

Disclaimer Form for all Electronic Communications

1. **Background to the Form POPI 07.4_Disclaimer for all Electronic Communications**

1.1. While electronic communications offer many benefits, it also poses risks to the privacy of individuals and to the security of personal information and special personal information (personal information about children and all health information is categories of special personal information).

1.2. It is important for practice administrators to understand these risks and take steps to mitigate them before using email in their professional communications.

1.3. It is an important part of complying with data protection law. If a regulator or authority decides to fine you, it must consider whether you failed to operate good protection of personal information policies, procedures and practices. If you want to reduce a possible fine you might get, you need to operate good protection of personal information policies, procedures and practices.

1.4. Section 19(1) of the POPI Act provides that –

“a) A responsible party must secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organizational measures to prevent –

- i. loss of, damage to or unauthorized destruction of personal information; and
- ii. unlawful access to or processing of personal information.”

1.5. Paragraph 11 of HPCSA Booklet 10: Confidentiality: Protecting and Providing Information

deal specifically with electronic processing of information.

a) Health care practitioners must be satisfied that there are appropriate arrangements for the security of personal information when it is stored, sent or received by fax, computer, e-mail or other electronic means.

b) If necessary, health care practitioners should take appropriate authoritative professional advice on how to keep information secure before connecting to a network. They should record the fact that they have taken such advice.

c) Health care practitioners must make sure that their own fax machine and computer terminals are in secure areas. If they send data by fax, they should satisfy themselves, as far as is practicable, that the data cannot be intercepted or seen by anyone other than the intended recipient.

d) When deciding whether and in what form to transmit personal information, health care

practitioners should note that information sent by e-mail through the internet may be intercepted.

1.6. This electronic communications disclaimer clauses are recommended.

2. Purpose

2.1. The purpose of this disclaimer clauses is to create a legal section on your website, publish this and refer clients, patients to your website.

Effective Date

This disclaimer clauses are in force with approval.

Disclaimer for all Electronic Communications

This disclaimer applies to any electronic message (like E-mail, WhatsApp or SMS) passing through the information system (including its contents, any attachments and all subsequent messages or attachments) of VAN DER WALT OPTOMETRISTS. If there is a conflict between this disclaimer and any other, this one will prevail.

The recipient

Messages are intended for the named recipient only. If that is not you and you have received the message:

- Please notify the sender using the contact details contained in the message. If this is not possible, then using the quickest means possible (telephone or fax). You must delete the message you received once you have notified the sender.
- You must not forward, copy or otherwise transmit or disseminate the message or any of its contents to any person other than the named sender.
- You may not print, save or store the message or any of its contents in electronic or physical form.

Confidentiality

- The message is confidential, unless specifically stated or if this is manifestly clear from the context (such as press releases and other official statements).
- If you are not certain whether the message is confidential, please check with the sender.
- Do not disclose it to anyone else. Only the person to whom the message was sent may use it.
- Do not add the sender's email address or number to a database for the purposes of direct electronic marketing without their consent.

Copyright notice for message content

We own the content of our messages (and this message disclaimer). It is protected by copyright and other intellectual property laws. We reserve all rights we do not expressly grant.

Legal requirements related to message.

By communicating with us electronically, you consent to receiving messages from us electronically and agree that any agreement, notice, disclosure or other message transmitted electronically satisfies any legal requirement, including that it be "in writing". Unless otherwise agreed, we are only deemed to have:

- received a message once we have confirmed receipt orally or in writing; and
- sent a message once reflected as "sent" on our message server logs.

We are not responsible.

- We have taken all reasonable precautions to ensure that no malicious software (malware) is in our message to you.
- We recommend that you virus check all messages you receive.
- While we use our best endeavors to prevent loss or damage to third party systems, we are not responsible or liable for any harm, damages, or loss (including any lost profits, business interruption, loss of programs or other data on information handling systems, or data corruption) arising from this message, including:
 - from malicious software (malware),
 - if someone else changes a message,
 - for corruption of data, or any “denial of service”,
 - for the non-delivery or incorrect delivery of any message,
 - its effect on electronic devices, or
 - its transmission in an unencrypted medium.

Interception and Monitoring

- We reserve the right to intercept, monitor, review or disclose all messages.
- Employees do not have any privacy right in the creation of, sending of, receipt of or storage of information (e.g. message messages, internet pages) on the systems of the organization.
- If you do not want your message to be read by us, you must not communicate with us by message.

Enquiries

If you have any questions or concerns arising from this disclaimer, please contact our Information Officer.