

The Impact of POPI on Healthcare Catering

Complying with the Protection of Personal Information Act

The Protection of Personal Information Act requires responsible parties of medical professionals, healthcare institutions or social services to only process personal information subject to an obligation of confidentiality by virtue of office, employment, profession or legal provision, or established by a written agreement between the responsible party and the data subject.

Personal Information in Healthcare

Good nutrition is fundamental to the well-being and recovery from illness or trauma. It is important to have a safe, high quality food and nutrition available for all patients that are appropriate for their age, faith or cultural/social background and ability/disability.

Catering in the healthcare industry requires a network of service providers and suppliers, orchestrated to deliver a variety of well prepared meals on time, each day, to thousands of patients and staff.

Personal information has value. It brings real and significant benefits to patients and staff. But when personal information is used in ways or for purposes other than those expected or agreed to, this misuse can cause harm and distress and can impinge in an unwanted, unwarranted or unexpected way. Protection makes good business sense.

Data subjects' right to protection

In addition to the general requirements of confidentiality, integrity and availability, data subjects (patients and staff) using a healthcare catering system have the right to:

- ❖ Intervene in the processing of personal information if they believe that the processing of information is illegal
- ❖ Unlink personal information from the processing of transactional data so that a minimal amount of personal information is used and the least amount of personal information is revealed about the data subject during the course of processing. Where possible, use should be made of pseudonymous authentication and prohibit linking of privacy relevant data across business domains.
- ❖ Transparency from the responsible parties and each of the operators, including being able to check which data are being processed, who has had access and to whom it is being transferred.

Control of paper-based meal tickets

Manual processes for catering in healthcare put patients' and staff's personal information at a risk. The increased availability of specialised and personalised meal choices in healthcare is made possible through sophisticated information systems that are able to easily capture, control and process securely many details about individualised healthcare treatments, dietary requirements and lifestyle choices.

Without technology, hundreds of thousands of pieces of paper would have to be controlled, processed, distributed, secured and finally destroyed when no longer needed. The administrative effort to protect personal information in accordance with the conditions for lawful processing personal information is considerable.

Consent to use sensitive personal information

Healthcare catering systems rely on the availability of sensitive personal information and consent being received from data subjects that allow the collection and processing of personal information.

The processing of healthcare related information is conditional on a pre-existing obligation of confidentiality by virtue of office, employment, profession or legal provision, or established by a written agreement between the responsible party and the data subject.

Where personal data are processed automatically to prepare patient specific meals, data subjects are entitled to be given an explanation of the logic involved in the decision-making process. Patients wish to be 'kept involved'.

Processing patient information

Patient healthcare information is classified as "sensitive" by the Protection of Personal Information Act, requiring a higher level of protection than other types of personal information. Data subjects (patients) have the right to expect that their personal information is processed in accordance with the conditions for the lawful processing of personal information.

This right includes being notified that their personal information is being collected and has been accessed or acquired by an unauthorised person. Because of the sensitive nature of healthcare information, responsible parties will need to obtain consent from the patients before processing their personal information. As this consent may be varied and possibly withdrawn by the patients, the responsible party will need to keep records of the nature of consent received, when withdrawn and available alternative options.

Examples of personal information used in catering

- ❖ Personal details – name, address, phone number
- ❖ Online registration details
- ❖ Consent requested and received
- ❖ Healthcare plans
- ❖ Meal preferences
- ❖ Dietary requirements
- ❖ Food allergies
- ❖ Ethical or lifestyle choices
- ❖ Nutritional specifications
- ❖ Need for assistance at mealtimes
- ❖ Meal ticket details
- ❖ Complaints and compliments
- ❖ Satisfaction surveys
- ❖ Electronic payments
- ❖ Fingerprints on tablet devices
- ❖ Registration and de-registration.