

## **UBUNCWANE PRIVACY POLICY**

This privacy policy includes The South African Protection of Personal Information Act (POPI) which was enforced on 1 July 2020.

The purpose of this legislation is to protect the personal information of our members as well as the client whose detail will be contained in our para-legal files. This information could be obtained and processed by both public and private institutions, and the purpose of this policy attempts to balance the right to privacy with other rights such as access to information by Regulatory bodies.

The following subsection in particular as well as the Act itself are contained in this policy:

Sections 2 to 38; 55 to 109; section 111; and section 114 (1), (2), and (3) which will be in effect from 1 July 2020.

Other parts of the Act such as section 110 and 114 (4) will only be in effect from 30 June 2021, but we have made provision for these processes and protection policies.

### **In order to avoid any confusion:**

#### **What is personal information?**

**Source: Recognition given to:** <https://solidariteit.co.za/en/popi-act-officially-in-effect/>

Personal information is a broad term and relates to an identifiable, natural, or legal entity and includes, but is not limited to:

- Contact information – telephone number, email address etc.
- Private correspondence
- Biometric information – blood group etc.
- Demographic information – age, gender, race, date of birth, ethnicity etc.
- Opinions of and about a person or group
- History – employment, financial information, medical history, criminal history as well as educational history

The POPI Act applies to every business in South Africa (even international companies that does business in South Africa) that collects, uses, stores or destroy personal information from a data subject (the natural or legal entity to whom the information belongs), whether or not such processing is automatic.

#### **What are the obligations of UBUNCWANE under the POPI-Act?**

Our obligations include:

- To only collect information for a specific purpose – Ubuncwane will collect information pertaining to the member as well as information pertaining to the COMPLAINT received.
- Information pertaining to the complaint received will NOT be saved or included in the Site; only limited to the CRM and investigation files and access to these files will be limited to only authorized administrators.
- A confidentiality agreement will be signed by all authorized administrators and all other access will be restricted.
- to ensure that the information is relevant and up to date, [admin@ubuncwane.com](mailto:admin@ubuncwane.com) may from time to time request new FICA documentation from members;
- If/when a debit order has defaulted new supporting documents must be submitted.
- to have reasonable security measures in place to protect the information, continued security protocols will be requested from the service providers, web service developers and providers as well as the entity responsible for our CRM systems.
- UBUNCWANE will only keep the necessary information; and
- Ubuncwane members (Data subject) restricted to obtain or view his or her information on written request only.

Email addresses will not be saved via a webform; however, communication will be sent to data subjects from time to time without disclosing bulk particulars

### **Legal processing of personal information**

Processing of the application forms and submission of supporting documentation involves anything that is done with personal information and includes the collection, use, storage, dissemination, modification, or destruction of personal information (regardless of whether the processing is automatic).

### **Ubuncwane compliance with POPI legislative processing principles:**

- **Accountability:** All information processing principles are adhered to.
- **Processing restriction:** Processing is done lawfully, and personal information will only be processed if it is sufficient, relevant, and not excessive given the purpose for which it is processed, i.e. application supporting documentation.
- **Specific purpose:** Personal information will only be collected for a specific, and defined and legal purpose in relation to a function or activity of the business concerned.
- **Transparency:** Confirmation of acceptance of supporting information, including FICA and abbreviated CV as well as any additional information collected, (the name and address of the responsible party), will be sent on acceptance of membership or refusal in which case the information will be destroyed. The purpose for which the information is collected is for FICA purposes as required by the FIC Act. The information provided by you, the data subject, is voluntarily but part of the mandatory regulatory requirements.
- **Further processing restrictions:** Personal information of a third party (during a complaint audit), when received and transferred to another responsible party (the CRM system or regulatory juristic entity) for processing will not be saved on the web

and kept confidential and access will be restricted and only available to the responsible parties.

- **Security measures:** Measures are in place to prevent loss of damage to or unauthorised destruction of personal information to protect the integrity of the personal information in our possession and under our control.
- **Data subject participation:** A data subject has the right to:
  1. request personal information that Ubuncwane holds for free.
  2. update or destroy personal information that is incorrect, irrelevant, superfluous, misleading, or unlawful; and 3
  3. destroy a record of personal information that is unnecessary for the business to keep.

#### **Detail related to: Request for personal information to be sent abroad, and information to be sent on request to South Africa (both membership and complaint file)?**

Ubuncwane does not have a cloud based CRM system to which anybody other than authorized parties have access and will adhere to the restrictions that will depend on the laws of countries to which any information is sent and, where the information comes from.

#### **Opt-in or opt-out option for direct marketing**

Ubuncwane will always use an opt-in and opt-out option when contacting a data subject for marketing purposes. At all times, the option will be offered to Ubuncwane members so that the data subject understands what he or she consents or objects to. This is specifically related to products or services provided by service providers.

#### **Time allotted for information storage**

Information will only be kept for the period that is necessary to achieve the purpose for which it was collected.

#### **Ubuncwane strives to not violate the POPI Act and cause trouble for any member as the Co-operative is jointly owned by all members**

The POPI Act has strict regulations that every company must comply with and depending on the nature of the offense, businesses as well as individuals can be punished. Offenders can be fined up to R10 million and can even be jailed. For this reason, Ubuncwane will always strive to achieve full compliance with the Act

Each business has 12 months (from 1 July 2020) to fully comply with this Act.

Ubuncwane will, until implementation, do the following:

- Review and update all member, supplier, and third-party agreements
- Implement technical and organisational measures to protect and prevent unauthorised access to and obtaining of personal information
- Prepare consent documentation and privacy notices and review existing policies

- Reconsider and/or implement measures for identified boundary flow of personal information – we will seek prior information from the Information Regulator if need be and request guidance for the implementation of data transfer agreements
- Continuously Develop a culture of privacy by training staff, updating, and implementing of related policies and procedures, and implement awareness campaigns amongst the members
- Request and Implement a data breach and incident response plan and policy
- Implement a data access management system for each member as data subject in accordance with the POPI and PAIA legislation

Ubuncwane acknowledge and recognize that:

The Information Regulator (IR) has been appointed by the President on the recommendation of the National Assembly and he/she is responsible to report to the National Assembly. The duties of the Information Regulator are diverse and he or she has the power and authority to handle all matters relating to the POPI Act. (For more information on the Information Regulator, please visit <https://www.justice.gov.za/inforeg/index.html>)