEBSITE IMMEDIATELY.

1. Definitions and Interpretation

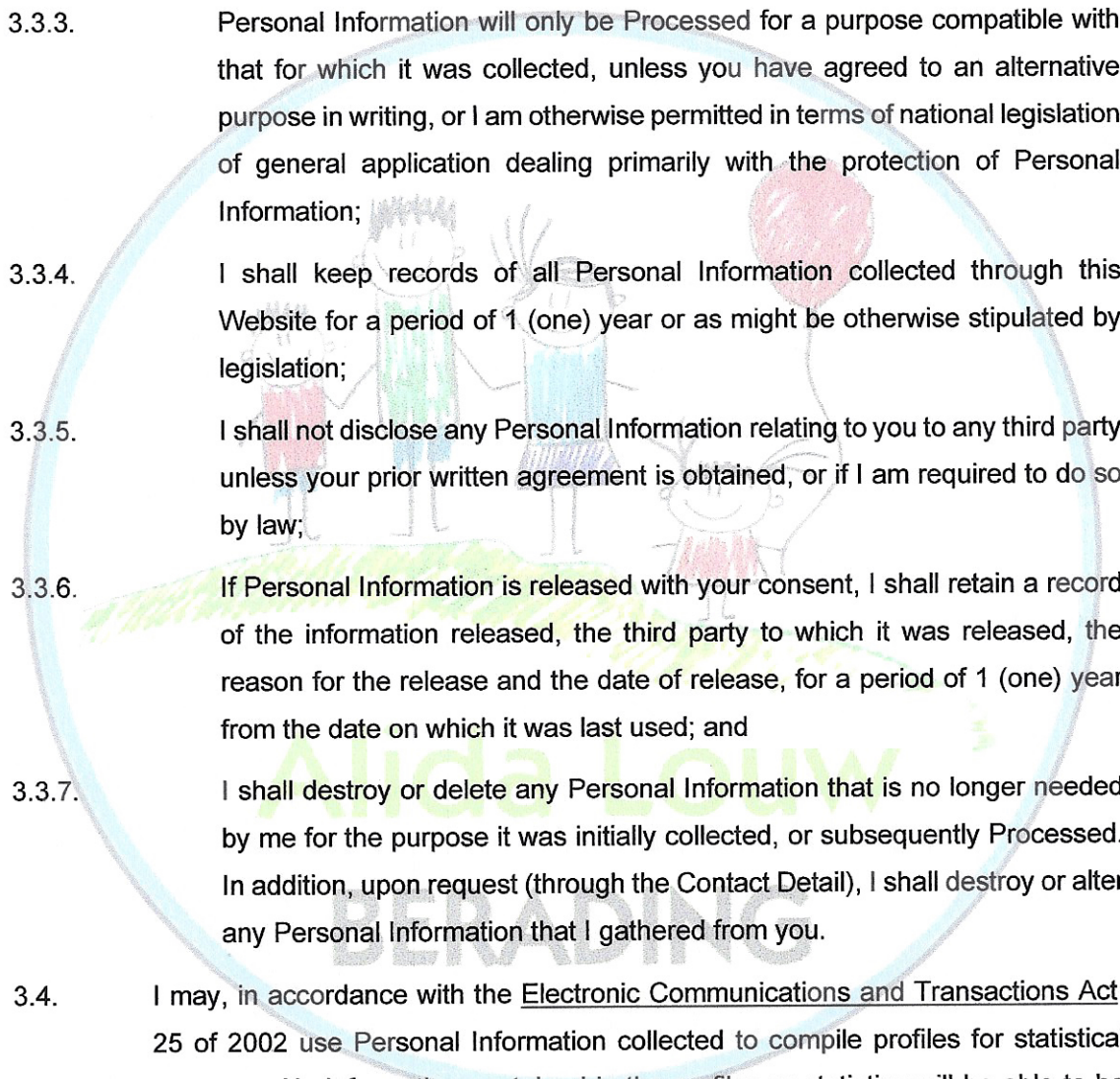
- 1.1. "Contact Detail" means info@alidalouwberading.co.za (the e-mail address where I can be contacted for any purpose pertaining to this Privacy Policy);
- 1.2. "I" and "my" means my Practice and I;
- 1.3. "Personal Information" means Personal Information relating to an identifiable person (natural or legal) as defined in the Protection of Personal Information Act, 4 of 2013;
- 1.4. "Practice" means my professional counselling practice that this Website relates to;
- 1.5. "Processing" means the creation, generation, communication, storage, destruction of Personal Information as defined in the Protection of Personal Information Act, 4 of 2013;
- 1.6. "Website" means the Website of the Practice at URL <https://www.alidalouwberading.co.za> or such other URL as the Practice may choose from time to time; and
- 1.7. "You" or the "user" means any person who accesses and browses this Website for any purpose.

2. Terms of use and disclaimer

- 2.1. Please note that, due to legal and other developments, I may amend these terms and conditions from time to time. It is your duty to remain appraised of the current version of my terms of use, disclaimer, and privacy policy.
- 2.2. The materials published on this Website are provided for general information purposes only and do not constitute advice.
- 2.3. Whilst every effort is made to update the information regularly and to offer the most current, correct, and accurate information, I accept no liability or responsibility whatsoever if any information is, for whatever reason, incorrect, inaccurate, or dated.
- 2.4. I accept no responsibility for any loss or damage, whether direct, indirect, or consequential, which may arise from access to or reliance on the information contained in these pages.
- 2.5. I have taken reasonable measures to ensure the integrity of this Website and its contents, however no warranty is given that any files, downloads, or applications available via this Website are free of viruses which have the ability to corrupt your system.
- 2.6. I reserve the right to make changes to these terms of use, disclaimer or privacy policy and any information contained on this Website at any time.
- 2.7. I respect your privacy. As such, this privacy policy statement hereunder sets out the way I gather information and disseminate it in respect of the Website. It also governs the processing of Personal Information provided to me through your interaction with the Website.

3. Processing of Personal Information

- 3.1. **By providing your Personal Information to the Practice you acknowledge that it has been collected directly from you and consent to its Processing by me.**
- 3.2. **If you are providing Personal Information regarding a minor, you specifically consent to me retaining and Processing such personal Information and warrant that you are entitled to provide such Personal Information;**
- 3.3. Where you submit Personal Information (such as name, address, telephone number and email address) *via* the Website (e.g., through completing any online form) the following principles are observed in the Processing of that information:

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- 3.3.1. I shall only collect Personal Information for a purpose consistent with the purpose for which it is required. The specific purpose for which information is collected will be apparent from the context in which it is requested;
- 3.3.2. I shall only Process Personal Information in a manner that is adequate, relevant, and not excessive in the context of the purpose for which it is Processed;
- 3.3.3. Personal Information will only be Processed for a purpose compatible with that for which it was collected, unless you have agreed to an alternative purpose in writing, or I am otherwise permitted in terms of national legislation of general application dealing primarily with the protection of Personal Information;
- 3.3.4. I shall keep records of all Personal Information collected through this Website for a period of 1 (one) year or as might be otherwise stipulated by legislation;
- 3.3.5. I shall not disclose any Personal Information relating to you to any third party unless your prior written agreement is obtained, or if I am required to do so by law;
- 3.3.6. If Personal Information is released with your consent, I shall retain a record of the information released, the third party to which it was released, the reason for the release and the date of release, for a period of 1 (one) year from the date on which it was last used; and
- 3.3.7. I shall destroy or delete any Personal Information that is no longer needed by me for the purpose it was initially collected, or subsequently Processed. In addition, upon request (through the Contact Detail), I shall destroy or alter any Personal Information that I gathered from you.
- 3.4. I may, in accordance with the Electronic Communications and Transactions Act, 25 of 2002 use Personal Information collected to compile profiles for statistical purposes. No information contained in the profiles or statistics will be able to be linked to any specific user.

4. Collection of anonymous data

- 4.1. I may use standard technology to collect Information about the use of this Website. This technology is not able to identify individual users but simply allows me to collect statistics.

4.2. I may utilise temporary or session cookies to keep track of users' browsing habits. A cookie is a small file that is placed on your hard drive, to keep a record of your interaction with this Website and facilitate user convenience.

4.3. Cookies by themselves will not be used to identify users personally but may be used to compile identified statistics relating to use of services offered or to provide me with feedback on the performance of this Website.

4.4. The following classes of information may be collected in respect of users who have enabled cookies:

4.4.1. the browser software used;

4.4.2. IP address;

4.4.3. date and time of activities while visiting the Website;

4.4.4. URLs of internal pages visited; and

4.4.5. referrers.

4.5. If you do not wish cookies to be employed to customize your interaction with this Website, it is possible to alter the way your browser handles cookies on your computer. Please note that, if this is done, certain services on this Website may not be available.

5. **Security**

I take reasonable measures to ensure the security and integrity of information submitted to or collected by this Website but cannot under any circumstances be held liable for any loss or other damage sustained by you because of unlawful access to or dissemination of any Personal Information by a third party.

6. **Links to other websites**

I have no control over and accepts no responsibility for the privacy of any third-party websites to which hyperlinks may have been provided on the Website and I strongly recommend that you review the privacy policy of any website you visit before using it further.

7. **Queries**

7.1. If you have any queries about this privacy policy, please contact me by e-mail at the Contact Detail.

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**MANUAL IN COMPLIANCE WITH SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2 OF 2000,**

AND

**POLICIES AND PROCEDURES PERTAINING TO THE PROTECTION OF
PERSONAL INFORMATION ACT, 4 OF 2013.**



TABLE OF CONTENTS

1. Definitions and Interpretation	3
2. Availability of this Manual	5
3. How to contact the Practice	5
4. Guide to the use of PAIA	5
5. Categories of documents available without formal request.....	5
6. Categories of records kept in accordance with legislation	6
7. Protection of Personal Information – privacy policy and procedures	6
8. Procedure in terms of PAIA for a request for access to records	10



1. Definitions and Interpretation

In this document,

- 1.1. **“Client”** means any person of whom records are being kept in the Practice;
- 1.2. **“Contact Details”** means all or any of the following:
- 1.2.1. Postal Address: 30 Strauss Avenue,
Potchefstroom
2531;
- 1.2.2. Street Address: 30 Strauss Avenue,
Potchefstroom
2531;
- 1.2.3. Phone number: 082 565 2567;
- 1.2.4. e- mail address: info@alidalouwberading.co.za;
- 1.3. **“Head of Practice”** means Mrs Alida Louw, a counsellor duly registered with the HPCSA under number PRC0010413 and practising under Board of health care funders number 0810000489980;
- 1.4. **“HPA”** means the Health Professions Act, 56 of 1974;
- 1.5. **“HPCSA”** means the Health Professions Council of South Africa;
- 1.6. **“HRC”** means the Human Rights Commission;
- 1.7. **“Information Officer”** means, for purposes of POPI, the Head of Practice who is duly registered as such in terms of Section 55(2) of POPI;
- 1.8. **“Information Regulator”** means the information regulator brought in existence by Section 39 of POPI;
- 1.9. **“PAIA”** means the Promotion of Access to Information Act, 2 of 2000;



- 1.10. **“Personal Information”** carries the same meaning as ascribed to this phrase in Section 1 of POPI;
- 1.11. **“POPI”** means the Protection of Personal Information Act, 4 of 2013;
- 1.12. **“Practice”** means the professional psychology practice conducted exclusively by the Head of Practice as a sole proprietorship and the private body (for purposes of PAIA) to which this manual relates;
- 1.13. **“Practice Website”** means the website of the Practice to be found at <https://www.alidalouwberading.co.za> and hosted by the Website Host; and
- 1.14. **“Website Host”** means Gsdpotch, whose web address is <https://www.gsdpotch.com>;
- 1.15. In this manual:
- 1.15.1. capitalised words and phrases (apart from the normal spelling rules and unless the context within which such words and phrases clearly indicate the contrary) carry the meaning ascribed to them in the definitions section of this clause 1;
- 1.15.2. the clause headings are for convenience and shall be disregarded in construing this manual;
- 1.15.3. unless the context indicates a contrary intention, the singular shall include plural and *vice versa*;
- 1.15.4. any reference to a statute, regulation or other legislation shall be a reference to that statute, regulation, or other legislation as at the signature date of this manual; and
- 1.15.5. where any number of days is to be calculated from a day, such number shall be calculated as excluding such day and commencing on the next business day. If the last day of such number so calculated falls



on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.

2. Availability of this Manual

- 2.1. This manual is available for inspection by appointment at the street address of the Practice as per the Contact Details; and
- 2.2. This manual is also available from the Practice Website.

3. How to contact the Practice

The Practice should be contacted through its Information Officer at any of the Contact Details;

4. Guide to the use of PAIA

The HRC is obligated, in terms of S10 of PAIA, to compile and publish a guide on how to make use of such Act. Such a guide has been compiled and it contains information required by a person wishing to exercise any right contemplated by PAIA. It is available in all the official languages. Any person who wishes to know more about how to exercise any rights contemplated in PAIA must direct queries to:

**The South African Human Rights Commission,
PAIA Unit
Research and Documentation Department**

Postal address: Private bag 2700, Houghton, 2041, South Africa
Telephone: +27 11 8773600
Fax: +27 11 4030625
E-mail: PAIA@sahrc.org.za
Website: www.sahrc.org.za

5. Categories of documents available without formal request

This Practice does not have any records, as contemplated in section 52 of PAIA, that are automatically available without a person having to request access in terms of PAIA.



6. Categories of records kept in accordance with legislation

6.1. The Practice maintains applicable records in accordance with the following legislation (which are not automatically available without a request in terms of this Act):

6.1.1. Income Tax Act, 95 of 1967;

6.1.2. HPA;

6.1.3. PAIA; and

6.1.4. POPI.

6.2. The Practice has the following records (which are not automatically available without a request in terms of this Act):

6.2.1. Clients

6.2.1.1. Confidential Client records and related information kept in accordance with the provisions of the HPA, the HPCSA and POPI;

6.2.2. Communication

6.2.2.1. Media Releases

6.2.2.2. Promotion of Access to Information Act Manual

6.2.2.3. Internal and external correspondence

6.2.3. Financial Information

6.2.3.1. Financial Statements

6.2.3.2. Financial and Tax Records

6.2.3.3. Asset Register & Insurance information

6.2.3.4. Banking details

6.2.4. Operational Information

6.2.4.1. Client Information (other than confidential client records)

6.2.4.2. General Contract Documentation



6.2.4.3. Guidelines, Policies and Procedures

6.2.5. Website

6.2.5.1. Organisation and personal profiles

6.2.5.2. News and Publications

7. Protection of Personal Information – privacy policy and procedures

7.1. The very nature of the business conducted by the Practice requires the gathering of Personal Information from a Client and other relevant person/s (the latter being case dependent);

7.2. By virtue of the provisions of Section 32(1)(a) of POPI, most, if not all, Personal Information gathered from and regarding Clients will be exempt from the general POPI provisions prohibiting the collection and processing of such Personal Information. Apart from this exemption, it is a policy of the Practice to obtain the consent of all relevant parties before gathering and/or processing Personal Information;

7.3. In addition to the aforesaid, all Personal Information gathered and pertaining to a Client is subject to an obligation of confidentiality by virtue of the profession under which the Practice falls, as well as South African legislation. As such, all Personal Information provided will be treated as strictly confidential, with the following exceptions:

7.3.1. with a Client's (or that Client's guardian in applicable cases) express consent;

7.3.2. where Personal Information is required by the Client's medical aid or other person responsible for payment of the Practice's professional fees (where applicable) to process claims for treatment provided by the Practice or for the Practice's administration;

7.3.3. where the Practice is obliged by law to divulge information;

7.3.4. where consultation with other mental health professionals is viewed as being necessary;



- 7.3.5. where the Client poses a danger to him- or her- self, or another person;
- 7.3.6. where the Client's referral source or family doctor require feedback regarding his or her treatment. In such a case, information will only be supplied once discussed with the Client or guardian (where applicable);
- 7.3.7. In the case of a deceased Client, with the written consent of the next of kin or the executor of the deceased's estate; or
- 7.3.8. If a member of the Practice tests positive for COVID-19, it is possible that the Practice might be required to provide a list of people who might have met the member concerned. Such a list might have to include the details of affected Clients;
- 7.4. About the treatment of minors: doctors, teachers, and other persons (depending on the Client) may need to be consulted to gain additional information. Furthermore, such persons may be better able to support and help the Client if the Practice is allowed to communicate essential information or management strategies to them. Should the Head of Practice believe that Personal Information regarding the Client should be shared with any of the aforesaid categories of persons care and discretion will be used, and the guardian and Client will first be consulted.
- 7.5. All Personal Information pertaining to a Client is collected by the Head of Practice from the Client during consultations or, in exceptional circumstances, from other relevant persons indicated by the Client (and/or his/her guardian, where applicable). In some instances, Personal Information can also be provided *via* the Practice's website for which all reasonable protective measures have been taken. The personal information to be collected, is provided on a voluntary basis. However, withholding information will likely have a negative impact on the services provided;



- 7.6. The Personal Information collected will be used exclusively to direct the Client's treatment to reach a desired outcome;
- 7.7. The Head of Practice is responsible for maintaining the security of Personal Information collected;
- 7.8. All Personal Information is stored in a safe environment and, where applicable, in encrypted electronic format;
- 7.9. All Personal Information collected will be stored for a period of 6 (six) years as from the date on which the Client ceases receiving treatment from the Practice or as otherwise directed by the HPCSA. Hereafter, the Personal Information will be destroyed, again in accordance with the guidelines provided by the HPSCA;
- 7.10. Should the Practice experience a Personal Information breach, affected Clients as well as the Information Regulator will be advised thereof as soon as practically possible;
- 7.11. Clients will be given access to their Personal Information only upon receipt of an express written request and/or consent (given by the Client, or a guardian of the Client, where applicable) to disclose the Personal Information concerned to a person nominated in the written document;
- 7.12. Clients who are not satisfied with the way the Practice deals with their personal information is entitled to lodge a complaint with the Information Regulator at <https://www.justice.gov.za/infoereg/contact.html>;
- 7.13. The Website Host has provided the Practice with an SSL certificate to the effect that all Personal Information that might be collected from the website is kept secure and confidential; and
- 7.14. Drafting of reports, letters, etc, for third parties will only be done on receipt of the express written request and consent of the Client (or a guardian, where applicable).



8. Procedure in terms of PAIA for a request for access to records

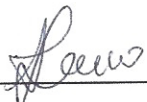
- 8.1. Any person who contemplates requesting medical information of Clients of the Practice, should first consider the implications of Section 61 (access to health and other records) as well as Chapter 4 (grounds for refusal of access to records) of PAIA.
- 8.2. The requester must complete Form C as published in accordance with Section 53 of PAIA and submit this form, together with the specified request fee, to the Information Officer at any of the relevant Contact Details;
- 8.3. The requester must ensure that Form C:
 - 8.3.1. provides sufficient particulars to enable the Head of Practice to properly identify -
 - 8.3.1.1. the requester; and
 - 8.3.1.2. the record/s requested;
 - 8.3.2. indicate which form of access is required,
 - 8.3.3. specify a postal address or fax number of the requester in the Republic;
 - 8.3.4. identify the right that the requester is seeking to exercise or protect, and
 - 8.3.5. provide an explanation of why the requested record is required for the exercise or protection of that right; If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, Form C must clearly state that manner and provide the necessary particulars to be informed in such other manner;
- 8.4. If the request is made on behalf of another person, the requester must (in addition to Form C) submit documentary proof, to the reasonable satisfaction of the Head of the Practice, of the capacity in which he/she is making the request; and



8.4.1. if such request is made on behalf of a Client, the Client's original written consent to provide the requested records to the requester. The authenticity of such written consent shall be proved to the reasonable satisfaction of the Head of Practice.

8.5. The requester will be notified by the Head of Practice of the amount of the prescribed fee to be paid and a request will only be further processed upon receipt of such prescribed fee.

The prescribed forms and fees for requests to private bodies are available on the website of the South African Human Rights Commission at www.sahrc.org.za, of the Department of Justice and Constitutional Development at www.doj.gov.za.

 (full signature)

Name: Alida Louw

Designation: Head of Practice

Date: 30/08/2021

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