DR MWANGE KABEYA

Privacy Policy & Privacy Notice

Effective date	28 September 2026
Responsible party	DR MWANGE PASCALINE KABEYA SPECIALIST OBSTETRICIAN AND GYNECOLOGIST PTY LTD (2026/687215/07) t/a Dr Mwange Kabeya
Practice number	BHF practice number: PR 1360701 · HPCSA: MP0720780
Information Officer	Dr Mwange Pascaline Kabeya · reception@drmpkabeya.co.za · 021 002 8886
Physical address	Stonefountain Building, 2nd Floor, Room 205, Rondebosch Medical Centre, 85 Klipfontein Road, Rondebosch, Cape Town, 7700
Website	https://www.drmpkabeya.co.za

1. Purpose of this Policy

This Privacy Policy (also serving as the practice's privacy notice under Section 18 of the Protection of Personal Information Act 4 of 2013 ("POPIA")) explains how we collect, use, store, share, retain and protect personal information of patients, website visitors, referring practitioners, next of kin and other persons who deal with the practice.

Gynaecology and obstetrics care involves some of the most sensitive categories of information recognised in South African law, including information about health, pregnancy, fertility, contraception, sexual and reproductive health, and (in some cases) the health of a partner or unborn child. We treat that information with the confidentiality required by the Constitution, POPIA, the National Health Act 61 of 2003 ("NHA"), the Health Professions Act 56 of 1974, and the ethical rules and booklets of the Health Professions Council of South Africa ("HPCSA").

This Policy applies to:

- personal information collected through our website, online booking tools, contact forms, email, WhatsApp, SMS, telephone and in-person consultations;
- clinical, administrative and billing records created in the course of care; and
- information we receive from referring practitioners, laboratories, imaging providers, hospitals, medical schemes and other lawful sources.

A separate Promotion of Access to Information Act 2 of 2000 ("PAIA") manual is available from the Information Officer and, once completed, on our website. That manual explains how to request access to records held by the practice.

2. Who we are (responsible party)

The responsible party under POPIA is DR MWANGE PASCALINE KABEYA SPECIALIST OBSTETRICIAN AND GYNECOLOGIST PTY LTD (registration number 2026/687215/07), trading as Dr Mwange Kabeya, a private specialist obstetrics and gynaecology practice at Rondebosch Medical Centre, Cape Town. Dr Mwange Pascaline Kabeya (HPCSA MP0720780) is the registered practitioner who treats patients and remains professionally accountable to the HPCSA. The registered medical practitioner(s) who treat you remain professionally accountable to the HPCSA for clinical confidentiality.

Information Officer. POPIA requires every private body to designate an Information Officer. For this practice the Information Officer is Dr Mwange Pascaline Kabeya, who must be registered with the Information Regulator.

Requests under POPIA or PAIA, objections, correction requests and security-compromise queries must be directed to the Information Officer at the contact details on the cover of this Policy.

A Deputy Information Officer may be appointed in writing to assist with day-to-day requests.

3. Laws and professional rules that govern us

We process personal information in accordance with, among others:

- Section 14 of the Constitution of the Republic of South Africa, 1996 (right to privacy);
- POPIA and the Regulations relating to the Protection of Personal Information, 2018;
- PAIA;
- the National Health Act 61 of 2003, in particular Sections 13 (records), 14 (confidentiality), 15 and 16 (access) and 17 (protection of health records);
- the Health Professions Act 56 of 1974 and HPCSA Ethical Rules of Conduct, especially Rule 13;
- HPCSA Booklet 5 (Confidentiality: Protecting and Providing Information), Booklet 9 (Keeping of Patient Health Records), Booklet 10 (Informed Consent) and, where relevant, Booklet 10 on Telehealth;
- the Children's Act 38 of 2005 (capacity and consent of children);
- the Choice on Termination of Pregnancy Act 92 of 1996 (strict confidentiality of termination-of-pregnancy information);
- the Medical Schemes Act 131 of 1998;
- the Electronic Communications and Transactions Act 25 of 2002 ("ECTA");
- the Consumer Protection Act 68 of 2008, to the extent it applies to our services; and
- notifiable-medical-conditions and other statutory reporting duties under health legislation.

Health information and information about a person's sex life are "special personal information" under section 26 of POPIA. Processing is generally prohibited unless an exception in Sections 27 or 32 applies. As a registered medical professional, we may process health and sex-life information where it is necessary for proper treatment and care, or for the administration of the practice, and we remain bound by a professional duty of confidentiality (POPIA Section 32(1)(a) and 32(2)). That exemption does not relieve us of the eight conditions for lawful processing in Chapter 3 of POPIA, or of the confidentiality duties in the NHA and HPCSA rules.

4. Personal information we collect

4.1 Ordinary personal information

Depending on how you deal with us, we may collect:

- identity particulars: full name, title, date of birth, identity or passport number, nationality, language preference;
- contact particulars: residential and postal address, email, mobile and landline numbers, emergency contact;
- administrative particulars: referring practitioner details, appointment history, preferred communication channel;
- financial and medical-scheme particulars: scheme name, plan, membership number, dependant code, principal member details where relevant, invoicing and payment history;
- website and technical data: IP address, browser type, device, pages viewed, referral source, and cookie identifiers (see Section 12); and
- correspondence you send us, including voicemail, email and messaging-app content.

4.2 Special personal information (health and sex life)

In the course of gynaecological and obstetric care we necessarily process special personal information. This may include:

- medical history, presenting complaint, examination findings, diagnoses, treatment plans, prescriptions, procedures and operative notes;
- pregnancy, fertility, miscarriage, stillbirth, contraception, menopause, menstrual and pelvic-health information;
- sexual and reproductive health, including sexually transmitted infections, where clinically relevant;
- cervical screening, HPV, colposcopy, ultrasound, laboratory and histopathology results;
- information relating to termination of pregnancy, where that service is provided;
- mental-health information insofar as it is relevant to care (for example perinatal mental health);
- photographs, images or videos taken with your informed consent for clinical purposes;
- next-of-kin or partner information only where you supply it or it is clinically necessary; and
- information about a child or unborn child where you are the patient or the child's parent or guardian.

We do not use the public website contact or booking form to collect detailed clinical information. Please do not describe diagnoses, symptoms in clinical detail, test results or photographs of intimate areas on an unsecured web form, public email or social-media message. Those details should be given in a consultation or through a channel we have confirmed as appropriate.

4.3 Information of children

We may treat adolescent patients. Under the Children's Act a child of 12 years or older may consent to their own medical treatment if they have the maturity and mental capacity to understand the benefits, risks, social and other implications. Information of children is subject to additional protection under Chapter 3 Part C of POPIA. We process a child's information only where a competent person consents, or where another lawful ground in Section 35 of POPIA applies (including proper treatment and care). We do not knowingly use the website to market to children or to profile them.

4.4 Sources of information

We collect information:

- directly from you (consultations, registration forms, consent forms, website, telephone, WhatsApp, email);
- from a parent, guardian or person with parental responsibilities, where the patient is a child or lacks capacity;
- from referring general practitioners and other specialists;
- from laboratories, radiology and ultrasound providers, hospitals and theatres;
- from medical schemes and administrators, for billing and authorisation;
- from publicly available professional directories, only where relevant (for referring clinicians); and
- automatically, through the website and any booking platform we use.

Where we obtain information about you from a source other than you, we will take reasonably practicable steps to make you aware of that fact, the source and the purpose, unless an exception in Section 18(4) of POPIA applies (for example where it would prejudice a lawful purpose, or the information is used only in a form in which you cannot reasonably be identified).

5. Why we process information, and our lawful bases

POPIA Section 11 requires a lawful basis for every processing activity. For special personal information we also rely on Sections 27 and 32. We do not treat "consent" as the only or default basis, because care, billing and statutory

record-keeping often rest on other grounds. Where we do rely on consent, it is voluntary, specific and informed, and you may withdraw it.

Purpose	Examples	Primary lawful basis
Clinical care	Diagnosis, treatment, procedures, prescriptions, follow-up, referrals, emergency care	Contract (s11(1)(b)); vital interests (s11(1)(d)); s32(1)(a) POPIA; NHA; informed clinical consent
Practice administration	Appointments, reminders, identity verification, record-keeping, quality and clinical governance	Contract; legitimate interests (s11(1)(f)); s32(1)(a) (administration of the practice)
Billing and schemes	Accounts, ICD-10 coding, pre-authorisation, claims, debt recovery	Contract; legal obligation (Medical Schemes Act, tax law); legitimate interests
Legal and professional duties	HPCSA record-keeping, notifiable conditions, court orders, inquests, complaints	Legal obligation (s11(1)(c)); establishment or defence of a right in law
Website enquiries	Responding to a contact form, booking request or telephone enquiry	Legitimate interests; steps prior to contract; consent where a form requires it
Practice communications	Appointment reminders, results-collection notices, practice updates that are operational	Contract / legitimate interests. Marketing of a different nature requires consent (s69)
Website security and analytics	Keeping the site secure, understanding aggregate use of pages	Legitimate interests. Non-essential cookies are used only if you accept them

Providing identity, contact and clinical information is generally mandatory if you wish to become or remain a patient. If you withhold information we reasonably need, we may be unable to book you, treat you safely, submit a scheme claim, or communicate results. Optional fields (for example a marketing-preference box) are marked as such.

6. Consent, confidentiality and persons close to you

Informed clinical consent for examination and treatment is obtained in line with NHA Sections 6 to 8 and HPCSA Booklet 10. That clinical consent is distinct from POPIA consent, although the two often sit on the same registration or admission form.

Partners, spouses and family. We will not discuss your care with a partner, spouse, parent (where you are an adult with capacity) or family member without your authority, except where the NHA or another law requires or permits disclosure, or where non-disclosure would represent a serious threat to public health. This is particularly important in fertility, contraception, sexually transmitted infection and termination-of-pregnancy care.

Termination of pregnancy. Information about a termination of pregnancy may not be disclosed except as permitted by the Choice on Termination of Pregnancy Act. As a rule it is disclosed only to the patient herself.

Disclosure without consent. Consistent with HPCSA Rule 13 and NHA Section 14, we may disclose information only: with your express (and, where the NHA requires it, written) consent; in terms of a statute; under a court order; or where disclosure is justified in the public interest, including a serious threat to public health. For a child under 12 we obtain the written consent of a parent or guardian unless another legal ground applies. For a deceased patient we obtain written consent of the next of kin or the executor, unless a statute or court order provides otherwise.

WhatsApp, SMS and email. Many Cape Town patients prefer WhatsApp. These channels are convenient but are not fully secure end-to-end under our control. We will use a channel you have chosen for operational messages (appointment times, "please call the rooms"). We will not send intimate clinical detail, images of intimate areas, or full results over WhatsApp or ordinary email unless you specifically ask us to and accept the residual risk. Please do not send those items to us on those channels if a consultation or a secure portal is available.

7. Who we share information with

We do not sell personal information. We share it only as needed for care, administration or law, and only with recipients who have a duty of confidentiality or a written operator agreement. Typical recipients are:

- other treating practitioners in your care pathway (referring GP, anaesthetist, surgeon, oncologist, paediatrician, fertility specialist);
- laboratories, histopathology, genetics and imaging providers;
- the hospital, day clinic or theatre at which a procedure is performed;
- your medical scheme, administrator or managed-care organisation, for authorisation and claims;
- a billing bureau, practice-management or electronic-health-record vendor, and our accountant or auditor;
- our professional indemnity insurer and legal advisers, where a claim, complaint or incident arises;
- payment-service providers if you pay by card or instant EFT;
- website host, email host, SMS/WhatsApp business-platform provider, and online-booking vendor;
- a Deputy Information Officer, locum, or staff member bound by confidentiality; and
- regulators, courts, the HPCSA, SAPS or the Department of Health where the law requires it.

Every third party that processes personal information on our behalf is an "operator" under section 20 of POPIA. We put written agreements in place requiring the operator to process only on our instructions, keep the information confidential, apply appropriate security, and notify us of a compromise without delay.

8. Cross-border transfers

Some operators we use (common examples include Microsoft 365 / Google Workspace, cloud practice-management systems, website hosts, analytics tools and email platforms) store or back up information on servers outside the Republic. Section 72 of POPIA permits a transfer only if:

- the recipient is subject to a law, binding corporate rules or a binding agreement that provides an adequate level of protection; or
- you consent to the transfer; or
- the transfer is necessary for the performance of a contract with you, or for the conclusion or performance of a contract in your interest; or
- the transfer is for your benefit and it is not reasonably practicable to obtain consent, but you would be likely to give it.

Clinical records are stored in South Africa wherever that is reasonably practicable. Where a cloud vendor is used, we will record the vendor, the country of storage and the safeguard (typically a data-processing agreement incorporating POPIA-equivalent clauses) in our internal processing inventory.

9. Security measures

Section 19 of POPIA and section 17 of the NHA require us to secure the integrity and confidentiality of personal information and health records against loss, damage, unauthorised destruction and unlawful access. Measures we apply, proportionate to a specialist practice, include:

- HTTPS encryption of the website and any online form;
- access control to consulting rooms, record storage and devices; unique user accounts; least-privilege access for staff;
- password standards, automatic locking, and multi-factor authentication on cloud systems that support it;

- encryption of portable devices and restrictions on removable media;
- secure destruction of paper records (cross-cut shredding) and certified wiping of retired devices;
- staff confidentiality undertakings and training;
- operator due diligence and written contracts;
- routine software updates and malware protection; and
- a documented incident-response process.

No electronic system is perfectly secure. If you suspect that your information has been compromised in connection with this practice, please contact the Information Officer immediately.

10. Security compromises (data breaches)

If we have reasonable grounds to believe that personal information has been accessed or acquired by an unauthorised person, Section 22 of POPIA requires us to notify the Information Regulator and, unless we can show the identity of the information is protected (for example by encryption that has not been compromised), to notify affected data subjects as soon as reasonably possible. The notice will describe the possible consequences, the measures we have taken or intend to take, a recommendation of measures you can take, and the identity of the unauthorised person if we know it.

11. Retention and destruction

Section 14 of POPIA says we may not keep records longer than is necessary for the purpose, unless a law, a contract, or your consent requires longer retention, or the records are retained for historical, statistical or research purposes under the conditions in Section 14(2). Clinical records are subject to HPCSA Booklet 9 and the NHA. Our working retention schedule is:

Record type	Minimum retention
Adult clinical records	At least 6 years from the date the record becomes dormant (last consultation). HPCSA guidance is that records should ideally be kept longer, particularly in electronic form.
Minors and obstetric records of a patient treated while under 18	At least until the patient's 21st birthday.
Patients with mental incapacity	For the patient's lifetime.
Occupational-health related records	20 years after treatment, where the Occupational Health and Safety Act applies.
Website enquiry / booking data (no patient file opened)	Up to 24 months after the last interaction, unless a complaint or legal hold applies.
Accounts, tax and scheme-claim records	At least 5 years from the relevant tax year-end (Tax Administration Act), or longer if a dispute is open.
Marketing consents and withdrawal logs	For as long as the consent is relied on, and a reasonable period afterwards to demonstrate compliance.

Records that are relevant to a complaint, inquest, HPCSA matter or reasonably anticipated litigation will not be destroyed merely because a standard period has expired. When a retention period ends, records are destroyed in a way that prevents reconstruction.

A request that we delete clinical records will usually be refused while a professional or statutory retention duty still applies. We will explain that refusal in writing.

12. Website, cookies and electronic communications

Our website is a professional information and contact channel. It is not an emergency service and it is not a substitute for a consultation. If you have heavy bleeding, severe pain, suspected ectopic pregnancy, or any other urgent concern, attend an emergency unit or call emergency services.

The website may collect:

- information you type into a contact or booking form (name, contact number, email, preferred date, and a high-level reason such as "annual check-up" or "antenatal booking", not a full clinical history);
- technical logs reasonably needed to operate and secure the site; and
- cookies or similar technologies.

POPIA does not impose an EU-style cookie wall. We still explain cookies as a matter of openness (POPIA condition 6). Strictly necessary cookies (security, load balancing, form-session) operate because the site cannot function without them. Analytics or marketing cookies, if we use them, will be described here and will not be set until you accept them. You can block cookies in your browser. Blocking some cookies may stop a booking form from working.

Direct electronic marketing (newsletters, promotional SMS) is sent only with your consent as required by Section 69 of POPIA, and every such message includes an opt-out. Appointment reminders and clinically necessary messages are not marketing.

ECTA Section 43 disclosures for electronic transactions (full name, legal status, physical address, telephone, email, registration number, address for service of legal process, and a description of our services) appear on the website contact or legal page.

13. Photographs, teaching and social media

We will not publish your photograph, case history or any information from which you could reasonably be identified on the website, in a talk, in a journal or on social media without your express informed consent. That is required by HPCSA guidance even if we believe you cannot be identified. De-identified teaching material is used only where identification is not reasonably possible.

14. Automated decision-making

We do not make decisions about your care solely by automated means that produce legal or similarly significant effects. Any clinical decision is made by a registered practitioner.

15. Your rights

Subject to the limitations in POPIA, PAIA, the NHA and HPCSA rules, you have the right to:

- be notified that personal information about you is being collected (s18) and when there has been an unauthorised access or acquisition (s22);
- request confirmation of whether we hold information about you, and request a description or copy of that information (s23 POPIA; also PAIA);
- request correction, destruction or deletion of information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained (s24);
- object, on reasonable grounds, to processing based on legitimate interests or that is for direct marketing (s11(3));
- withdraw consent where consent is the basis we rely on (withdrawal does not make earlier processing unlawful, and it cannot override a duty to keep clinical records);

- not have information processed for the purpose of direct marketing by unsolicited electronic communications without complying with Section 69;
- not be subject, subject to Section 71, to a decision based solely on automated processing that has legal consequences for you; and
- submit a complaint to the Information Regulator.

To exercise these rights, write to the Information Officer using the details on the cover page. Please use your full name, identity number or date of birth, a contact number, and a clear description of the request. We may need to verify your identity before releasing records. We will respond within a reasonable time, and in any event within the time frames in PAIA where that Act applies.

Prescribed POPIA forms (Form 1 for an objection; Form 2 for a correction or deletion) are available from the Information Regulator's website. You do not have to use those forms if you send us a clear written request, but using them helps us process the request correctly.

Access to health records is also governed by NHA Sections 15 and 16. A patient of 12 years or older may generally request access to their own records. We may refuse or limit access only on the grounds allowed by PAIA or the NHA (for example where disclosure would cause serious harm, or would unreasonably disclose a third party's personal information).

16. How to complain

Please raise a privacy concern with the Information Officer first. We will try to resolve it. You may also lodge a complaint with the Information Regulator of South Africa, which enforces POPIA and PAIA:

- Website: https://inforegulator.org.za
- eServices complaints portal: https://eservices.inforegulator.org.za
- POPIA complaints: POPIAComplaints@inforegulator.org.za
- PAIA complaints: PAIAComplaints@inforegulator.org.za
- General enquiries: enquiries@inforegulator.org.za · 010 023 5200 · Toll free 0800 017 160
- Physical address: Woodmead North Office Park, 54 Maxwell Drive, Woodmead, Johannesburg, 2191

You may also raise an ethical complaint with the HPCSA (www.hpcsa.co.za) where the issue concerns professional confidentiality or record-keeping, and you retain any civil remedies available to you.

17. Changes to this Policy

We will update this Policy when the law, our systems or our processing changes. The effective date appears on the cover. Material changes will be posted on the website. Continued use of the website after a change constitutes notice of the updated Policy for website visitors. Existing patients will be informed of material changes in a manner appropriate to the change (for example a notice at reception or a message with an appointment reminder).

18. Governing law

This Policy is governed by the law of the Republic of South Africa. The practice is based in Cape Town, Western Cape.