

## **CONTACTNDOH USSD & WHATSAPP SERVICE AND HEALTHCHECK**

### **PRIVACY POLICY**

(“THIS POLICY”)

Policy Update: 20 April 2023

This is the privacy policy for ContactNDOH, the National Department of Health (“NDOH”) official USSD & WhatsApp service and HealthCheck risk assessment tools (“HealthCheck”) together (“the Service”). We may amend this Policy at any time. All amended terms shall be effective immediately upon publication thereof and any subsequent activity in relation to the Service shall be governed by such amended terms and conditions. You are advised to regularly visit our digital platforms for any amendments or updates.

Any information provided on the Service (including text, graphics, images and other materials), is for informational purposes only. The Service is not intended to be a substitute for professional medical advice, diagnosis or treatment. Always seek the advice of your doctor or other qualified healthcare provider with any questions you may have regarding a medical condition or treatment and before undertaking a new health care regimen. Never disregard professional medical advice or delay seeking it because of something you have read on the Service.

We treat your privacy seriously. We comply with the Protection of Personal Information Act, 4 of 2013 (the **Act**) when dealing with personal information. All definitions contained in this privacy policy accord with those as included in the Act.

Personal information (PI) is information about a data subject, who can be an identifiable living natural person (i.e. you) or a juristic person (i.e. a company). PI does not include any anonymous, de-identified, or statistical information that cannot be linked back to you. Special PI is PI that is regulated by Chapter 3 Part B of the Act.

WHERE YOU ARE A MINOR CHILD, YOUR USE OF THE SERVICES WILL BE SUBJECT TO THIS POLICY. YOUR COMPETENT PERSON WILL BE REQUIRED TO PROVIDE US WITH CONSENT BEFORE YOU MAY USE THE SERVICE.

We want you to understand who you are sharing your PI with, what kind of PI we are processing and how we use it.

## **CONSENT**

We will not process your PI and Special PI except as set out in this policy. Where we collect and Process Special Personal Information, you hereby provide us with your explicit consent to Process such Personal Information.

By continuing to use this service, you voluntarily consent to us processing your PI in accordance with the provisions of this policy in accordance with the lawful purpose. This policy does not limit or exclude any of your rights under the Act.

## **CHANGES TO THIS POLICY**

We may change this policy from time to time. You can check the latest policy at any time by typing MORE in the chat. We therefore encourage you to review it from time to time to stay informed about the way we are processing your PI.

## **WHAT TYPE OF PERSONAL INFORMATION DO WE COLLECT**

### **Directly from you**

We collect the following PI and Special PI directly from you:

- If you communicate with us using the Service, we will receive your phone number and WhatsApp username if via WhatsApp. We confirm that this Service and HealthCheck are for adults (over 18) and should your child or a child for which you are the competent person as defined in the Act, access this site using either your phone number or their own, they do so with your consent as a competent person and in accordance with the provisions set out below regarding access by children to this Service and to HealthCheck.
- If you interact with the service using any of the risk assessment tools on any of our HealthChecks which form part of the Service (including TB HealthCheck) we will receive the information that you submit in your responses. The PI that may be collected is in response to the following questions:
  - Location (Province and Town or Location Pin). You don't have to provide us with location information. If you choose to tell us your location, we will collect that information
  - Age category

- Gender
- Health Symptoms
- Exposure to infected persons
- Existing underlying medical conditions
- If you send messages to the Service or HealthCheck, we will receive the information that you include in your message.

Communications using WhatsApp are secured with end-to-end encryption, which means that WhatsApp and other third parties cannot read or access them. For more details, see WhatsApp's privacy policy at <https://www.whatsapp.com/legal/#privacy-policy>.

### **Automatically when you use the Service**

- we may collect the name of your network operator and the country in which your network operator is located
- we will record details of the menu items you select

### **WHY DO WE PROCESS YOUR PERSONAL INFORMATION (“THE LAWFUL PURPOSE”)**

We process your PI and Special PI:

- to provide you with guidance and information on COVID-19 and any other infectious disease that is agreed to be a public health concern.
- to allow you to participate in the HealthCheck self-diagnosis process. If you choose to do so then you consent to us:
  - contacting you, including to ask you for further information and to prompt you to carry out follow up self-diagnoses or ask you whether you have already received a professional diagnosis. We will contact you either directly or through one of our partners, affiliates or service providers and may contact you via the Service or telephonically or via sms. You will be given the opportunity to opt-out at any stage.
  - to send follow up messages via SMS or WhatsApp regarding additional treatment or information relevant to any current COVID-19 symptoms and other health symptoms you may be experiencing and to follow up on whether you have sought necessary treatment.
  - to provide you with alerts including the latest information on the COVID-19 vaccine and updates about prevention and treatment of Covid-19 or other infectious diseases.
  - help us understand the current COVID-19 symptoms of as many South Africans as possible for use in the fight against COVID-19.

- help us understand the symptoms of other infectious diseases and the treatment thereof.
- help us provide aggregated and anonymised information to South Africans on status of the COVID-19 virus in South Africa and other data about the wellbeing of our population.
- help us understand any other relevant health symptoms of infectious diseases deemed a public health concern.
- for any other public health and public safety purposes, including emergency alerts around safety during floods and other natural disasters and state of emergencies declared. This also includes historical, statistical or research purposes to the extent that the serves a public interest and the processing is necessary for the purpose concerned
- to respond to any questions you share with us via this Service or HealthCheck
- to provide you with an interactive mechanism to feedback on the Service, as well as the quality of care you have received in a healthcare facility.
- to conduct research and statistical analysis (including via surveys and A/B testing), which will also develop, test and improve this Service and allow us to test and troubleshoot new products and features for the Service.
- to administer this Service and HealthCheck and for internal operations, including troubleshooting and testing
- to improve this Service and HealthCheck and other communications channels that the South African Government may utilise in the fight against COVID-19 and other infectious diseases
- to keep this Service and HealthCheck safe and secure
- for any other purpose authorised by you or the Act
- to provide the NDOH with anecdotal data relevant to the various health and operational environments in order to assess the efficacy of the Service.

## **ACCURACY OF PERSONAL INFORMATION**

You warrant that you have taken steps to ensure that the PI that You provide to us is accurate and up to date.

In the event that any of the PI that you provide to us contains any errors or inaccuracies, You agree to indemnify and hold us, our officers, directors, employees, agents, and members harmless from and against any claims, damages, actions and liabilities including without limitation, loss of profits, direct, indirect, incidental, special, consequential or punitive damages arising out of our use of, or reliance on such PI.

You also agree to notify us immediately if You become aware that any PI that you provide to us has been unlawfully obtained by another person without your consent or if you did not obtain consent before providing another person's Personal Information to us.

## **STORAGE, PROCESSING AND SHARING YOUR PERSONAL INFORMATION**

The PI that we collect from you is stored in South Africa on Cloud Servers of Amazon Web Services EMEA S.A.R.L. ("AWS").

We will not publish or sell any personally identifiable information.

Your PI may be shared with persons who provide services to us (e.g. research services or hosting, maintenance and support of the technologies used to provide this channel), to the extent necessary for those persons to provide those services to us. Those persons may be located outside of South Africa. This may mean your PI is processed outside of South Africa. You consent to your PI being processed outside of South Africa but only to the extent that we ensure that sufficient technical safeguards are in place to protect your PI to the same level as that which we operate . We will only share your PI for the Lawful Purpose.

When you are sharing your information with us you are sharing it with inter alia Praekelt PBC, Benefit Corporation ("Turn.io"), Praekelt Foundation NPC ("Praekelt.org"), The Clinton Health Access Initiative, Amazon Web Services Africa Hub, Health Information Systems Program SA NPC, National Health Laboratory Service ("NHLS"), CCI SA (Durban) (Pty) Ltd, Made to Fly Creative and Stellenbosch University who will share your data between them. You consent to your personal information being shared between Turn.io, Praekelt.org, HISP and Jembi for the Lawful Purpose. Any of the foreign entities with whom Praekelt.org shares your PI will be bound contractually as per Section 72(1)(a) of POPIA to protect any information.

Where you are a minor who is using the Services, you warrant (promise) that your competent person has given consent for us to transfer your personal information outside of the Republic of South Africa.

If you use the HealthCheck channel for self-diagnosis, we may recommend as a result of your self-diagnosis that you contact your doctor or contact the COVID-19 Emergency Hotline 0800029999 to assist with testing, diagnosis and advice.

We may disclose your PI:

- when we believe that disclosure is reasonably necessary to comply with any applicable law, regulation, legal process or a government request;

- to enforce our contracts and policies but only in accordance with the provisions of the Act;
- to protect the security and integrity of the Service;
- to another person authorised by you;
- to protect ourselves and the public from illegal activities in accordance with the Act; or
- to respond to an emergency which we believe in good faith requires us to disclose information.

We may disclose aggregated and anonymised information to third parties, both in South Africa and overseas including for study and research purposes and to help other countries combat COVID-19.

## **LINKS TO THIRD-PARTY WEBSITES**

When accessing or using the Service, you may be provided with links to third-party websites, platforms, or online services. These linked sites are not under our control, and we cannot accept responsibility for the conduct or privacy practices of any third parties that we may hyperlink. We suggest you review that site's privacy policy before you provide PI. We are not responsible for the privacy policies or the content of such sites.

Before disclosing your PI on any other website, platform or online service, we encourage you to examine the terms and conditions and privacy practices of such third parties. We are not expressly or impliedly responsible for, or liable to any loss or damage caused to you by the collection, use and retention of PI by such website in any manner whatsoever.

## **PROTECTING YOUR PERSONAL INFORMATION**

We will take reasonable steps to keep your PI safe from loss, unauthorised activity, or other misuses. We are legally obliged to provide adequate protection for the PI we hold and to stop unauthorised access and use of personal information. We will, on an ongoing basis, continue to review our security controls and related processes to ensure that your personal information is secure.

Unfortunately, the transmission of information via the internet is not completely secure. Although we will do our best to protect your PI, we cannot guarantee the security of your information transmitted through this Service and HealthCheck; any transmission is at your own risk.

Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

The Service and HealthCheck may, from time to time, provide links to external sites. If you follow a link to another site, the owner of that site will have its own privacy policy relating to your PI. We suggest you review that site's privacy policy before you provide PI. We are not responsible for the privacy policies or the content of such sites.

Notwithstanding the above, it is emphasised that even though we have taken significant steps to protect the PI in our possession, You acknowledge and understand that no organisation, including ours, can fully protect against security risks associated with the processing of PI online.

## **FURTHER PROCESSING**

We expressly acknowledge and undertake to not use any PI for any other purposes that are incompatible with the Lawful Purpose of this Policy, without:

- (i) first obtaining your Consent; or
- (ii) having another lawful basis for such further Processing.

In the event that a further purpose is incompatible with one of the original purposes listed above, we may update this Policy reflecting such changes.

## **PROCESSING PERSONAL INFORMATION OF CHILDREN**

While this Service is targeted to adults (over the age of 18) and we do not market this service or target it towards children, we recognise that the Service and HealthCheck may be accessed and utilised by children given its public health benefit and service to all persons residing in the Republic of South Africa. If this is the case, we confirm that in terms of the Constitution of the Republic of South Africa, 1996<sup>1</sup> and the Children's Act<sup>2</sup> you are entitled to access information about your health care.

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<sup>1</sup> Section 28(1)(c) all Children have the Right to Basic Health Care.

<sup>2</sup> Act 38 of 2005: **Section 13: Information on Health Care**

(1) Every child has the right to-

- (a) have access to information on health promotion and the prevention and treatment of ill-health and disease, sexuality and reproduction;
- (b) have access to information regarding his or her health status;
- (c) have access to information regarding the causes and treatment of his or her health status;

If you are accessing this service as a competent person as defined in the POPI Act<sup>3</sup> on behalf of a child or allow the child (or a child for which you are the competent person as defined in the Act) to access HealthCheck using either your phone number or their own, they do so with your consent as a competent person and in accordance with the provisions set out below regarding access by children to HealthCheck.

We have therefore taken the following additional personal information security steps to ensure that to the extent that the Service and HealthCheck is accessed by or on behalf of children: -

- No personally identifying information about a child/children (who is identified as a child) and who access/es the Service and HealthCheck is collected other than the mobile phone number and WhatsApp name used by the child to access the Service and HealthCheck.
- No further personally identifying information about a child/children who access the Service and HealthCheck is collected. This is confirmed by including additional gateways to HealthCheck that requires the age of the person taking a HealthCheck to be included and if the person (for whom the HealthCheck is being conducted) is a child, no questions are included in the assessment that could directly or indirectly identify that child nor is any personally identifying information about that child collected, processed or stored;

You confirm that as a competent person, you consent to your child accessing the Service and HealthCheck and consent that should your child (the child under your care) utilise his/her own mobile telephone, we can collect only the mobile phone number and WhatsApp name used by the child to access HealthCheck.

If you think that we have unlawfully collected and stored PI from or about a child (someone who is under the age of 18), please contact us at [complaints@health.gov.za](mailto:complaints@health.gov.za).

## **RETENTION OF YOUR PERSONAL DATA**

We will hold your personal data for as long as the lawful purposes remains or as required to do so to comply with legal obligations.

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<sup>3</sup> Sections 1, 11, 34 and 35 of the Protection of Personal Information Act, 2013, refers to a “child” as a natural person “under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself” (unless consent is not required as per section 35(b) and is for establishment, exercise or defence of your right to health care under the Constitution) and describes a “competent person” as “any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child”. Consent in this instance refers to “any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information”.



In this regard, we might retain Post-Market-Surveillance data (incl. health data) in accordance with our storage obligations.

If the processing of your personal data is no longer necessary for any purpose it is either irreversibly anonymized (and the anonymized data may be retained), or securely erased.

## **ACCESSING, CORRECTING & DELETING YOUR PERSONAL INFORMATION**

Your rights are fully set out in the Act, these rights include the right to be notified that PI is being collected, access your PI that we hold and to request a correction to, destruction of or deletion of your PI. You have the right to withdraw your consent to your PI being processed at any time and the easiest way to exercise this right is to opt out of the Service. Before you exercise these rights, we will need evidence to confirm that you are the individual to whom the PI relates.

If you want to exercise any of the above rights or complain, email us at [complaints@health.gov.za](mailto:complaints@health.gov.za). Your email should provide evidence of who you are and set out the details of your request (e.g. the PI, or the correction, that you are requesting). If you are a resident in South Africa, you can lodge a complaint to the Regulator at [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za). There is no charge for lodging a complaint.