THE SELF-CARE ASSOCIATION OF SOUTH AFRICA

Unincorporated Association Operating Not for Gain

POPIA POLICY

Policy on the Protection of Personal Information Act 4 of 2013

Date of compilation	8 February 2019
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Information Officer	Nicola Brink (Chief Executive Officer)
Review cycle	Every two years, or sooner if required

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Preamble

The Self-Care Association of South Africa ("the SCA" or "the Association") is a trade association, unincorporated and operating not for gain, established to represent and promote the interests of the self-medication industry as a whole.

a) The Protection of Personal Information Act 4 of 2013 ("POPIA" or "the Act") and the Regulations made under it require the Information Officer to develop, implement, monitor and maintain a compliance framework (Regulation 4 of the Regulations published under GG 42110 dated 14 December 2018).

b) The purpose of the Act is to give effect to the constitutional right to privacy by safeguarding personal information when it is processed by a responsible party, subject to justifiable limitations.

c) The Association is committed to complying with, and promoting the spirit and purpose of, the Act.

d) The Association recognises and respects the right of data subjects to have their personal information protected as conferred by the Act.

e) This Policy is developed by the Association in compliance with the Act and the Regulations to provide a compliance framework within which the Association, its officers and employees process personal information.

1. Scope

1.1 This Policy applies to all employees, officers, members and Executive Committee members of the Association, and to anyone who processes personal information for or on behalf of the Association.

1.2 The Policy applies to all situations and business processes in which personal information is processed, and particularly where such information may be made accessible to third parties.

1.3 This Policy must be read together with the Association's PAIA Manual.

2. Definitions

In this Policy, unless the context indicates otherwise:

Term	Meaning
Association	The Self-Care Association of South Africa, and where the context indicates, its employees and officers.
Applicable legislation	All legislation applicable to the Association, including POPIA, the National Archives and Record Service of South Africa Act, the Income Tax Act, the Value Added Tax Act, the Labour Relations Act, the Basic Conditions of Employment Act, the Employment Equity Act, the Skills Development Levies Act, the Unemployment Insurance Act, the Electronic Communications and Transactions Act, the Electronic Communications Act, the Consumer Protection Act, the National Credit Act, and the legislation listed in the Association's PAIA Manual.

Data subject	The person to whom personal information relates, as defined in the Act.
Employee	Any person employed permanently (full- or part-time), temporarily or on a fixed-term contract, including contractors and Executive Committee members, who may process personal information.
Member	A member of the Association as defined in its Constitution, including past members whose information may still be on record.
Personal information	Information about an identifiable, living natural person and, where applicable, an identifiable existing juristic person, as defined in the Act.
Processing	Any operation concerning personal information, whether automated or not, including collection, receipt, recording, organisation, storage, updating, retrieval, use, dissemination, merging, linking, restriction, erasure or destruction.
Special personal information	Information on a data subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, or biometric information; or a data subject's criminal behaviour, as defined in the Act.
Responsible party	Any person who, alone or with others, determines the purpose of and means for processing personal information.
Operator	A person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
Regulator	The Information Regulator (South Africa).

3. Requirements for processing personal information

a) All processing of personal information must be carried out lawfully and, where consent is the basis for processing, only after written and signed consent on a form developed and approved by the Association has been obtained from the data subject.

b) Where there is a legal requirement to disclose personal information to authorities and consent is not required by law, the data subject must nonetheless be notified of the disclosure, unless applicable law provides otherwise.

4. Conditions for lawful processing

Section 4(1) of the Act requires all processing of personal information to be lawful. Anyone processing personal information for or on behalf of the Association must comply with the eight conditions for lawful processing — accountability, processing limitation, purpose specification, further processing limitation, information quality, openness, security safeguards, and data subject participation — and in particular must:

4.1 ensure that all conditions and measures giving effect to lawful processing under the Act and this Policy are met at the time the purpose and means are determined and during processing;

4.2 process personal information only on a lawful basis recognised by the Act — such as consent, conclusion or performance of a contract, compliance with a legal obligation, protection

of a legitimate interest, or the legitimate interests of the Association or a third party — for a specific, explicitly defined purpose related to the Association's functions and activities;

4.3 obtain a fresh lawful basis before any further processing that is not compatible with the original purpose;

4.4 collect personal information directly from the data subject, save where the Act permits collection from another source;

4.5 process only personal information that is up to date and correct, and apply the security measures in this Policy and the PAIA Manual to protect its confidentiality and integrity;

4.6 not sell or make the Association's databases available for the distribution of any material without the data subjects' consent;

4.7 collect only personal information that is relevant and not excessive for the specified purpose;

4.8 ensure that all direct marketing and general communications provide an "opt-out" facility that is strictly honoured, and that consent for direct marketing by electronic means is obtained on the prescribed form, except for communications the Association is permitted to send without consent, such as informing members of important industry developments and issuing membership invoices;

4.9 deal with all requests for personal and other information in accordance with the Association's PAIA Manual and this Policy;

4.10 provide a data subject with access to their personal information on written request, in accordance with the PAIA Manual and this Policy;

4.11 cease processing immediately where the data subject withdraws consent or objects to processing in the manner prescribed by law, except where the Association is legally obliged to continue; and

4.12 correct or delete personal information on the request of the data subject where required.

5. Security and access

The Association applies the following security measures to protect personal information in its possession:

- electronic information is secured by firewalls, cloud and data encryption, and password-protected access;
- access is granted only to persons who require it to fulfil the Association's purposes or a legal obligation, on a need-to-know basis;
- the Association regularly verifies that these safeguards are effectively implemented and updates them in response to new risks or deficiencies; and
- where personal information is, or is reasonably suspected to have been, compromised, the Association will notify the Regulator and the affected data subject(s) in writing, as required by section 22 of the Act.

6. Storage and destruction

6.1 All personal information in the Association's possession must be stored, retained and destroyed in accordance with applicable legislation.

6.2 Personal information must not be retained for longer than is necessary to fulfil the purpose for processing, or longer than required by applicable legislation.

6.3 Once the purpose for processing is complete or the retention period expires, the personal information must be destroyed, deleted or returned to the data subject in a manner that complies with applicable law.

7. Collection of personal information

The Association collects personal information from various data subjects for differing purposes — for example, from a prospective member on application for membership. All such information must be collected in accordance with the Act and this Policy.

8. Purpose and use of personal information

8.1 Obligations when processing

When processing personal information as part of any activity, the responsible party must:

- identify the nature and extent of the personal information and any special personal information involved;
- identify the types of processing that will take place (e.g. collection, dissemination, storage, destruction);
- identify the purpose of the processing and confirm whether it is permitted by law;
- confirm that a lawful basis for processing exists and, where consent is relied on, that it has been obtained and records the purpose, type, timelines and storage or destruction of the information; and
- apply the Association's security measures to protect the information.

8.2 Information held by the Association

The Association holds information as set out in its PAIA Manual and only for the purposes described there.

8.3 Children and special personal information

The Association does not process the personal information of children. Special personal information is processed only with the data subject's consent or as otherwise permitted by law.

8.4 Information shared by the Association

The Association shares information with third parties only: (a) with the specific consent of the data subject and on written confirmation that the third party complies with the Act and related data protection law; or (b) where required to do so by applicable law. Where a third party processes personal information on the Association's behalf as an operator, a written agreement imposing appropriate security and confidentiality obligations will be in place.

9. Review and amendment

This Policy is reviewed every two years, or more frequently as required, and may be amended from time to time as required by law or to correct material errors.

10. Training and communication

All employees, officers and Executive Committee members, and any person who processes personal information for or on behalf of the Association, are trained annually on this Policy and the legal sources on which it is based. This training also forms part of new-employee induction.

11. Compliance

The Information Officer maintains a report in relation to POPIA and PAIA recording remedial steps taken in instances of non-compliance, which may include: destruction or de-identification of personal information; implementation of security and access-control measures; implementation of consents, contracts, policies or service-level agreements with third parties and contractors; disciplinary action against employees who violate this Policy; submission of regular progress reports; obtaining expert assistance where required; and training of designated staff on POPIA and PAIA.

12. The Information Officer

12.1 The following may be directed in writing to the Information Officer at nicola@selfcareassociation.co.za:

- complaints by any person (including employees, members or third parties) regarding a violation of this Policy or of data privacy; and
- objections to processing, withdrawals of consent, and requests to amend or delete personal information.

12.2 Objections, withdrawals, amendments and deletions must be made on the forms prescribed in the Regulations, which are available on the Association's website.

Issued by:

Nicola Brink
Chief Executive Officer / Information Officer
The Self-Care Association of South Africa