

# THE ORGAN DONOR FOUNDATION OF SOUTHERN AFRICA PRIVACY POLICY

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## GUIDE TO THIS PRIVACY POLICY

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## 1. INTRODUCTION

- 1.1. Welcome to the Privacy Policy of The a Donor Foundation Of Southern Africa (NPO Registration No. 003-458-NPO) ("**Organ Donor Foundation**" "**we**" "**us**" "**our**"), a non-profit company registered in the Republic of South Africa.
- 1.2. This Privacy Policy sets out the details of how we collect, use, store, record, disclose and destroy information ("**Process**") relating to:
  - 1.2.1. members of the public registered as organ and tissue donors with us on an easily accessible registry/database (the "**Database**"); and
  - 1.2.2. visitors of our online website (the "**Website**"),as well as setting out your rights pertaining to your control over such information.
- 1.3. The purpose behind our collection and Processing of personal information is to (a) assist medical professionals with donor identification, in both the public and private sector; and (b) to further our main objective being to create awareness and educate the South African public about organ and tissue donation; and (c) to communicate with registered organ and tissue donors; and (d) to measure demographics in order to shape and develop future campaigns. ("**Purpose**").
- 1.4. Please note that by registering as an organ and tissue donor, you consent to us Processing your information in accordance with this Privacy Policy and should you register as an organ and tissue donor, the placement of your personal data on the Database and any terms of use, which may be applicable to the Database from time to time.

## 2. WHAT INFORMATION DO WE COLLECT?

- 2.1. We collect information where we have a legal basis
  - 2.1.1. We will only Process your personal data in the following instances:
    - 2.1.1.1. where you have provided consent for us to Process your personal data (which consent may be withdrawn by you at any time);
    - 2.1.1.2. where it is necessary for us to Process your personal data in order for us to perform our contractual obligations to you and/or to fulfil the Purpose;
    - 2.1.1.3. where we have a legitimate interest in Processing your data in order for the Database to function and achieve its intended purpose properly;

2.1.1.4. where the Processing of your data is needed in order to perform our business functions, for example, to communicate with you, or your next of kin; and

2.1.1.5. where we are under a legal obligation to Process your data.

## 2.2. We collect information that you have provided to us

2.2.1. We may collect your data, which you have submitted it to us, for instance, when you submit information about yourself or your next of kin, or where you otherwise communicate with us. This information may include details such as, *inter alia*, your identity or passport number, email address, information regarding your personal preferences, organ/tissue donation preferences, gender, race, health or any other information that you may submit to us via our Website, email or otherwise.

2.2.2. When you submit information to us, you consent to us Processing that information. You may withdraw your consent at any time, save where we are required to retain such information for legal or contractual reasons.

## 2.3. Information that is automatically collected

2.3.1. When you are registered on the Database, or when you receive communications from us, we may passively collect and store your data. This data may include details relating to, for instance, your IP address, your operating system or your browser details.

2.3.2. You have control over what information is passively collected by making use of your browser settings. It is important to note that changes to these settings may affect the way in which we are able to provide any services to you.

## 2.4. Financial Information

2.4.1. We do not, nor are we allowed to, receive or make payment of any kind from or to organ and tissue donors or transplant recipients, as the case may be, in respect of organs and/or tissue being donated or transplanted.

2.4.2. We do accept donations made to us in order for us to advance the Purpose. All financial details are collected and processed by the person who deals with your donation. We may Process data relating to your bank account, credit card and/or any other payment details. We will only Process this data when you give it to us voluntarily to make a donation to the Purpose. This data is disclosed to our authorised banking service providers only during the collection process.

## 2.5. Correspondence Information

2.5.2. We may Process data when we receive correspondence from you via email, social media, mobile text messages and phone calls. This includes your sender information, the content of the message and the metadata pertaining to the message. We use this information to communicate with you for the Purpose.

## 3. **HOW LONG DO WE KEEP YOUR INFORMATION FOR?**

We store certain data relating to a registered organ and tissue donor person for that organ and tissue donor's lifespan, until we become aware of the death of that registered organ and tissue donor.

## 4. **COOKIES**

4.1. "**Cookies**" are small data files that are stored on a website user's computer by the web browser while the user is browsing the Internet, and which contain data relating to the user's online activity.

4.2. We may use Cookies to acquire information relating to your activity on the Website, including, for instance, to operate our contact form or to remember your Website preferences and settings.

4.3. You may adjust your browser settings to decline or limit the use of cookies, however, as mentioned, this may limit your use of the Website.

## 5. **OUR USE OF YOUR INFORMATION**

5.1. We may use your information to:

5.1.1. improve your experience with us;

5.1.2. process and manage your preferences relating to organ / tissue donation;

5.1.3. review usage and/or operation of the Website;

5.1.4. respond to correspondence received from you;

5.1.5. perform in terms of our legitimate Purpose; and/or

5.1.6. contact you to advance our Purpose.

5.2. We understand the importance of privacy, and as such, we will not contact you unless such contact is in response to correspondence already received from you or for fundraising purposes in order to advance the Purpose.

## 6. DO WE EVER DISCLOSE YOUR INFORMATION TO ANYONE?

### 6.1. Our Transplant Co-ordinators

6.1.1. We may share your information with operators at transplant centres and at hospitals in order for them to establish whether a person is a registered organ and tissue donor and who the person's next of kin are.

6.1.2. These operators will only be able to access the minimum amount of information necessary in order to facilitate the referral process and they may not share your information with third parties.

### 6.2. Our Service Providers

6.2.1. We may share your information with our service providers that provide us with business, professional or technical support.

6.2.2. These service providers will only be able to access the minimum amount of information necessary in order to provide us with the necessary support, and they may not share your information with third parties.

### 6.3. Legal Obligation

6.3.1. We may share your information in any manner necessary in order to comply with any law, regulation legal process or governmental request.

6.3.2. We may also access and/or disclose your information where it is necessary in an investigation relating to public safety, or where it is otherwise necessarily required by law.

### 6.4. For Security Purposes and to Combat Fraud

6.4.1. We may disclose your information:

6.4.1.1. in order to protect the security of the Website, the Database, our servers, network systems, other databases, other users, or otherwise;

6.4.1.2. as necessary where there has been a violation of the rights of any third party, or of any legal document or contract related to the Database or Website; and

6.4.1.3. in order to combat fraud.

## 7. OUR PROCESSING PRINCIPLES

- 7.1. The protection of your information is extremely important to us, and we accordingly maintain appropriate procedures in order to keep your information safe and secure.
- 7.2. Even though we will always do our best to protect your information, the transmission of information via the Internet is not completely secure and we cannot guarantee our security measures.
- 7.3. In order to ensure that your personal information is Processed with an appropriate level of privacy, we have adopted the following principles with regard to the Processing of your information:
  - 7.3.1. we only Process data in a lawful, fair and transparent manner;
  - 7.3.2. we only collect personal data for specified and legitimate purposes;
  - 7.3.3. the personal data that is collected is limited to what is relevant and necessary for the Purpose for which it is Processed;
  - 7.3.4. to the extent that we can, we will ensure that we keep your personal data accurate, up to date and complete, and furthermore ensure that all inaccurate and incomplete information is rectified or deleted;
  - 7.3.5. we will only store your personal data for as long as is necessary for the purposes for which the data is collected; and
  - 7.3.6. we will only Process personal data in a manner that ensures the appropriate security of your personal data.

## 8. USER RIGHTS

- 8.1. As a user of the Website and/or a registered organ and tissue donor on the Database, you have the following rights:
  - 8.1.1. right of access, which includes the right to request a copy of the information that we hold about you (which request may be subject to a reasonable administrative fee);
  - 8.1.2. right of rectification, which allows you to request that the data we hold about you be corrected;

- 8.1.3. right to be forgotten, which allows you to request that the data we hold about you be erased in circumstances where such erasure is permissible (which request may be subject to a reasonable administrative fee);
- 8.1.4. right to restrict the Processing of your data in certain circumstances;
- 8.1.5. right of portability, which includes the right to have the data that we hold about you transferred to a third party;
- 8.1.6. right to object to certain types of Processing, for instance, to direct marketing, and to object to automatic Processing or profiling of data;
- 8.1.7. right to judicial review, which includes the right to complain to any relevant authority regarding our use of your data; and
- 8.1.8. right to withdraw your consent to us Processing your data.

## 9. **THE USE OF THE WEBSITE BY CHILDREN**

No person under the age of 18 should submit any data to the Website or the Database or use the Website in any way without their legal guardian's consent and supervision. Accordingly, we do not Process any personal data belonging to minors without their legal guardian's written consent. j

## 10. **QUESTIONS OR CONCERNS?**

- 10.1. Please feel free to reach out to us if you have any questions or comments about our Privacy Policy by emailing us at [Jooste@odf.org.za](mailto:Jooste@odf.org.za).
- 10.2. Our designated data controller will be charged with making decisions regarding the purposes and methods of the Processing of data in terms of this Privacy Policy.