



health

Department:  
Health  
REPUBLIC OF SOUTH AFRICA



## NDOH MOMCONNECT USSD & WHATSAPP SERVICE

### PRIVACY POLICY

This is the privacy policy for the National Department of Health (“NDoH”) official MomConnect USSD & WhatsApp MomConnect Service (“the MomConnect 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.

MomConnect is an NDoH initiative that supports moms during pregnancy and their child's first years. MomConnect sends WhatsApp messages in English. MomConnect is voluntary and the pregnant woman can opt out at any time.

Any information provided on the MomConnect Service (including text, graphics, images and other materials), is for informational purposes only. The MomConnect 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 MomConnect 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 in the Act.

Personal information (PI) is information about a data subject, who is an identifiable living natural person (i.e. you). PI excludes 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 CHILD (under 18 years of age) OR ARE A MENTAL HEALTH CARE USER<sup>1</sup>, YOUR USE OF THE MOMCONNECT SERVICES WILL BE SUBJECT TO THIS POLICY. YOUR COMPETENT PERSON WILL BE REQUIRED TO PROVIDE US WITH CONSENT BEFORE YOU MAY USE THE MOMCONNECT SERVICES.

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 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 PRIVACY in the chat.

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

### **Directly from you**

We collect the following PI directly from you:

- If you communicate with us using the MomConnect Service, we will receive your phone number and WhatsApp username if via WhatsApp.
- the facility code i.e. clinic location where you registered for MomConnect
- your baby's estimated due date
- your baby's date of birth (if provided by mom once baby is born)
- your unique identifier: ID number OR passport OR your date of birth
- your language preference
- all shared information about how your pregnancy or baby is progressing,
- general data about you; and
- if you send messages directly to the MomConnect Service we will receive the information that you include in your message.

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<sup>1</sup> "Mental health care user" means a person receiving care, treatment and rehabilitation services at a health establishment aimed at enhancing the mental health status of a user, state patient [...] and where the person is below the age of 18 years or is incapable of taking decisions".

We confirm that the use of MomConnect is not targeted at children. However you may be a mother who is under the age of 18 and if this is the case, we confirm that in terms of the Children's Act<sup>2</sup> you are entitled to access information about your health care and pregnancy.

If you are accessing this service as a competent person as defined in the Act either on behalf of a mental health care user or on behalf of a child (a competent person shall include but not be limited to a nurse, health practitioner giving effect to the mental health care user's rights in terms of the Mental Health Care Act and/or child's rights under the Children's Act) or allow the child (or a child for which you are the competent person as defined in the Act) to 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 the MomConnect Service.

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 MomConnect Service**

- we may collect the name of your network operator and the country in which your network operator is located. We may also collect technical information about your device, including device-specific information such as your hardware model, operating system version and unique device identifiers.
- 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 introduce a mechanism for electronically registering all pregnancies in the public health system as early as possible,
- to provide you with guidance and information on your maternal health, pregnancy and the health of your unborn baby, baby or child. This includes sending you targeted health promotion messages.
- to provide you with an interactive mechanism to feedback on the MomConnect Service, as well as the quality of care you have received in a healthcare facility.

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<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;

- to conduct surveys for market research purposes and/or to improve MomConnect and to ensure that we can improve the processes in the provision of urgency advice to you when you engage the Helpdesk or via the MomConnect Service.
- to contact you, including to ask you for further information. 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.
- for any other public health and public safety purposes including for historical, statistical or research purposes to the extent that this serves a public interest and the processing is necessary for the purpose concerned.
- to respond to any questions you share with us via this MomConnect Service.
- to conduct research and statistical analysis (including via surveys and A/B testing), which will also develop, test and improve this MomConnect Service and allow us to test and troubleshoot new products and features for the MomConnect Service.
- to administer this MomConnect Service and for internal operations, including troubleshooting and testing.
- to improve this MomConnect Service and other communications channels that the South African Government may utilise.
- to keep this MomConnect Service safe and secure.
- for any other purpose authorised by you or the Act.

## **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.

## **DISCLOSING YOUR PERSONAL INFORMATION**

We will not publish or sell any personally identifiable information.

Your PI may be shared with persons who provide MomConnect 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. We will only share your PI for a 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 MomConnect 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.

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”), Jembi Health Systems NPC (“JEMBI”), Amazon Web Services Africa Hub (“AWS Africa”), National Health Laboratory Service (“NHLS”), CCI SA (Durban) (Pty) Ltd, Ada Health GmbH (“Ada”) and Health Information Systems Program SA NPC (“HISP”) who will share your data between them. You consent to your personal information being shared for the Lawful Purpose.

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 MomConnect 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.

## **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.

**Breach Notifications:** Where we have reasonable grounds to believe that Personal Information in our possession has been subject to a Data Breach and your Personal Data compromised, We will:

- undertake to notify you of such a breach as soon as reasonably possible after it is discovered.
- However, where a public body responsible for the prevention, detection or investigation of offences (South African Police Force/Crime Intelligence) or the Information Regulator determines that notification will impede a criminal investigation, such notification to You will be delayed.

Notwithstanding the above, it is emphasised that even though we have taken significant steps to protect the Personal Information in our possession, you acknowledge and understand that no organisation, including ours, can fully protect against security risks associated with the processing of Personal Information online. We cannot guarantee the security of your information transmitted through this MomConnect Service; 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.

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.

## **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. 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.

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.

## **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 MomConnect is targeted to adults (over the age of 18), we recognise that the MomConnect may be accessed and utilised by mothers and expectant mothers who are under the age of 18 given its public health benefit and service to all persons residing in the Republic of South Africa and the right of children to obtain information about their health care under the Children's Act. We also recognise that nurses and other health care practitioners may act as competent persons in assisting children to exercise their rights under the Children's Act and assist in accessing MomConnect.

You confirm that as a competent person, you consent to your child (or the child under your care) accessing the Service and consent that should your child (the child under your care) utilise his/her own mobile telephone, we can collect the PI listed under the "What Personal Information we Collect" section above.

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).

## **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. 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.