



Transplant and the Protection of Information Act (POPI) no 4 of 2013 - 05 September 2019

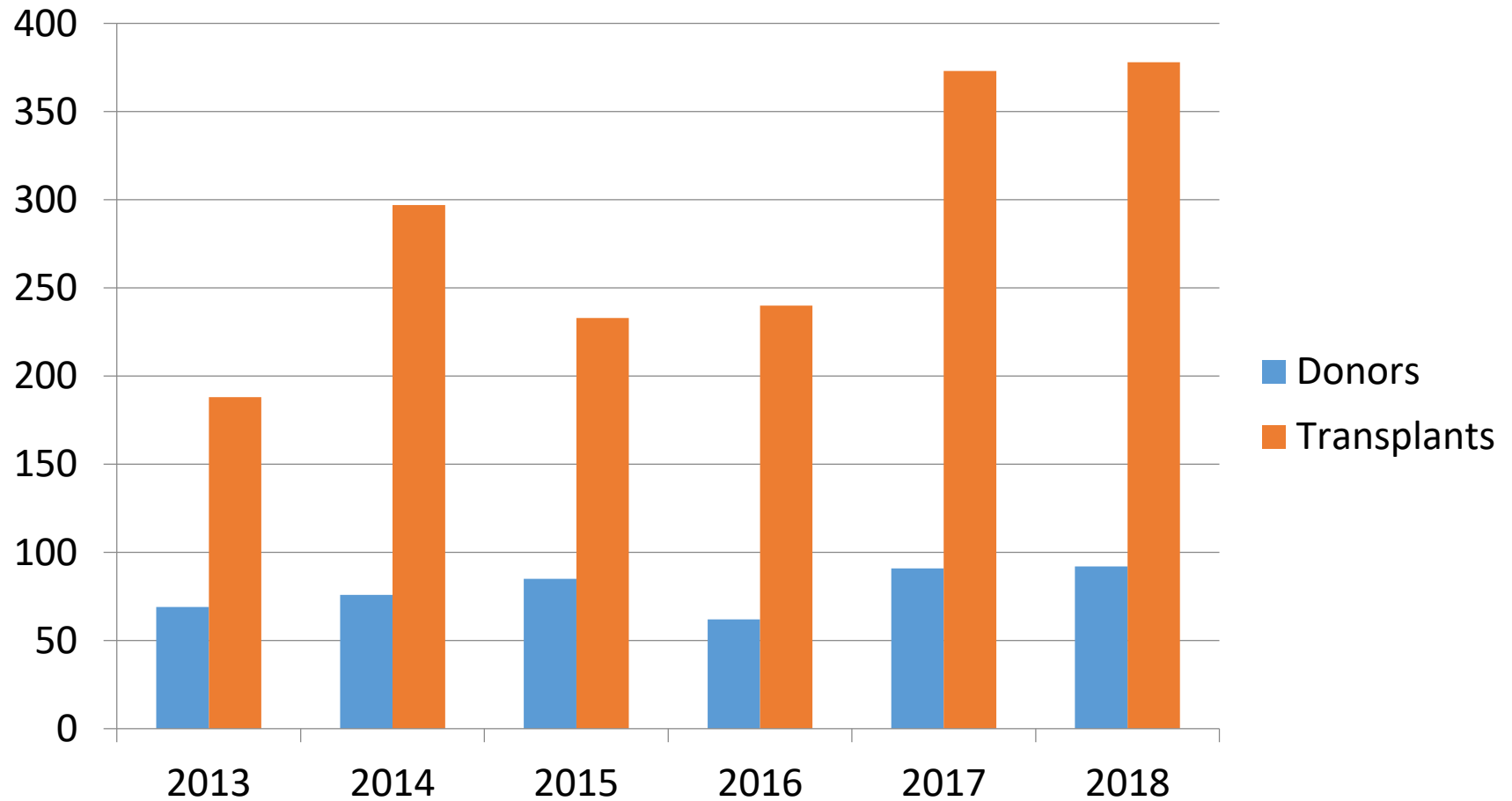
Annette Otto Regional Manager Pretoria & Freestate Netcare Transplant Division

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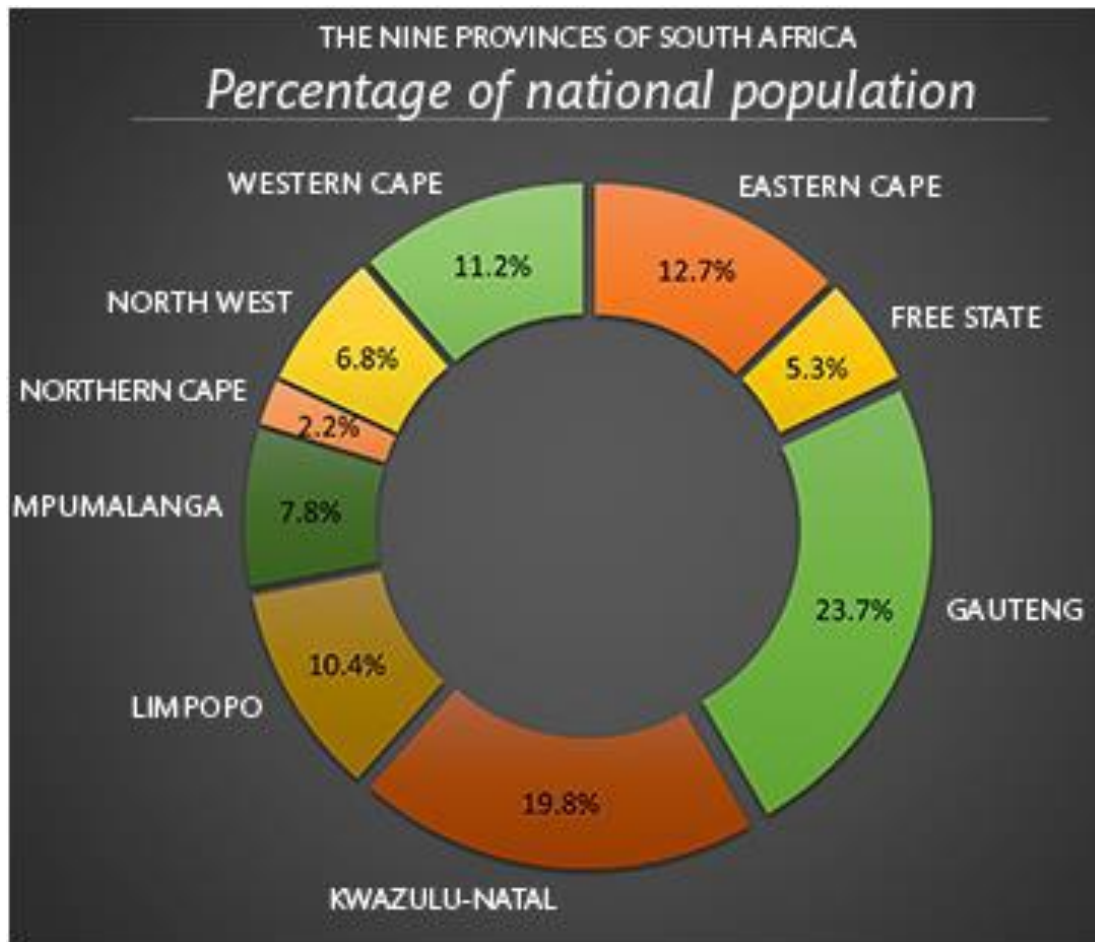
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Donor/ Transplants Stats 2005-2018

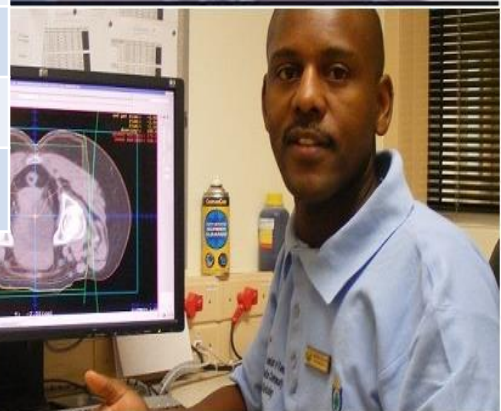


Gauteng - Proudly the most populated





Hospital Group	Procurement coordinators	Recipient coordinators
Charlotte Maxeke	1	1.5
Helen Joseph		2
Netcare	4	5
WDGMC	1	3
SBAH		
Klerksdorp Provincial		1
Baragwanath		1
George Mukhari	1	
CTE	1	
Total	8	13.5
Per million population	0.61	1.03



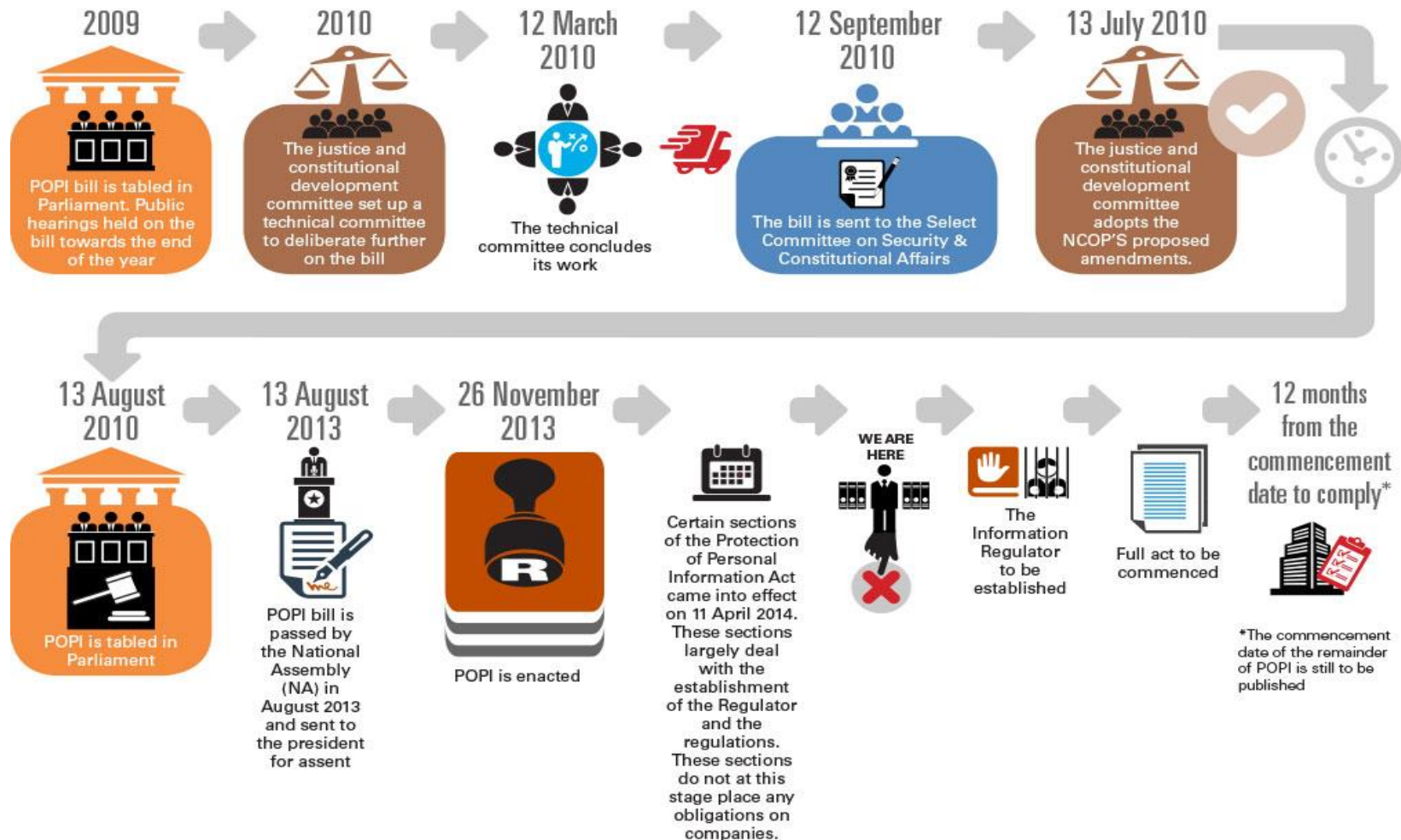
Protection of Personal Information (PoPI) Act no 4 of 2013



What is the Purpose of PoPI?

1. **PoPI** gives effect to the constitutional right to privacy
2. **PoPI** regulates the manner in which personal information may be **PROCESSED** and aligns South Africa with International best practice.
3. **PoPI** provides rights and remedies to protect a data subject's **PERSONAL INFORMATION**.
4. **PoPI** promotes the protection of personal information processed by the private and the public sector.
5. **PoPI** applies to individuals and companies

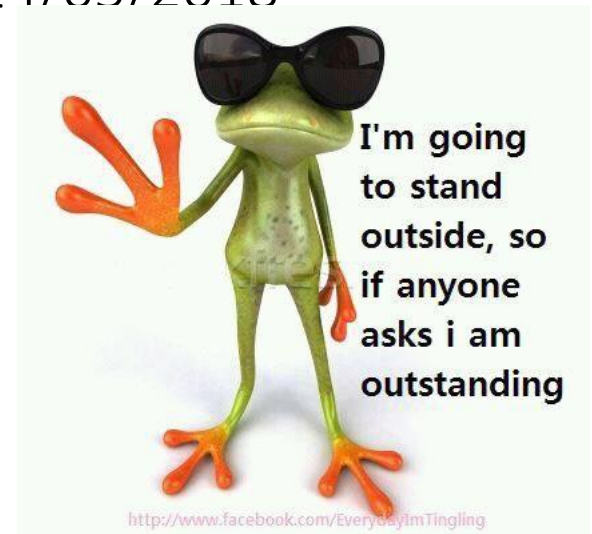
The PoPI Journey ...



The PoPI Journey Thus Far....

2019:

- Information regulator appointed 1 December 2016 for a period of 5 years (Chapter 5)
- Period of compliance 24/05/2016 to 24/05/2018
- Chapter 5 Code of Conduct



What is Special Personal Information?

SPECIAL PERSONAL INFORMATION includes:

- Information concerning a child and
- Personal information concerning the religious or philosophical beliefs,
- Race or ethnic origin,
- Trade union membership,
- Political opinions,
- Health or DNA,
- Sexual life or
- Criminal behaviour of a data subject.

A higher degree of protection is afforded to special personal information and the processing of such information is prohibited subject to the exceptions as set out in the Bill.

Other legislation that impact on healthcare, and the confidential treatment of information include:

- Medical Schemes Act, No 131 of 1998;
- National Health Act, No 61 of 2003;
- Health Professions Act, No 56 of 1974 (and Ethical guidelines of the HPSCA);
- Electronic Communications Act, No 25 of 2002;
- Children's Act, No 38 of 2005;
- Mental Health Act, No 17 of 2002;
- Constitution of the RSA , No 108 of 1996; and
- Promotion to Access to Information Act, No 2 of 2000.
- Promotion to Access to Information Amendment Act no 54 of 2002

Don't be special to become special,
Be ordinary to become special.

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CHALLENGES

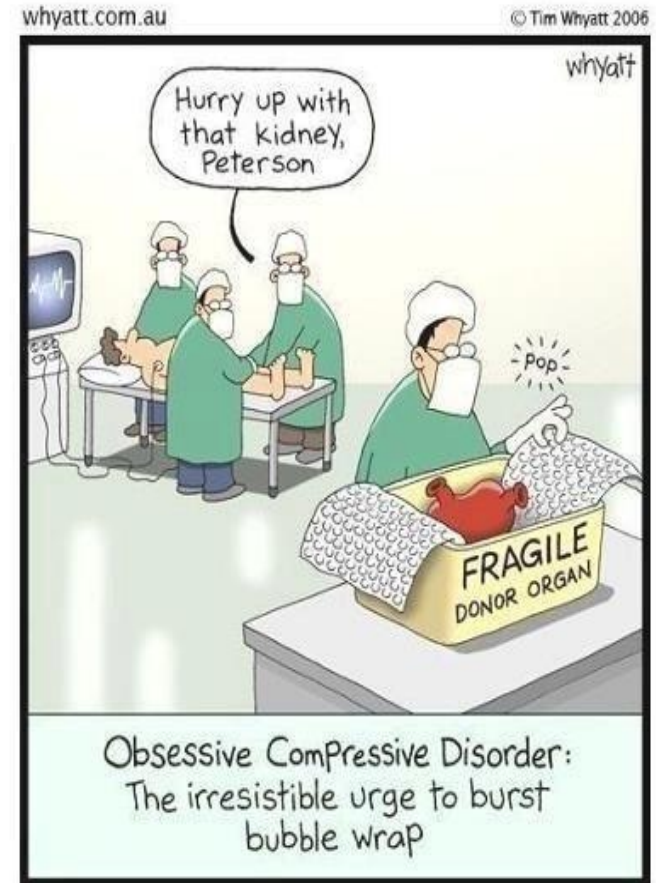
Review of Current Systems (Netcare)

- Assessment of our current processes, donor and recipient as to identify short falls
- Risk areas were:
 - Storing and sharing of documentation
 - Confidentiality
 - Email and cell phone communication
- Ensured that all entities associated with our process have signed confidentiality agreements
- Failure to comply poses potential transgressions of the Act resulting in severe significant penalties such as fines or imprisonment



Process previously

- Potential Organ donor referrals from Hospitals
- Consent done for organs and tissue
- Tissue referral from Netcare policy
- Other from Mortuaries



Current process

- Potential Organ donor referrals from Hospitals
- Consent done for organs and tissue
- Tissue referral from Netcare policy
- Challenge !!!!! Decrease in access to referrals from Mortuaries

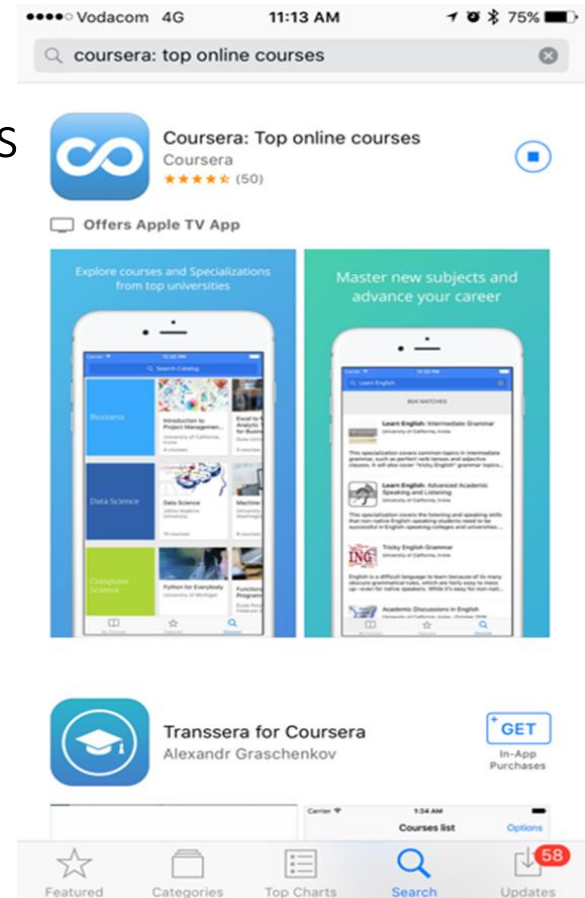


THE FUTURE!



Challenges

- Educating the public
- Educating health governance institutions
- Educating medical staff, students
- Increase of Coordinators
- Legislation, regulations, policy to guide health care facility managers



Conclusion

Transplantation remains the most successful and cost effective treatment of end-stage organ disease, improvement of quality of life limited mainly by the global organ and tissue shortage



- *IT IS NOT ONLY WHAT WE DO BUT ALSO WHAT WE DO NOT DO
FOR WHICH WE ARE ACCOUNTABLE*

.....Moliere



