

Cherilee Botha Counselling Psychologist

BA (Wits) BA Hons (Wits) BPsyc Equivalent Psychometrics (Wits) (Cum Laude) MA (Wits) (Cum Laude)

HPCSA Registration: PS 0128155 Practice Number: 0580910

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POPI Act Practice Policy and Procedures

1. The following will be explained to clients regarding confidentiality and limits to confidentiality:

1.1. The therapist will treat all the private information collected about you as highly confidential. The therapist will not, subject to what is said in paragraph 1.2. below, disclose any information about you without your consent.

1.2. The following represents limits to confidentiality:

- If the therapist is forced to divulge this information in a court of law.
- If there are legal or social welfare reasons to break confidentiality.
- If consultation with other mental health professionals is viewed as being necessary.
- If you pose a danger to yourself or another person.
- Your referral source or family doctor may require written or verbal feedback regarding your treatment. In such a case this will only be supplied once discussed with you.

1.3. That which has pointed out in points 1.1. and 1.2. above is also applicable in respect of children under the age of 18. The therapist will on a regular basis inform parents or guardians about the therapeutic process and client's progress. No information will be given to the parents or guardian about the content of a session without the relevant client's consent (unless the child is at risk of harm or causing harm to others).

1.4. Certain Medical Aid Funds require a diagnostic code before they will pay a therapist's account. If the client refuses to allow the therapist to furnish your Medical Aid Fund with the required information the organisation may refuse to reimburse you.

1.5. If the client has been referred by an external source, it may be necessary to provide this source with written or verbal feedback. This feedback will be given with client permission, and discussed with you beforehand. This would apply to work performed in a hospital setting and where working with a multidisciplinary team.

1.6. Should clients be consulting via applications such as Zoom or WhatsApp they will be made aware of limits to confidentiality related to the design of those applications. The therapist and client will ensure a confidential setting in which to have teleconsultations; but cannot fully guarantee the online security of such technology.

2. Privacy Notification: Processing of Personal Information – As explained to clients

- I need to collect and process the above and any other relevant personal information about you, including but not limited to session records/notes and communications/correspondence, that is required to provide psychotherapy services, as per HPCSA regulations and the Protection of Personal Information Act No. 4 of 2013 (POPIA).

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- This information will only be used for the purposes for which it was collected (providing occupational therapy services); the provision of such services may not be possible should you not provide this information or fail to inform me of changes or updates.
- Your information will be securely stored in physical and/or electronic forms and I will review security safeguards on an on-going basis to ensure that your information is kept safe and confidential. Information will be securely stored for a period of time as required by HPCSA guidelines.
- I may disclose your information to service providers who are involved in or enable the delivery of services to you, such as medical schemes, practice managers, accountant or other health care professionals, where this is in service of your treatment and where such third parties comply with the privacy requirements as regulated by POPIA. This may include processing and sharing information for the purpose of collecting unpaid debts.
- The abovementioned third parties include email, text message and social media and/or applications service providers (e.g. Gmail, SMS, WhatsApp) and cloud storage providers (i.e. Dropbox and/or One Drive) who may be located outside of South Africa. Relevant password protections will be in place to secure your information stored on these virtual platforms and I will take all reasonable steps to ensure that the privacy protections that such third parties have in place comply with the conditions of POPIA.
- Where specific requests are received to disclose information contained in your records (e.g., medical aid audits), a separate consent to disclosure form detailing the particulars of this request will be provided to you.
- You have the right to request that I update, correct, or delete your personal information using the relevant forms as set out in POPIA (Form 1 and Form 2). These can be found on the practice website or requested directly from me.
- As per the Protection of Access to Information Act (PAIA) and the processes outlined in the PAIA manual for this practice, you have the right to request a copy of the personal information that I hold about you, the copying and provision of which may be subject to payment of a legally allowable fee. The PAIA manual and Form C for requesting information can be found on the practice website or requested directly from me.
- The responsibility for compliance with POPIA and PAIA lies with the registered Information Officer for this practice, Mrs Cherilee Botha.

3. All documents will be stored in a secure filing cabinet at the practice. Only Mrs Cherilee Botha, the information officer, and the practice manager Mrs Desire' Hide, the deputy information officer, will have access to these records.

4. Access to records will only happen with the consent of clients as obtained in the consent agreement and client information document received by clients and within POPIA and HPCSA Guidelines.

5. Documents will be retained for time periods as stipulated by the HPCSA Guidelines. Thereafter documents will be destroyed securely and records kept of this.

6. Documents not in active use, but still requiring storage as per HPCSA Guidelines around retention of client information as above in point 10., will be stored electronically in a secure fashion.

7. All laptops and cellphones used by the practitioner and staff will be password protected and secured.

8. All chats regarding practice admin on WhatsApp between practitioners and staff will be cleared regularly to increase security measures.

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9. Chats between clients, practitioners and staff will be cleared and backed up via email to increase security measures. Patients are made aware of the risks in measures in place when using WhatsApp.
10. Referral information will be sent via sms or email rather than WhatsApp to increase security measures.
11. Information entered into the practice calendar will be anonymised as far as possible.
12. All information taken on coronavirus registers will be securely stored and kept to a minimum of what is needed to be recorded for tracking and tracing purposes. These will also be kept securely whilst in use on a day-to-day basis at the practice.
13. Clients will be made aware of limits to confidentiality such as via the use of software and storage functions. Efforts will be made to secure these processes via passwords and checks for security breaches.
14. Any security breaches will be reported to the information regulator by the information officer at the practice Mrs Cherilee Botha.

Summary of Policies and Procedures:

I am aware of the following regarding the practice' POPI Act policy:

- o We collect and store the information about you in order for us to adhere to administrative requirements of the practice.
- o We collect and store information about in or order for us to continually assess, treat and manage your clinical best interest.
- o We will use your personal information only for the purposes for which it was collected and agreed with you
- o We may disclose your personal information to our service providers who are involved in the delivery of services to you (i.e. for billing purposes and accounting purposes). We have agreements in place to ensure that they comply with the privacy requirements as required by the Protection of Personal Information Act.
- o We will, on an on-going basis, continue to review our security controls and related processes to ensure that your personal information remains secure.
- o You have the right to request a copy of the personal information we hold about you. Please note that any such access request may be subject to a payment of a legally allowable fee.

The above will be put into effect from 30 June 2021 and updated as required by the information regulator.