

Maia Zway

Clinical Psychologist

MA Clin. Psych. (UCT)
HPCSA no: PS 0134791
Practice no: 0745987

Privacy Notice

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Data protection and disclosure of information

As part of my day-to-day business of providing psychotherapy services (the “Services”), I need to collect personal information from my clients and potential clients to ensure that I can meet their needs for the provision of or information about the Services. Your privacy is important to me and it is my policy to respect the confidentiality of information and the privacy of individuals. This notice outlines how I manage your personal information and details your rights in respect of our processing of your personal information.

I process your information in terms of my **Protection of Information Policy** and **Retention of Data Policy**. To review same, kindly send a request to the Information Officer: Maia Zway

Defined terms herein, where not herein defined, are defined within the **Protection of Personal Information Act, 2013** (as may be amended or substituted from time to time) (“**POPIA**”).

Who am I?

This Privacy Notice applies to the processing activities of **Maia Zway, clinical psychologist** (the “Practice”). Maia Zway is the Responsible Party (and Operator in certain instances) for the processing of your Personal Information.

Any reference to ‘I’, ‘my’, ‘me’ in this Privacy Notice is a reference to Maia Zway. Similarly, any reference to ‘you’, ‘your’, ‘yours’ or ‘yourself’ in this Privacy Notice is a reference to any of my clients and potential clients as a Data Subject, or a Competent Person in respect of such client and potential client that is incompetent, such as a minor child.

My Privacy Notice will be reviewed from time to time to take account of new obligations and technology, changes to our operations and practices, and to make sure it remains appropriate to the changing environment.

What kind of Personal Information do I collect?

I collect information necessary to fulfil my obligations to my clients in the course of providing the Services.

I may collect the following types of information about you:

Name, address and contact details, date of birth and gender, education and qualifications, employment details, family details, medical aid details, lifestyle and social circumstances, location data, any other similar information.

The following sensitive Personal Information may be obtained: *physical or mental health details, racial or ethnic origin, religious or philosophical beliefs, sexual orientation, family history, genetic data, biometric data.* I will only obtain and process this information with your express consent as set out in terms of the relevant contractual terms.

Much of this information is collected in order to establish and assess the reasons for a referral to me

as well as whether I can and should provide the Service to you. If you chose not to provide the information required, I may not be able to provide you with the requested product or service.

If you provide me with any Personal Information relating to a third party (e.g. information of your spouse, children, parents, emergency contact, person responsible for the account), by submitting such information to me, **you represent to me that you have obtained their consent and/or are a Competent Person in respect to the provision of such Personal Information.**

The main activities of the Practice are the provision of psychotherapy services. In this respect, by submitting Personal Information (including sensitive personal information) to the Practice, you expressly provide your informed consent for the collection, processing and storage of your or the minor child's Personal Information in respect of such minor child and confirm that you are duly authorised to do so as a Competent Person.

How is the Personal Information obtained?

I obtain this information in a number of ways, for example through the provision of intake assessments, interviews with you, relevant and related educators, relevant and related health care professionals, family members, questionnaires etc. as well as from information provided in the course of ongoing services and communication.

Additionally, I may obtain Personal Information about you through your use of my website, or using cookies on my website, in particular by recording your activity and which pages you look at on my website (please see below on Cookies).

I may keep a record of any communications with you including electronic, by telephone, in person or otherwise, which will constitute evidence of the

communications between us. This information is collected in compliance with my regulatory duties in relation to our record keeping obligations. It may or may not be retrievable.

What Lawful Basis do I rely on?

I may be required to collect and use certain types of Personal Information to comply with the requirements of the law and/or regulations, however I am committed to processing all personal information in accordance with POPIA and any other relevant data protection laws and codes of conduct (herein collectively referred to as "the data protection laws") which are applicable to Maia Zway and my business. The data protection laws allow me to only process your data for certain reasons:

- to perform a contract that we are party to;
- to carry out legally required duties;
- for me to carry out my legitimate interests;
- where I obtain your consent;
- to protect your interests; and
- where something is done in the public interest.

All the processing carried out by me falls into the permitted reasons, for example my use of your personal information in order to comply with our obligations under contract. This includes where a contract is not yet signed but you have requested me to take action as a first step (e.g. provide details of my services).

Consent

Where my use of your personal information requires consent, such consent will be provided explicitly by you as set out herein, in the Terms & Conditions entered into by you with Maia Zway or as otherwise provided or procured.

If I rely on your consent as my legal basis for processing your personal information, you then have

the right to withdraw that consent at any time by contacting me using the contact details set out in this Privacy Notice; however, the withdrawal of consent may be limited by law or contract or subject to the completing of a relevant service or other similar and related activity. Withdrawal of consent will likely necessitate the termination of services.

I may use **WhatsApp or Signal** for communication, which has embedded **end-to-end encryption** that ensures only the persons you're communicating with can read or listen to what is sent, and nobody in between, not even WhatsApp. I use **Google Workspace** (formerly "GSuite") which is designed to meet stringent privacy and security standards based on industry best practices. I also utilise **Zoom and doxy.me** for teletherapy sessions. I use **Dropbox and/or One Drive** for cloud storage. Relevant password protections and anti-virus software 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. However, by communicating via these channels, you agree to the inherent risks of providing personal information via online platforms. Further information can be provided on request or researched via their respective websites. You consent to me processing personal information via these channels as well as telephonic communication.

What do I do with the personal information I obtain?

I may use information held about you in the following ways:

- To provide you with any services and/or information you request from me (which includes carrying out any obligations arising from any contracts entered into between you and me);
- to notify you about changes to my services;

- to provide you with information by post, email, telephone or otherwise about products and services of a similar nature to those you have previously purchased or expressed an interest in which are offered by Maia Zway, and which I think may be of interest to you. You have the right to ask me not to process your personal information for marketing purposes. You can exercise your right to prevent such processing by contacting me by phone or email using the details in the 'Contact me' section below. You can unsubscribe from emails on request to the Information Officer.
- to administer my site and for internal operations, including troubleshooting, data analysis, load management, testing, research, statistical and survey purposes;
- to improve my site to ensure that content is presented in the most effective manner for you and for your device;
- to measure or understand the effectiveness of content I serve to you and others, and to deliver relevant content to you;
- to obtain your feedback on a product, service or my site via a third party appointed by me;
- to allow you to participate in interactive features of my site, when you choose to do so; and
- as part of my efforts to keep my site safe and secure.

Disclosure of your personal information

I may disclose your Personal Information to service providers who are involved in or enable the delivery of services to you, such as our practice manager, medical aid schemes, 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 billing and collecting unpaid debts. I have agreements in place to ensure that third parties comply with the privacy requirements as required by POPIA.

Your Personal Information may also be used for customer modelling, statistical and trend analysis, with the aim of developing and improving my products and services.

I will never sell, trade, or rent your Personal Information to others; however, I may share your information with selected third parties including:

- my service providers, affiliates, suppliers and sub-contractors for the performance of any contract I have entered into with them. They may then process this data on my behalf to help run some of my internal business operations for example IT services, billing.
- governmental or judicial bodies or agencies to comply with my legal and regulatory obligations;
- non-affiliated companies may sometimes be used to provide certain services such as preparing and mailing account statements and other information, conducting research on client satisfaction;
- advertisers and advertising networks that require the data to select and serve adverts about my services to you and others. It will only be passed to third party advertisers in order to provide services on behalf of Maia Zway
- data, service and software providers that assist me in the improvement and optimisation of my site;

Where I share your data with third parties I ensure that your data is held securely and in line with applicable legislation.

How I store Personal Information

Safeguarding the privacy of your information is important to me, whether you interact with me

personally, by phone, by mail, over the internet or any other electronic medium.

I hold Personal Information in a combination of secure computer storage facilities and paper-based files and other records and take steps to protect the Personal Information I hold from misuse, loss, unauthorised access, modification or disclosure.

When I consider that Personal Information is no longer needed, I will remove any details that will identify you or we will securely destroy the records. However, I may need to maintain records for a significant period of time in line with my regulatory obligations.

If I hold any Personal Information in the form of a recorded communication/session note, report, by telephone, electronic, in person or otherwise in relation to my regulatory obligations as detailed above, this information will be held in line with local regulatory requirements which will generally be 6 years after services have ended for adults, until the minor child turns twenty-one years old, or unless a diagnosed disability is present, in which case the information is kept until the client is deceased.

Where you have opted out of receiving marketing communication I will hold your details on my suppression list so that I know you do not want to receive these communications.

The Retention of Documents Policy contains further information on this and is available on request.

Management and Safeguarding of Personal Information

I always take appropriate technical and organisational measures to ensure that your information is secure. I will continue to review safeguards on an ongoing basis. I train employees who handle Personal Information to respect the confidentiality of customer information and the privacy of individuals.

I am the appointed Information Officer to ensure that my management of Personal Information is in

accordance with this Privacy Notice, applicable policies, and the applicable legislation.

The internet is an open medium and I cannot guarantee that any information you send to me by email or via my site will not be intercepted or tampered with; any transmission is **at your own risk**. Once I have received your information, I will use appropriate procedures and security features to prevent unauthorised access.

Your rights as a data subject

The data protection laws give you certain rights in relation to the data we hold on you. These are:

- **the right to be notified.** This means that I must tell you how I use your Personal Information, and this is the purpose of this Privacy Notice;
- **the right of access.** You have the right to access the Personal Information that I hold on you. To do so, you should make a subject access request;
- **the right for any inaccuracies to be corrected.** If any Personal Information that I hold about you is incomplete or inaccurate, you are able to require me to correct it;
- **the right to have information deleted.** If you would like me to stop processing your Personal Information, you have the right to ask me to delete it from my systems where you believe there is no reason for me to continue processing it, unless this conflicts with HPCSA regulations (eg health records cannot be deleted);
- **the right to restrict the processing** of the Personal Information. For example, if you believe the Personal Information I hold is incorrect, I will stop processing it (whilst still holding it) until I have ensured that it is correct;

- **the right to portability.** You may transfer the Personal Information that I hold on you for your own purposes;
- **the right to object to the inclusion of any information.** You have the right to object to the way I use your Personal Information where I am using it for my legitimate interests;
- **the right to regulate any automated decision-making and profiling** of Personal Information. You have a right not to be subject to automated decision making in way that adversely affects your legal rights.

Where you have provided consent to my use of your Personal Information, you also have the unrestricted right to withdraw that consent at any time subject to contractual obligations. Withdrawing your consent means that I will stop processing the Personal Information that you had previously given me consent to use. There will be no consequences for withdrawing your consent; however, in some cases, I may continue to store and use the Personal Information where so permitted by having a legitimate reason for doing so or where required by law, regulation or by any other competent authorities. I may also not be able to continue our services to you.

You can read more about these rights within section 5 of POPIA.

Transfers of Personal Information outside of South Africa

Your data may be transferred to, stored at, and processed at a destination outside of South Africa by my service providers (eg. Google Workspace, WhatsApp, Signal, Dropbox, One Drive, Zoom). By submitting your Personal Information, **you agree to this transfer, storing or processing**. I will take all steps reasonably necessary to ensure that your data

is treated securely and in accordance with applicable legislation or other relevant and appropriate laws.

Links to external websites

My site may, from time to time, contain links to and from the websites of my partner networks, advertisers and affiliates. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that I do not accept any responsibility or liability for these policies or how such websites collect and use your data. Please check these policies before you submit any Personal Information to these websites.

Access to Personal Information about you

You have the right to request a copy of the Personal Information I hold about you. If you would like a copy of some or all of this information you may contact me as follows:

- **Information officer contact details**

Maia Zway

Email: maia@maiazway.com

Phone: 076 735 5272

- **Maia Zway's office details**

Physical address: 16 Oakdale Rd, Newlands

Contact email address: maia@maiazway.com

Contact telephone number/s: 076 735 5272

If any of the information I hold is inaccurate, you can ask me to make any necessary amendments.

Updates to the Privacy Notice

I reserve the right to update this Notice to reflect any legal changes or changes to the way in which I process your Personal Information. The updated Notice will be delivered to you electronically to the details I hold on file and/or published on my website and it will come into effect at the time of publication generally.

Contact Us

If you have any queries regarding privacy issues or the content of this Privacy Notice, you can email me on maia@maiazway.com; alternatively, by using the contact details provided above.

What if you have a complaint?

If you have a concern about any aspect of my privacy practices, you can make a complaint. This will be acted upon promptly. To make a complaint, please contact me via one of the methods set above. **You undertake to first make a good faith attempt to resolve same with the Practice.** If you are not first satisfied with our response to your complaint, you have the right to then lodge a complaint with my supervisory authority, the Information Regulator. You can find details about how to do this on their website: <https://www.justice.gov.za/inforeg/>.