

## Privacy Statement - How we will process and disclose your Personal Information and communicate with you

### Definitions

**The Scheme** refers to BMW Employees Medical Aid Society, registration number 1526, registered with the Council for Medical Schemes.

**Administrator** refers to Discovery Health (Pty) Ltd, registration number 1997/013480/07, an authorised financial services provider, the administrator and managed care organisation for the Scheme and a subsidiary of the Discovery Group.

**Competent person** means anyone who is legally competent to consent to any action or decision being taken for any matter concerning a member or dependant for example a parent or legal guardian.

**Discovery Group** refers to Discovery Limited, registration number 1999/007789/06, including all subsidiaries of the group. Subsidiaries in the Group are authorised financial services providers.

**Process(ing) (of) information** means the automated or manual activity of collecting, recording, organising, storing, updating, distributing and removing or deleting personal information.

**Sanction screening** refers to the checking of a person's profile against specific sanction lists to enable the imposition of restrictive measures by competent authorities against countries, persons, groups and/or legal entities. The extent of the restriction will be guided by our applicable policies.

**You and your** refers to the member and your registered dependants on your medical scheme plan.

**Your personal information** refers to personal information about you, your spouse, your dependants, your beneficiaries, and your employees (as relevant). It includes information about health, financial status, gender, age, contact numbers and addresses.

1. When you engage with the Scheme and Administrator, you trust us with personal information about yourself, your family, and in some cases, your employees. We are committed to protecting your right to privacy.
2. The purpose of this Privacy Statement is to set out how we collect, use, share and otherwise process your personal information, in a manner that is compliant, ethical, adheres to industry best practice and applicable protection of personal information legislation as enacted from time to time.
3. We have a duty to take all reasonably practicable steps to ensure your personal information is complete, accurate, not misleading and updated on a regular basis. To enable this we will always endeavour to obtain personal information from you directly. Where we are unable to do so, we will make use of verifiable independent third party data sources.
4. You have the right to object to the processing of your personal information and have a choice whether or not to accept these terms and conditions. However, it is important to note that the Scheme and Administrator require your acceptance to activate and service your medical scheme membership. If you do not accept these terms and conditions, we cannot activate and service your medical scheme membership.
5. The Scheme and Administrator will keep your personal information confidential. You may have given us this information yourself or we may have collected it from other sources. If you share your personal information with any third parties, we will not be responsible for any loss suffered by you or your employer (where applicable).

6. You understand that when you include your spouse and/or dependants on your application, we will process their personal information for the activation of the policy/benefit and to pursue their legitimate interest. By submitting your dependants' relevant personal information, you hereby confirm that you are duly authorised to share such information with us. We will furthermore process their information for the purposes set out in this Privacy Statement.
7. Each party accepts responsibility to the extent that the processing activities of personal information fall under the control of that party and agrees to indemnify the other party/ies against any loss or damage, direct or indirect, that an employee may suffer because of any unauthorised use of the employees' personal information or if a breach of the employees' information occur, but only if the processing of that personal information is controlled by that party. .
8. If you are giving consent for a person under 18 (a minor) you confirm that you are a competent person and that you have authority to give their consent for them.
9. You agree that the Scheme and Administrator may process your personal information for the following purposes:
  - for the administration of your health plan;
  - for the provision of managed care services to you on your health plan;
    - for the provision of relevant information to a contracted third party who requires this information in order to provide a healthcare service to you on your health plan;
  - to analyse risks, trends and profiles;
    - to share your personal information with external health providers for the purposes of evaluating certain clinical information, in the event that you require medical treatment.Examples of how this will happen include:
  - i. Obtaining and sharing your personal information with other relevant sources, including medical practitioners, contracted service providers, health information exchanges, financial advisers, credit bureaus, entities that are part of Discovery Group or industry regulatory bodies ("relevant sources") and further processing of such information to consider your membership application, to conduct underwriting or risk assessments, or to consider a claim for medical expenses. We may (at any time and on an ongoing basis) verify with the relevant sources that your personal information is true, correct and complete;
  - ii. If you have joined as a member of an employer group, getting information from and sharing with your employer that is relevant to your application for membership with due regard for considerations of confidentiality in respect of your state of health;
  - iii. Communicating with you about any changes in your health plan, including your contributions or changes and enhancements to the benefits you are entitled to on the health plan you have chosen;
10. If a third party asks the Scheme and Administrator for any of your personal information, we will share it with them only if:

- ✓ you have already given your consent for the disclosure of this information to that third party; or
- ✓ we have a legal or contractual duty to give the information to that third party; or
- ✓ we need to share it with them for risk analytical or fraud detection, prevention or recovery purposes.

**11.** You consent and agree that:

- We may process your information, including personal and special personal information, to conduct sanction screening against all mandatory and non-mandatory sanctions lists and to perform transaction monitoring activities;
- We may communicate such personal information to local and international Regulatory Bodies as well as to other entities in the Discovery Group if you are matched to one of these sanctions lists.

**12.** The Scheme and the Administrator may provide your personal information to any other entity within the Discovery Group with whom you or your dependant/s already have a relationship; or where you or your dependant/s have applied for a product, service or benefit from such entity. This information will be provided for the administration of your or your dependant/s products or benefits with other entities within the Discovery Group, and for fraud detection, prevention or recovery purposes.

**13.** The Scheme and Administrator may share and combine all your personal information for any one or more of the following purposes:

- market, statistical and academic research; and
- to customise our benefits and services to meet your needs.

Information about you may be shared with third parties such as academics and researchers, including those outside South Africa. We ensure that the academics and researchers will keep your personal information confidential and all data will be made anonymous to the extent possible and where appropriate. No personal information will be made available to a third party unless that third party has agreed to abide by strict confidentiality protocols that we require. If we publish the results of this research, you will not be identified by name.

If we want to share your personal information for any other reason, we will do so only with your permission.

**14.** By accepting this privacy statement, you authorise the Scheme and Administrator to obtain and share information about your creditworthiness with any credit bureau or credit providers' industry association or industry body. This includes information about credit history, financial history, judgments and default history. It also includes sharing of information for purposes of risk analysis, tracing and any related purposes.

**15.** The Scheme and Administrator have the right to communicate with you electronically about any changes on your health plan, including your contributions or changes and improvements to the benefits you are entitled to on the health plan you have chosen.

**16.** We may process your information using automated means (without human intervention in the decision making process) to make a decision about you or your application for any product or service. You may query the decision made about you.

- 17.** The Scheme and Administrator have a duty to keep you updated about any offers and new products that are made available from time to time. The Scheme, Administrator, any entity within the Discovery Group and contracted third-party service providers may communicate with you about these.
- 18.** You may opt out of Electronic Marketing on [www.discovery.co.za](http://www.discovery.co.za) or the Discovery App. We will store your personal information for the purpose to action this request and action it as soon as reasonably possible. .
- 19.** You have the right to know what personal information the Scheme holds about you. If you wish to receive this information please complete an 'Access to Records', attached to the PAIA manual on <https://www.discovery.co.za/portal/individual/bemas-paia> and specify the information you would like. We will take all reasonable steps to confirm your identity before providing details of your personal information.  
We are entitled to charge a fee for this service and will let you know what it is at the time of your request.
- 20.** You agree that the Scheme and Administrator may keep your personal information until you ask us to delete or destroy it. You have the right to ask us to update, correct or delete your personal information, unless the law requires us to keep it. Where we cannot delete your personal information, we will take all practical steps to de-personalise it.
- 21.** Where the Scheme and Administrator are required by law to collect and keep personal information, we shall do so. At a minimum, this includes the following:
- Medical Schemes Act, 1998
  - The Consumer Protection Act, 2008
  - The Protection of Personal Information Act, 2013
  - Electronic Communications and Transactions Act, 2002
  - Promotion of Access to Information Act, 2002
- Legislation specific to Discovery Health (Pty) Ltd only:
- Financial Advisory and Intermediary Services Act, 2002
  - Companies Act, 2008
- 22.** You agree that the Scheme and Administrator may transfer your personal information outside South Africa:
- if you give us an email address that is hosted outside South Africa; or
  - for processing, storage or academic research, or
  - to administer certain services, for example, cloud services.
- When we share your information to administer certain services, we will ensure that any country, company or person that we pass your personal information to agrees to treat your information with the same level of protection as we are obliged to do in South Africa. Unless you specifically give us consent to share your personal information with such person (or company).
- 23.** If the Scheme or Administrator becomes involved in a proposed or actual amalgamation or merger, acquisition or any form of sale of any assets, we have the right to share your personal information with third parties in connection with the transaction. In the case of such an event, the

new entity will have access to your personal information. The terms of this Privacy Statement will continue to apply.

- 24.** The Scheme may change this Privacy Statement at any time. The current version is available on [www.bemas.co.za](http://www.bemas.co.za).
- 25.** If you believe that the Scheme or Administrator have used your personal information contrary to this Privacy Statement, we encourage you to first follow our internal complaints process to resolve the complaint. We explain the complaints and disputes process on the website [www.bemas.co.za](http://www.bemas.co.za). Contact details for the Information Regulator:

The Information Regulator (South Africa)  
33 Hoofd Street  
Forum III, 3rd Floor Braampark  
P.O Box 31533  
Braamfontein, Johannesburg, 2017  
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