



**PRIVACY POLICY IN TERMS OF
THE PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013
(POPIA)**

DOCUMENT APPROVAL	
By	Board of SAMLA
Issue date	17 July 2021 or sooner if there is a change in legislation.
Place of publication	Website of SAMLA
DOCUMENT REVIEW	
Date: Last amended	N/A
Date: Next review	July 2024
DOCUMENT ARCHIVING	
Master copy	Central File
Electronic copy	SAMLA Cloud Repository

PREAMBLE

This policy gives effect to the Constitutional right to data privacy in terms of section 14 of the Bill of Rights of The Constitution. This SAMLA privacy policy applies to how SAMLA collects and processes Personal Information and, in some instances, Special Personal Information.



1. DEFINITIONS

- 1.1 In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings–
- 1.2 **“Cookie/s”** (also called web cookie, Internet cookie, browser cookie, or simply cookie) is a small piece of data sent from a website and stored on the user's computer by the user's web browser while the user is browsing to inter alia remember stateful information (such as items added in the shopping cart in an online store) or to record the user's browsing activity.
- 1.3 **“Data Breach”** means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of SAMLA;
- 1.4 **“Data Subject”** means the person to whom personal information relates;
- 1.5 **“Direct Marketing”** means to approach a person, by electronic communication, for the purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject;
- 1.6 **“Direct Marketer”** means a supplier who employs Direct Marketing as an advertising mechanism;
- 1.7 **“Employees”** means any employee of SAMLA;
- 1.8 **“Government”** means the Government of the Republic of South Africa
- 1.9 **“Member”** refers to an individual who fulfils the criteria for membership of SAMLA as expressed in the MOI of SAMLA.
- 1.10 **“Medico-Legal”** means conduct involving or relating to all areas where healthcare and law interact;
- 1.11 **“Operator”** means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.12 **“PAIA”** means the Promotion of Access to Information Act, No 2 of 2000;



The South African Medico-Legal Association

- 1.13 **"Personal Information"** has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;
- 1.14 **"Policy"** means this Privacy Policy;
- 1.15 **"POPIA"** means the Protection of Personal Information Act No. 4 of 2013;
- 1.16 **"Processing"** has the meaning ascribed thereto under POPIA. "Process" has a corresponding meaning;
- 1.17 **"Regulator"** means the Information Regulator established in terms of POPIA;
- 1.18 **"Responsible Party"** means a public or private body or any other person which alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
- 1.19 **"Special Personal Information"** means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and
- 1.20 **"Third Party"** means any independent contractor, agent, consultant, sub-contractor or other representative of SAMLA.
- 1.21 **"Transformation"** means the Company's pursuit of surpassing excellence in its purpose and business which must include the promotion of ethical and competent practice; zero clinical negligence; the rule of law; constitutional supremacy; dignity; equality and the achievement of freedoms in Medico-Legal Practice for the benefit of public interest as contemplated in the founding values and Bill of Rights as specified in the Constitution of the Republic of South Africa, Act 108 of 1996.

2. SCOPE AND PURPOSE

- 2.1 The South African Medico-Legal Association ("**SAMLA**" or "**we**" or "**us**" or "**our**") conducts its business as a not-for-profit company (Reg 2005/01822/08), operating as an interdisciplinary educational professional association. SAMLA is a responsible party (or **data controller**) in respect of Personal Information, and Special Personal Information, in other words, that we determine the purpose of and means for Processing Personal Information.



- 2.2** This Policy sets out the responsibilities and obligations of all persons who make use of, or access or receive SAMLA's Information and Communications in any manner including but not limited to via its electronic communication facilities and resources including its website, email and social media platforms and how all users of these facilities and resources are to ensure that when using these resources that they respect and Process another's Personal Information lawfully and in accordance with the provisions of POPIA.
- 2.3** SAMLA is committed to protecting and respecting the privacy of its Members and Third Parties. We try to ensure that our use of Personal Information is lawful, reasonable, and relevant to our business activities.
- 2.4** While SAMLA is committed to protecting all person's rights to privacy and will ensure that all Personal Information is used appropriately, transparently, and according to applicable law, SAMLA must ensure that these rights to privacy are balanced with other rights such as the right to use and have access to SAMLA's Information and Services including its online and social media platforms and applications.
- 2.5** The SAMLA Privacy Policy applies to the Processing by SAMLA of the Personal Information relating to (i) any person who is a Member of the SAMLA who accesses and/or uses our services for purposes as described in the SAMLA Memorandum of Agreement (ii) a provider of products and/or services to us and former service and/or product providers (iii) employees and former employees, (iv) and any other Data Subjects that engage with us.
- 2.6** This Privacy Policy does not apply to the information practices of Third Party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that SAMLA does not manage or employ. These Third Party sites may have their own privacy policies and terms and conditions, and we encourage our Members and Third parties to read them before using them.



- 2.7 The SAMLMA appointed Information Officer is responsible for overseeing the implementation of this Privacy Policy.
- 2.8 This Privacy Policy must, as is appropriate, be read together with any other documents that we have provided and/or any agreements that a Data Subject may have with SAMLMA. This Privacy Policy is to be viewed as additional to those documents and does not in any way replace them in events of ambiguity, inconsistency and/or conflict. The hierarchy is as follows: (i) this Privacy Policy (ii) the Terms; and (iii) the Agreements.
- 2.9 One may direct any questions regarding this policy or one's rights as well as our Processes to the Information Officer by e mail at info@Samla.org.za

3. **PERSONAL INFORMATION**

- 3.1 "**Personal Information**" in the POPIA, 2013, refers to private information about an identifiable living natural person or, where applicable, an identifiable existing juristic person. Personal Information does not include information that does not identify one (including in instances where that information has been de-identified so that it does not identify a Data Subject).
- 3.2 SAMLMA Processes several aspects relating to Personal Information which differ depending on the nature of the business for which the Personal Information is required.
- 3.2.1 **Identity Information:** which includes but is not limited to one's name, marital status, title, occupation, date of birth, gender, race and legal status, identity number, registration number with a professional regulatory authority, and qualifications. We also may require copies of one's identity document, qualifications certificates, photographs, and proof of residence.
- 3.2.2 **Contact Information,** which includes but is not limited to a billing address/es, e-mail address/es and telephone number/s.
- 3.2.3 **Transaction Information,** which includes details about payments made to or received by SAMLMA; correspondence sent by the person that is implicitly or explicably of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;



- 3.2.4 Technical Information**, which includes one's internet protocol (IP) address, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices used by one to access the SAMLA website or to use SAMLA services or engage with us.
- 3.2.5 Usage Information**, which includes but is not limited to access to and use of the SAMLA website including the content that is accessed by an individual, links accessed, the amount of content viewed and the order of that content, as well as the amount of time spent on specific content.
- 3.2.6 Location Information**, which includes but is not limited to geographical information from your Access Device mostly based on the GPS or IP location.
- 3.2.7 Marketing and Communications Information**, which includes one's preferences in respect of receiving marketing information from us and our third parties, and your communication preferences.
- 3.2.8 Aggregated data**, which includes but is not limited to historical or statistical data for any purpose, including for research purposes. Much of this data will not reveal your Personal Information and/or identity. If and where the aggregated data does in any way identify you directly or indirectly, it will be treated as Personal Information by SAMLA and will be managed in line with this Privacy policy.

4. SPECIAL PERSONAL INFORMATION

- 4.1** In unusual and specific circumstances, SAMLA may collect certain information about you that is "**Special Personal Information**" which includes but is not limited to race or ethnic origin, information about one's criminal offences or convictions, one's standing with a professional regulatory body, or one's religious affiliation.
- 4.2** SAMLA has in place measures of extraordinary protection of such data. SAMLA will not Process such information unless it is necessary for establishing, exercising or defending a right or obligation in law, or where we have obtained your consent to do so. SAMLA may Process such information
- 4.2.1** when recruiting and employing staff;



- 4.2.2 when engaged in disciplinary procedures established by SAMLMA (refer to Disciplinary Policy);
- 4.2.3 when considering SAMLMA's Transformation imperatives (Refer to Transformation Policy);
- 4.2.4 when SAMLMA is obliged to collect health information to comply with Health Regulations; or
- 4.2.5 when obtaining information about religious beliefs (e.g., asking about dietary requirements at a SAMLMA function which alludes to one's religious affiliations).
- 4.2.6 when a Member of SAMLMA or a Third Party has deliberately made that information known to the public.

PURPOSES OF PERSONAL DATA COLLECTION BY SAMLMA

- 5.1 To comply with regulatory reporting obligations;
- 5.2 for identification and verification for SAMLMA membership applications;
- 5.3 to maintain and update our Membership;
- 5.4 for identification and verification for SAMLMA's registries' applications;
- 5.5 to develop, maintain and update the SAMLMA registries of professional designations;
- 5.6 to provide the Members and the public with adequate information about SAMLMA Members and Members of SAMLMA registries in as far as each SAMLMA Member has provided consent;
- 5.7 to communicate with SAMLMA Members and the public, and retain a record of our communications and communications with us;
- 5.8 to invite our Members and/or the public to participate in and/or attend courses, webinars, functions or events that we host;
- 5.9 to advertise our educational activities to our Members and/or the public;
- 5.10 to conduct recruitment and hiring Processes;
- 5.11 to create and maintain supplier profiles on our systems, pay suppliers, and for general supplier administration;
- 5.12 to maintain and improve the SAMLMA website and to improve the experience of our Website users;
- 5.13 to establish and verify our members' identity on the SAMLMA website;



- 5.14 to operate, administer, secure and develop the SAMLA website and the performance and functionality of the website;
- 5.15 to detect, prevent or manage actual or alleged fraud, security breaches or the abuse, misuse or unauthorised use of our systems and files, the SAMLA website and/or contraventions of this Privacy Policy and/or the Terms and/or the Agreements;
- 5.16 to inform our members and if necessary, the public, any changes to the SAMLA website, this Privacy Policy or other changes that are relevant;
- 5.17 to create user profiles, compile and use statistical information (including non-personal information) about users and their access to the SAMLA website and to analyse and compare how users make use of the SAMLA website, including (without limitation) their browsing habits, click-patterns, preferences, frequency and times of use, trends and demographic information including recommendations to users and tailoring information and content for users;
- 5.18 to analyse and compare the types of Access Devices users make use of and their physical location;
- 5.19 to conduct market research surveys;
- 5.20 for security, administrative and legal purposes;
- 5.21 for Member -relations purposes, which may include storage of clients' marital status and birthdates;
- 5.22 to fulfil any contractual obligations that we may have to a Member or any Third Party;
- 5.23 for other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our services and/or the use of the SAMLA website, our business activities or such other purpose for which it was collected.

6. **SAMLA'S COLLECTION OF PERSONAL INFORMATION**

- 6.1 SAMLA collects Personal Information from Data Subjects as and when required for a defined purpose, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public, or the Personal Information is contained in or derived from a public record).



6.2 Consent to the Processing of Personal Information

6.2.1 SAMLA may collect and/or receive, record and/or store, update and/or change, retrieve and/or read and/or Process, use, and share Personal Information in the ways set out in this Privacy Policy. Hence, “**Processing**” and “**Process**” has a corresponding meaning.

6.2.2 SAMLA will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.

6.2.3 It is possible that we may have cause to Process Personal Information without one’s knowledge or permission, if we can justify it, and/or if we are required to do so by law.

6.3 **Direct interaction with a Data Subject** is obtained for reasons that include but are not limited to membership applications; applications to appear on one of SAMLA’s professional designation registries; applications and/or automatic registration at a SAMLA educational opportunity; accessing information on the SAMLA website; applications for employment with SAMLA; granting access to SAMLA premises; apply and/or conclude a business agreement with SAMLA; or any activity that is necessary for SAMLA’s fulfilment of our statutory or regulatory obligations

6.4 If you contact us, we reserve the right to retain a record of that correspondence in accordance with applicable data protection legislation, which may include Personal Information.

6.5 Passive collection from an Access Device when browsing the SAMLA website

6.5.1 SAMLA may passively collect certain of Personal Information from the Access Device that one uses to access and navigate the Website, by way of various technological applications, for instance, using server logs to collect and maintain log information.

6.5.2 We also use cookies and anonymous identifiers which enable our computer system to recognise a visitor when he or she next visits the SAMLA website to distinguish the individual from other users and to improve our service and which can be used to



enhance the content of the SAMLA website and make it more user-friendly, as well as to give the visitor a more personalised experience.

6.5.3 A cookie is a small piece of data (an alphanumeric identifier) which our computer system transfers to the visitor's Access Device through one's web browser when one visits the SAMLA website, and which is stored in one's web browser. When the visitor visits the SAMLA website again, the cookie allows the site to recognise one's browser. Cookies may store user preferences and other information.

6.5.4 A visitor may disable the use of cookies by configuring one's browser to refuse all cookies or to indicate when a cookie is being sent. However, please note that some parts of the SAMLA website will not function properly if a visitor refuses cookies and one may not be able to enjoy all of the features and functionality of the SAMLA website.

6.5.5 The Personal Information that SAMLA passively collects from one's Access Device may include one's Identity Information, Contact Information, Technical Information, Profile Information, Usage Information, Location Information and Marketing and Communications Information, or any other Personal Information which one permits us, from time to time, to passively collect from one's Access Device.

6.6 Collection from Third Parties and public sources:

6.6.1 Rarely SAMLA receives Personal Information and Special Personal Information about one from various third parties including recruitment agencies, suppliers of background checks services and publicly available sources.

6.6.2 SAMLA may collect Personal Information and Special Personal Information about one through CCTV cameras installed at SAMLA premises for safety and security reasons.

7. MAINTAINING ACCURACY OF PERSONAL INFORMATION

7.1 SAMLA will take reasonable steps to ensure that all Personal Information is kept as accurate, complete, and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further Processed.



7.2 SAMLA may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this Process is specifically necessary.

7.3 SAMLA, however, expects that the Data Subject will notify SAMLA from time to time in writing of any updates required in respect of his/her/its Personal Information.

8. STORAGE OF PERSONAL INFORMATION BY SAMLA AND THIRD PARTY SERVICE PROVIDERS

8.1 We store Personal Information on -

8.1.1 our premises, in the form of hard copies;

8.1.2 the premises of Third Party service providers such as document storage service providers;

8.1.3 our servers; or

8.1.4 on the servers of our Third Party service providers, such as IT systems or hosting service providers. We will ensure that we have entered into written agreements with those Third Party service providers that require them to secure the integrity and confidentiality of Personal Information in their possession by taking appropriate, reasonable technical and organisational measures. SAMLA's Third Party service providers, including data storage and Processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed. SAMLA will ensure that such Third Party service providers will Process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA. These Third Parties do not use or have access to the Data Subject's Personal Information other than for purposes specified by SAMLA and SAMLA requires such parties to employ at least the same level of security that SAMLA uses to protect the Data Subject's personal data.

8.1.5 SAMLA and its service providers may need to transfer to and/or store Personal Information on servers outside of South Africa and we hereby render notice that such jurisdiction may not have comparable data protection legislation. If the location to which Personal Information is transferred and/or is stored does not have



substantially similar laws to those of South Africa, which provide for the protection of Personal Information, we will take reasonably practicable steps to ensure that your Personal Information is adequately protected in that jurisdiction.

8.2 Security

8.2.1 We take reasonable technical and organisational measures to secure the integrity of Personal Information. We use accepted technological standards to prevent unauthorised access to or disclosure of Personal Information, and protect Personal Information from misuse, loss, alteration and destruction.

8.2.2 We review our information collection and storage systems and practices periodically, to ensure that we keep abreast of good practice.

8.2.3 We also create a back-up of the Personal Information for operational, business continuity and safety purposes and we have a back-up disaster recovery program.

8.2.4 Despite the above measures being taken when Processing Personal Information and Special Personal Information, as far as the law allows, we will not be liable for any loss, claim and/or damage arising from any unauthorised access, disclosure, misuse, loss, alteration, or destruction of your Personal Information and/or Special Personal Information.

8.2.5 SAMLA has implemented policies and procedures to address actual and suspected data breaches and undertakes to notify a Data Subject and the relevant regulatory authorities of breaches in instances in which SAMLA is legally required to do so and within the period in which such notification is necessary.

8.3 Retention of data

8.3.1 In terms of POPIA, SAMLA will not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or Processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. Hence, SAMLA will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.



8.3.2 To determine the appropriate retention period for Personal Information, SAMLA will consider, *inter alia*, the nature and sensitivity of the Personal Information, the potential risks or harm that may result from its unauthorised use or disclosure, the purposes for which SAMLA requires such retention and whether those purposes may be achieved through other means. SAMLA will comply with legal and/or other requirements as they pertain to the retention of Personal Information.

8.3.3 SAMLA will retain Personal Information in the following circumstances where

8.3.3.1 the retention of the record is required or authorised by law or by any Government authority;

8.3.3.2 SAMLA requires the record to fulfil its lawful functions or activities;

8.3.3.3 retention of the record is required by a contract between the parties thereto;

8.3.3.4 the Data Subject has consented to such longer retention; or

8.3.3.5 the record is retained for historical, research, archival or statistical purposes provided safeguards are put in place to prevent use for any other purpose.

8.3.4 Where SAMLA retains Personal Information for longer periods for statistical, historical, archival or research purposes, SAMLA will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.

8.3.5 In instances where we de-identify Personal Information, SAMLA may use such de-identified information indefinitely.

9. SHARING OF PERSONAL INFORMATION

9.1 SAMLA will not intentionally disclose Personal Information, whether for commercial gain or otherwise, other than with the permission of the Data Subject.

9.2 SAMLA will share information only if -

9.2.1 our agents, advisers and suppliers have agreed to be bound by applicable data protection legislation and this Privacy Policy or similar terms, which offer the same level of protection as this Privacy Policy



- 9.2.2** our employees, suppliers, consultants, contractors if and to the extent that they require such Personal Information to Process it for us and/or in the provision of services for or to us, which include know-how and research, reporting purposes; hosting, development and administration, technical support and other support services relating to the SAMLMA website or the operation of our business. We will authorise any Personal Information Processing done by a Third Party on our behalf, by entering into written confidentiality and data protection agreements with those third parties who may be disciplined, their contracts terminated, or other appropriate action taken if they fail to meet their obligations;
- 9.2.3** to enable us to enforce or apply our Terms and/or any Agreement a Data Subject has with us;
- 9.2.4** to enable us to monitor web traffic: web servers serving the website automatically collect information about pages one visits. This information is used for internal review, to tailor information to individual visitors and for traffic audits;
- 9.2.5** for statistics purposes: we may perform statistical analyses in order to measure interest in the various areas of the Website (for product development purposes);
- 9.2.6** to protect our rights, property or safety or that of our Members, clients, employees, contractors, suppliers, agents and any other Third Party;
- 9.2.7** with governmental agencies and other regulatory or self-regulatory bodies, if required to do so by law or when we reasonably believe that such action is necessary to:
- 9.2.7.1** comply with the law or with any legal Process;
 - 9.2.7.2** protect and defend the rights, property or safety of SAMLMA, or our Members, clients, employees, contractors, suppliers, or any Third Party;
 - 9.2.7.3** detect, prevent, or manage actual or alleged fraud, security breaches, technical issues, or the abuse, misuse or unauthorised use of the SAMLMA website and/or contraventions of this Privacy Policy; and/or
 - 9.2.7.4** protect the rights, property, or safety of members of the public. If a Data Subject provides untrue or deceptive information, we may



proactively disclose such information to the appropriate regulatory bodies and/or commercial entities.

9.2.7.5 we get your permission before disclosing your Personal Information to any Third Party for any other purpose, if we are required by law to do so.

10. RIGHTS OF THE DATA SUBJECT

10.1 Data protection legislation may confer certain rights on you in respect of your Personal Information. You may, for example:

10.1.1 **Block all cookies**, by setting your browser to do so, including cookies associated with our products and services or to indicate when a cookie is being sent by us

10.1.2 **Request access to your Personal Information** (“data subject access request”), which indicates what Personal Information we have about you

10.1.3 **Request the correction of your Personal Information**, to ensure that any incomplete or inaccurate Personal Information is corrected.

10.1.4 **Request erasure of your Personal Information**, where there is no lawful basis for the retention or continued Processing of it.

10.1.5 **Object to the Processing of your Personal Information** for a legitimate interest (or those of a Third Party) and there is something about your situation which makes you want to object to Processing on this ground as you feel it impacts on your fundamental rights and freedoms.

10.1.6 **Request restriction of Processing of your Personal Information.** This enables you to ask SAMLA to suspend the Processing of your Personal Information in limited circumstances.

10.1.7 **Withdraw consent which you previously gave to the Processing of your Personal Information** at any time. The withdrawal of your consent can only be made by you on condition that such withdrawal of your consent:

10.1.7.1 does not affect the Processing of your Personal Information before the withdrawal of your consent; or

10.1.7.2 does not affect the Processing of your Personal Information if the Processing complies with an obligation imposed by law on us; or



- 10.1.7.3** does not affect the Processing of your Personal Information where such Processing is necessary for the proper performance of a public law duty by a public body; or
- 10.1.7.4** does not affect the Processing of your Personal Information as required to finalise the performance of a contract in which you are a party; or
- 10.1.7.5** does not affect the Processing of your Personal Information as required to protect your legitimate interests or our own legitimate interests or the legitimate interests of a Third Party to whom the information is supplied.
- 10.1.8** Withdrawal of consent may limit our ability to provide services to you or the ability of a Third Party to provide certain services to you, but will not affect the continued Processing of your Personal Information in instances in which your consent is not required.
- 10.1.9** **Institute civil proceedings** regarding an alleged interference with the protection of your Personal Information Processed in accordance with this Privacy Policy.
- 10.1.10** As far as the law allows, we may charge a fee for attending to any of the above requests and may also refuse to carry out any of your requests in whole or in part.
- 11. CHANGES TO THIS PRIVACY POLICY**
- 11.1** To the extent allowed by the law, this Privacy Policy may be amended and updated from time to time with our sole discretion, and without notice provided that if we do so, we will post the revised policy on the SAMLA website and we will take reasonably practicable steps to inform you of the updated Privacy Policy.
- 11.2** Accordingly, please check this Privacy Policy for changes periodically.
- 11.3** If you continue to engage with us, provide products or services to us or access or use the SAMLA website and/or products and services after amendments are made to the Privacy Policy and displayed on this Website, you will be deemed to have accepted the updated Privacy Policy.



12. CONSUMER PROTECTION ACT, PROTECTION OF PERSONAL INFORMATION ACT AND OTHER LAWS

12.1 If this Privacy Policy or any provision in this Privacy Policy is regulated by or subject to the Consumer Protection Act, 68 of 2008, the Protection of Personal Information Act, 4 of 2013 ("POPIA") or other laws, it is not intended that any provision of this Privacy Policy contravenes any provision of the Consumer Protection Act, POPIA or such other laws. Therefore, all provisions of this Privacy Policy must be treated as being qualified, to the extent necessary, to ensure that the provisions of the Consumer Protection Act, POPIA and such other laws are complied with.

12.2 No provision of this Privacy Policy -

12.2.1 does or purports to limit or exempt us from any liability (including, without limitation, for any loss directly or indirectly attributable to our gross negligence or willful default or that of any other person acting for or controlled by us) to the extent that the law does not allow such a limitation or exemption;

12.2.2 requires you to assume risk or liability for the kind of liability or loss, to the extent that the law does not allow such an assumption of risk or liability; or

12.2.3 limits or excludes any warranties or obligations which are implied into this Privacy Policy by the Consumer Protection Act (to the extent applicable), POPIA (to the extent applicable), or other applicable laws or which we give under the Consumer Protection Act (to the extent applicable), POPIA (to the extent applicable), or other applicable laws, to the extent that the law does not allow them to be limited or excluded.

13. GENERAL

13.1 Your participation in any way with SAMLA is contingent on your acceptance of this Privacy Policy. You agree that this Privacy Policy, our relationship and any dispute of whatsoever nature relating to or arising out of this Privacy Policy whether directly or indirectly is governed by South African law, without giving effect to any principle of conflict of laws.

13.2 You agree that we may, at any time, transfer, cede, delegate or assign any or all of our rights and obligations under this Privacy Policy without your permission. We will



The South African Medico-Legal Association

notify you if we transfer, cede, delegate or assign any rights or obligations to a Third Party, but we do not have to notify you if we transfer, cede, delegate or assign any rights or obligations to any person which acquires all or part of our business and/or assets. We may in certain instances, also sub-contract our obligations, for example, engaging with external IT service providers or printers. Where we engage such sub-contractors, we will do so without your permission and we do not have to notify you if we sub-contract any of our obligations.

- 13.3** This Privacy Policy shall apply for the benefit of and be binding on each party's successors and assigns.
- 13.4** Our failure to exercise or enforce any right or provision of this Privacy Policy shall not constitute a waiver of such right or provision.
- 13.5** Each provision of this Privacy Policy, and each part of any provision, is removable and detachable from the others. As far as the law allows, if any provision (or part of a provision) of this Privacy Policy is found by a court or authority of competent jurisdiction to be illegal, invalid or unenforceable (including without limitation, because it is not consistent with the law of another jurisdiction), it must be treated as if it was not included in this Privacy Policy and the rest of this Privacy Policy will still be valid and enforceable.

Date: 17 July 2021

Signature:

Name: Prof Ethelwynn L Stellenberg

Capacity:

National Chairperson