

## **PRIVACY POLICY**

### **Who we are**

Founded in 2015, City Eye Hospital (CEH) is devoted to providing quality eye care to all patients. Our approach, therefore, blends a walk-in Main Hospital with an Appointment Clinic and a branch in Nyeri. The Main Hospital is conveniently located on Ngong Road, the Appointment Clinic at Upper Hill Medical Centre and the Nyeri Branch on Mbuni Road.

CEH is the Data Controller for the information it collects and records, uses and stores about its patients, carers, staff and the public. CEH processes its data electronically and using paper-based systems.

### **Purpose of this policy**

Your privacy is important to us. This Privacy Notice (the "Policy") explains the personal data City Eye Hospital (hereafter, "CEH") collects, how CEH processes it, and for what purposes. This statement applies to all patients, customers, suppliers, and all visitors to any of CEH's premises. Personal data in this context means information relating to an identified or identifiable natural person.

CEH is committed to ensuring that your personal data is collected and used lawfully and transparently. We process your personal information under the Data Protection Act 2019 and the Data Protection (General) Regulations, 2021.

We advise you to read the Notice in its entirety.

### **Legal notification**

We are registered with the Office of the Data Protection Commissioner (ODPC).

If you would like to look at our registration, please go to the Data Protection register on the ODPC website or use the link:

<https://www.odpc.go.ke/registered-data-processors-and-controllers/>

### **Lawful Basis for Processing**

We will only process information relating to you as long as there is a lawful basis as described in the DPA 2019 and it is necessary to do so. Where you consent to the processing for one or more specified purposes where the processing is necessary: -

- The Processing is necessary in connection with any product/service agreement that you have entered into with us; or
- We have a legitimate interest in carrying out the Processing; or
- The Processing is necessary for compliance with a legal obligation; or
- We have obtained your prior consent to the Processing; or
- The Processing is necessary to protect the vital interests of any individual; or
- The Processing is in the public interest.
- for purpose of historical, statistical, journalistic, literature and art or scientific research.

Where none of these are appropriate, then we will approach you for your consent.

## **PATIENTS**

### **What we collect and record about our patients and carers**

We keep records about your health, treatment and care both on paper and electronically.

Details of the information we keep include, but are not limited to:

Name
Date of Birth
Phone Number
ID Number
Address (Residential/Postal)
Nationality (of birth, present & second if any)
Marital Status
Gender
Email Address

Bank Details (Name & Branch)

NHIF No. & Copy

PIN No. & Copy

NSSF No. & Copy

Dependants

Signature

Emergency Contact

County of Birth

Next of kin

Kenindia Pension Beneficiarys' name

Kenindia Pension Beneficiarys' address

Kenindia Pension Beneficiarys'  
relationship

Medical History

- Other personal details such as your occupation, ethnicity, signature, biometrics such as fingerprints, and photographs, and your next of kin name and phone number, member number.
- Contact we have with you e.g. hospital admissions, outpatients / clinic appointments.
- Notes and reports made by health and care professionals about your health, GP details etc.
- Details and records about your diagnosis, treatment, and care.
- Results of x-rays, laboratory tests, and any other health related tests.
- Drug prescriptions, clinical photography
- Financial information for payment processing including insurance claims.
- Relevant information about people that care for you and know you well.
- Basic details about associated people or next of kin e.g. your spouse / partner/parent

## How we collect data

This information may be given to us directly by you. It is essential that your details are accurate and up to date. Always check that your personal details are correct when you visit us, and please inform us of any changes as soon as possible.

Our staff record and use information about you as part of our provision of health care to you. The staff who do this include doctors, nurses, administrative & support staff, and other health & care professionals.

How we collect patients and dependents data	<p><b>Directly from you when you fill out:</b></p> <ol style="list-style-type: none"><li>1. Registration forms</li><li>2. When we are contacted over the phone</li><li>3. Letters</li><li>4. Emails</li><li>5. Patient feedback forms</li></ol> <p><b>Indirectly from:</b></p> <ol style="list-style-type: none"><li>6. Invoices</li><li>7. M-TIBA</li><li>8. Doctor's treatment notes/medical reports and medical tests</li><li>9. Opticians</li><li>10. External laboratories</li><li>11. Financial institutions such as banks, credit providers, and payment processors</li><li>12. Medical insurance companies</li></ol>
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We may also hold information relating to your direct care which has been provided to us by other organisations such as your GP, other hospitals, clinics, and other third parties such as Opticians, Pharmacists, private healthcare providers, insurance providers, NHIF, financial institutions.

### **How is your information used?**

Your information is used for direct care, education/teaching, administrative purposes, health research and innovation which may include (but is not limited to):

- Providing you with care and treatment, both now and in the future.
- Ensuring that appropriate information is available to all those who treat you medically and care for you professionally.
- Sharing information with staff employed by CEH and also with other organisations that may provide care for you.
- Supporting you in managing your own care
- Helping our staff review (audit) the care they provide to you to ensure it is of the highest standard, safe and effective.
- Training and teaching our healthcare professionals so that they can experience, learn and train with real health care scenarios.
- Research & innovation to develop and improve the provision of healthcare.

Your health record is critical to providing the best care for you and we may share this data through electronic systems such as with the NHIF. In some of these cases, we become a Joint Data Controller with the other organisations who use the same electronic system and are referring cases to them.

We make sure that we have agreements in place with these organisations so that each organisation is aware of its data protection responsibilities and that your personal data is kept secure and confidential and is only accessed when there is a lawful basis to do so.

### **We may also use your information for other purposes such as to:**

- properly investigate any complaints or legal claim, should you or someone on your behalf make a complaint about your care.
- file insurance claims
- look after the health of the general public.

- manage and plan the health services we provide to you.
- send local and national surveys relating to the services you use

On occasion, we may need to share information about you to organisations that do not provide direct care but provide additional support for your health and well being or to support public health such as during an epidemic or pandemic.

The information we share always meets Data Protection legislation and follows principles to ensure that it is relevant and proportionate for the purpose for which it is being used. Examples of other organisations that we share information with include, but not limited to:

- The Police, Fire and Ambulance Services
- Government departments

We may also share your information where we have a legal obligation, for example where:

- we receive a formal court order.
- there is a need to protect and safeguard vulnerable children and adults.
- there is a public health need such as during a pandemic, or if you have an infectious disease.
- there is a statutory power.

The above are only some examples and are not exhaustive.

We may also use your data to provide:

- anonymised information - where your data is rendered into a form which does not identify you. This data cannot be converted back into identifiable format.

Or

- pseudonymised information - where your identifying data is replaced with non-identifiable data so that your 'real world' identity is removed, and the data shared is not identifiable to the recipients of the data. This data can only be converted back into identifiable format by an authorised, restricted key-holder and in most cases the key-holder is only us.

Sharing anonymised and pseudonymised data is done through a strict approval process to ensure it is safe and secure and only used for the purpose for which it is being provided.

## **Your mobile phone number**

We hold your mobile telephone number to enable us to contact you if an appointment has to be rearranged, or to give you important information about your health for example, if you have been in contact with an individual who may have passed an infection to you or if you need urgent healthcare.

Some services also provide a text reminder service to keep you updated about your appointment and to send you reminders. You may also receive a link to your digital appointment letter which helps reduce our environmental impact. If you prefer not to be contacted in this way, please tell us so we can remove your number from the system.

## **Your Email Address**

We hold your email address so that there is an alternative way to contact you.

If you send us an email regarding your health care, including details of diagnosis or treatment, we will generally respond back to you using email which is without encryption.

Once we have sent you an email, we are not able to maintain the security and confidentiality of that email or its attachments. You are responsible for emails that have been sent to the email address you provided to us.

## **Health Research and Innovation**

As part of our mission, we undertake important health and care research and innovation. We use the lawful basis of public task for processing data for research purposes and innovation.

All research conducted at CEH is approved by the pharmacy and poisons board, Nairobi hospital ethical committee, national research authority, and the ministry of health who assess that it is compliant with Kenya laws and regulations.

Research initiated and sponsored by CEH is assessed to ensure it meets current regulation.

## **OTHER PROCESSING**

As well as processing for health care we undertake other data processing as part of our business. The lawful bases that are mostly used in our other processing are contract, legal obligation and legitimate interest.

By using our services, you consent to the collection and processing of your personal data by Google Cloud Platform (GCP) in accordance with this privacy policy. GCP adheres to the Kenya Data Protection Act 2019 provisions and will be hosted outside of Kenya but is compliant with the Act.

### **CCTV (closed circuit television)**

We use CCTV in some parts of our hospitals and grounds to help us maintain the safety and security of individuals and property; and for prevention and detection of crime, to facilitate the apprehension and prosecution of offenders and apprehension of suspected offenders; or as necessary in the public interest such as preventing or detecting unlawful acts or protecting the public against dishonesty.

CCTV is used under strict guidelines and in line with national legislation and guidance.

We process data captured by CCTV as part of our legitimate interests.

### **INDIVIDUAL RIGHTS**

The Data Protection Act accords you with several rights over your data.

- Right to information: you have a right to be informed of how CEH will use your personal data.
- Right of access: you are entitled to access your personal data that is in our possession or custody. To help us process your request we will require you to provide proof of your identity and some clarity about the information you require. A form is available to help with the request.
- Right to object: you can object to the processing of all part of your personal data, unless we can demonstrate a compelling legitimate interest for the processing which overrides your interests or for the establishment, exercise or defence of a legal claim.
- Right to rectification: you have the right to request us to rectify or correct, without undue delay, personal data in our possession or under our control that is inaccurate, outdated, incomplete or misleading.
- Right to erasure: you can request us to delete or destroy, without undue delay personal data that we are no longer authorized to retain, or which is irrelevant, excessive, or obtained unlawfully.
- Right to data portability: you have the right to receive personal data concerning you in a structured, commonly used and machine-readable format and to transmit the data to



another data controller without hindrance. Where technically possible, have personal data transmitted directly from us to another data controller or data processor.

- Automated decision making you have the right not to be subjected to a decision based solely on automated processing, including profiling, which produces legal effects concerning or that significantly affects you. CEH may from time to time make decisions based on the automated processing of your personal data. In such instances, you will be informed, in writing, whenever a decision based on automated processing is taken. In addition, you can request us to reconsider any decisions made based on automated processing or to take a new decision that is not based solely on automated processing.
- Right of restriction: You have the right to request us to restrict the processing of personal data where: -
  - i. you contest the accuracy of the personal data.
  - ii. the personal data is no longer required for the purpose of the processing.
  - iii. the processing is unlawful of you have opposed the erasure of the personal data and requested for restriction of its use instead.
  - iv. you have objected to the processing of personal data, pending verification as to whether the legitimate interests of the data controller or data processor override those of the data subject.
- Right to raise a complaint: You can raise a complaint about our processing with the Regulator i.e. the Data Commissioner in Kenya. You may also be able to seek a remedy through the courts if you believe that your rights have been breached.

If you wish to exercise any of our rights above, please contact us on [dpo@cityeyehospital.or.ke](mailto:dpo@cityeyehospital.or.ke) We will seek to deal with your request without undue delay and in any event in accordance with the Data Protection Act, 2019 and the Data Protection (General) Regulations, 2021.

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