



## **ELECTRICAL INDUSTRY KWA-ZULU NATAL PENSION FUND**

**PROTECTION OF PERSONAL INFORMATION POLICY AND PROCEDURES**  
**June 2021**



## **ELECTRICAL INDUSTRY KWA-ZULU NATAL PENSION FUND**

Registration No: 12/08/14479  
23 Lennox Road, Greyville, Durban, 4001

POPIA Policy and Procedures  
(June 2021)

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#### 1. INTRODUCTION

The Protection of Personal Information Act, 2013 (Act No. 4 of 2013) ('POPIA') was enacted to give effect to the constitutional right of privacy by safeguarding personal information processed by a Responsible Party.

This policy and procedure sets out the manner in which the Electrical Industry Kwa-Zulu Natal Pension Fund deals with member's Protection of Personal Information. The policy is available on the Fund's website (eifunds.co.za) and upon request from the Fund's Registered Address (23 Lennox Road, Greyville, Durban, 4001).

#### 2. DEFINITIONS

"Commencement Date"	Regardless of the date of signature of the policy is 01 July 2021.
"Data Protection Legislation"	POPIA, PAIA or such other legislation as may become applicable to the protection of personal information in South Africa.
"Data Subject"	The person to whom personal information relates.
"De-Identify"	To delete any information that; <ul style="list-style-type: none"><li>- identifies the data subject;</li><li>- can be used or manipulated by a reasonably foreseeable method to identify the data subject; or</li><li>- can be linked by a reasonably foreseeable method to other information that identifies the data subject.</li></ul>
"Member"	Data subject as defined in POPIA and the Rules of the Fund.
"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.
"Personal Information"	As defined in POPIA and PAIA.
"PAIA"	The Promotion of Access to Information, 2000 (Act No. 2 of 2000).
"POPIA"	The Protection of Personal Information, 2013 (Act No. 4 of 2013).
"Processing"	Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including; <ul style="list-style-type: none"><li>- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use;</li><li>- dissemination by means of transmission, distribution or making available in any other form; or</li><li>- merging, linking, as well as restriction, degradation, erasure, or destruction of information;</li></ul>



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“Private Body”	<ul style="list-style-type: none"><li>- A natural person who carries or has carried on any trade, business, or profession, but only in such capacity;</li><li>- A partnership which carries or has carried on any trade, business, or profession; or</li><li>- Any former or existing juristic person, but excludes a public body;</li></ul>
“Record”	Any personal information irrespective of the form or medium.
“Registered Address”	23 Lennox Road, Greyville, Durban, 4001
“Regulator”	The Information Regulator (South Africa) empowered to monitor and enforce compliance with POPIA and PAIA.
“Responsible Party”	Electrical Industry Kwa-Zulu Natal Pension Fund
“Requester”	An individual seeking or requesting access to records and/or information held by the private body.
“Rules of the Fund”	The registered Rules of the Fund, as amended from time to time.

### 3. PERSONAL INFORMATION COLLECTED

The Responsible Party collects and processes personal information pertaining to its purpose. The type of personal information will depend on the need for which it is collected and will be processed for that purpose only. Members will be informed (where possible), on the personal information they are required to provide and what personal information is optional. Personal information collected may include (but is not limited to):

- Member's identity number, name, surname, marital status, age, physical address, postal code, email, contact number; spouse, beneficiaries and/or dependents details.
- Any other information required by operators to execute its mandate and/or for the purpose of reinsuring benefits described in terms of the Rules of the Fund;
- All operators (including any third-party operators) are required to adhere to the lawful processing of personal information.

### 4. LAWFUL PROCESSING AND PURPOSE OF PERSONAL INFORMATION

The Responsible Party shall take all reasonable measures to protect the privacy of personal information of members and beneficiaries to ensure the personal information is collected and used properly, lawfully, and transparently.

#### Conditions for lawful processing of personal information includes:

- 1) Accountability: Personal information is processed in a lawful and reasonable manner.
- 2) Processing Limitation: Personal information is only processed for a specific, clearly defined, and lawful purpose.
- 3) Purpose Specification: Steps are taken to ensure that the Member is aware of the purpose of collecting the personal information.



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- |                                   |   |
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| 4) Further Processing Limitation: | Ensure that the collection of the personal information is compatible with the intended purpose of collecting the personal information.                              |
| 5) Information Quality:           | The personal information remains complete, accurate and current.  |
| 6) Openness:                      | Ensure the member and the Regulator (where applicable) are advised in writing that personal information is collected and record the purpose of the collection.      |
| 7) Security Safeguards:           | The security and integrity of the personal information that has been collected is protected.  |
| 8) Data Subject Participation:    | The data subject is involved directly in the process of collecting the personal information to ensure that the information obtained is clear, accurate and current. |

Purpose for collecting personal information (including but not limited to):

- (a) Investigating and reporting on the financial position of the Fund for audit and valuation purposes;
- (b) Investing member's assets and the allocation of any surplus of funds in the best interest of members and beneficiaries;
- (c) For underwriting purposes to provide members and beneficiaries with benefits described in terms of the Rules of the Fund;
- (d) Verifying and updating member details;
- (e) Maintaining accuracy of personal information;
- (f) Historical purposes;
- (g) To assess and process claims;
- (h) For the prevention of fraud, crime, money laundering or any other malpractice;
- (i) In connection with any legal proceedings;
- (j) Providing communications in respect of any industry and regulatory requirements that may affect members and
- (k) In connection with and to comply with legal, regulatory requirements or industry codes or when it is otherwise required by law.

## **5. SAFEGUARDING, RETENTION, CORRECTION AND DELETING PERSONAL INFORMATION**

### Safeguarding

- All reasonable measures shall be taken to adequately protect the personal information the Responsible Party holds and to avoid unauthorised access and use thereof.
- The Responsible Party will continuously review security controls and processes to ensure that personal information is secure.
- This policy and any other legislative requirements must be adhered to by all operators to promote compliance to protect personal information.



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- Requests for access to records has been adopted as per the PAIA Manual and must be adhered to at all times.
- All personal information that is not relevant to decision-making and which can be used to identify a person must be removed from reports.
- All personal information processed by operators (including any third-party operators) must adhere to the lawful processing requirements and all operators are required to sign an agreement guaranteeing their commitment to the protection of personal information in so far as they deal with the Responsible Party's data subjects personal information.
- All operators (including any third-party operators) must confirm (including but not limited to):
  - How dissemination in any form, merging or linking and restriction of records will be implemented;
  - When and how will personal information be de-identified (removal/destruction);
  - How will personal information be retained/stored;
  - How will personal information be protected (security safeguards), including but not limited to loss theft, unauthorised access, disclosure, use;
  - What back-up (retrieval) measures are in place to protect, retain and/or recover personal information (electronic file and/or hardcopy);
  - The specific identification of the personal information accessed including any personal information which requires special authorisation;
  - How, who and when incidents of any breach or potential breach will be reported to the Responsible Party of the unlawful processing or personal information being accessed or acquired by any unauthorised person within a reasonable time but no later than 72 hours after the discovery of the compromise;
  - Person(s) authorised to have access to personal information and their obligations in terms of Data Protection Legislation;
  - Technological measures including electronic systems safeguarding and any reports must be password protected and/or encrypted on devices that may contain personal information which will limit access to personnel of the operators who need to know the information to conduct their duties within the operator;
  - Physical measures adopted by the operator (including but not limited to) access to enter a premises and off-site back-up and archiving.
  - Insurance in place to cover liability claims in the event of incidents of any breach or potential breach and
  - Measures and systems in place to process requests for information or access thereto received from the Information Officer.
- Any changes, the reasons, and impact thereof as per the above must be communicated to the Responsible Party timeously.

#### Retention and restriction of records

- Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless;



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- retention of the record is required or authorised by law;
- the Responsible Party reasonably requires the record for lawful purposes related to its functions or activities;
- retention of the record is required by a contract between the parties thereto; or
- the data subject or a competent person where the data subject is a child has consented to the retention of the record.
- Records of personal information may be retained for periods in excess of those contemplated above for historical, statistical or research purposes if the Responsible Party has established appropriate safeguards against the records being used for any other purposes.
- A Responsible Party that has used a record of personal information of a data subject to make a decision about the data subject, must;
  - retain the record for such period as may be required or prescribed by law or a code of conduct; or
  - if there is no law or code of conduct prescribing a retention period, retain the record for a period which will afford the data subject a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.
- A Responsible Party must destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after the Responsible Party is no longer authorised to retain the record.

#### Correction or deletion of records

- A data subject may request the Responsible Party to:
  - Correct or delete personal information in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or
  - Destroy or delete a record of personal information that the Responsible Party is no longer authorised to retain as determined in POPIA.
- To facilitate the processing of a request for the correction or deletion of a record, a signed written request must be submitted to the Information Officer as per the contact details provided, following which a request reference number will be allocated. The reference number must be used throughout all correspondence and the requester is required to do the same.
- The request must;
  - provide sufficient detail to enable the Responsible Party to identify the record and the requester including but not limited to an Affidavit confirming that he/she is the requester.
  - Indicate in which format the confirmation of the correction or deletion of the record is required and whether any disability would prevent the requester to read, view, or listen to the confirmation.
  - Indicate which personal information is to be corrected or deleted and reasons thereof.
  - Indicate which personal information is to be destroyed or deleted and reasons thereof.
- All reasonable measures will be applied to comply with the request.



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- Upon receipt of a request the personal information will as soon as reasonably practicable;
  - correct the information;
  - destroy or delete the information;
  - provide the data subject, to his/her satisfaction, with credible evidence in support of the information; or
  - where agreement cannot be reached between the Responsible Party and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information an indication that a correction of the information has been requested but has not been made.
- Any correction or deletion as stated above that result in a change to the personal information and the correction or deletion has an impact on decisions that have been or will be taken in respect of the data subject, the Responsible Party must, if reasonably practicable, inform each person, body, or Responsible Party to whom the personal information has been disclosed.
- The Responsible Party must notify a data subject, who has made a request in terms of such action taken as a result of the request.

#### **6. INCIDENT MANAGEMENT STRATEGY**

- Where the Responsible Party has reasonable grounds to believe that a data subject(s) personal information has been accessed or acquired by an unauthorised person, the Responsible Party must notify the Regulator and affected data subject(s) unless the identity of the data subject(s) cannot be established within a reasonable time but no later than 72 hours after the discovery of the compromise.
- The notification must be in writing and must:
  - Be communicated to the data subject(s) either via email, physical or postal address, placed in a prominent position on the Responsible Party's website, published in the news media or as may be directed by the Regulator.
  - Provide sufficient information to allow the data subject(s) to take protective measures against the potential consequences of the compromise.
  - Include a description of the possible consequences of the compromise, description of the measures that the Responsible Party intends to take or has taken to address the compromise and a recommendation with regards to the measures to be taken by the data subject(s) to mitigate the possible adverse effect of the compromise and if known the identity of the unauthorised person who may have accessed or acquired the personal information.
- The notification may only be delayed if such notification will impede a criminal investigation upon which a notification will be submitted to the Regulator to request a delayed notification to the data subject(s).
- The Information Officer together with the Responsible Party will respond in the event of any breach or potential breach.





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- The Regulator may direct a Responsible Party to publicise, in any manner specified, the fact of any compromise to the integrity or confidentiality of personal information, if the Regulator has reasonable grounds to believe that such publicity would protect a data subject(s) who may be affected by the compromise.
- An Incident Management Register will be kept logging any incidents and to report on and manage incidents. The register will be maintained by the Information Officer together with the Responsible Party.
- The Responsible Party will hold insurance to cover liability claims in the event of incidents.

### 7. COMPLAINTS MANAGEMENT

- Should the Information Officer refuse access to the information requested, the requester may lodge an internal appeal with the Responsible Party.
- To facilitate the processing of an internal appeal the prescribed form (**Annexure A**) which is available on the Responsible Party's website must be submitted to the Information Officer as per the contact details provided.
- A requester may submit a complaint to the Regulator after the internal appeal procedure has been exhausted as per the details below:

Physical Address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal Address:	PO Box 31533, Braamfontein, Johannesburg, 2017
Tel:	010 023 5200
Fax:	086 500 3351
Website:	<a href="https://justice.gov.za/inforeg/">https://justice.gov.za/inforeg/</a>
Complaints:	<a href="mailto:complaints.IR@justice.gov.za">complaints.IR@justice.gov.za</a>

### 8. CONTACT DETAILS

The Information Officer's details are as follows:

Full Name:	Ms. Lizané van der Merwe
Contact Number:	073 350 8064
Email:	<a href="mailto:lizane@lvdMconsulting.co.za">lizane@lvdMconsulting.co.za</a>

### 9. REPORTING AND REVIEW REQUIREMENTS

#### Annual Reporting

- The Information Officer must annually submit to the Regulator a report regarding, the number of:
  - Requests for access received;
  - Requests for access granted in full;



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- Requests for access granted in terms of section 46 of PAIA;
- Requests for access refused in full and refused partially and the number of times each provision of PAIA was relied on to refuse access in full or partially;
- Cases in which the periods stipulated in Section 25(1) of PAIA were extended in terms of Section 26(1) of PAIA;
- Internal appeals lodged with the relevant authority and the number of cases in which, as a result of an internal appeal, access was granted to a record;
- Internal appeals which were lodged on the ground that a request for access was regarded as having been refused in terms of Section 27 of PAIA;
- Applications to a court which were lodged on the ground that an internal appeal was regarded as having been dismissed in terms of Section 77(7) of PAIA; and
- Such other matters as may be prescribed.

#### Quarterly Reporting

- The Information Officer will submit to the Responsible Party a quarterly report complying with the Regulator's annual report requirements stated above.

#### Monthly Reporting

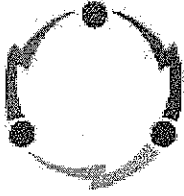
- All operators will be required to submit to the Information Officer a monthly report regarding:
  - The dissemination in any form, merging or linking and restriction of records;
  - Personal information de-identified (removal/destruction);
  - Confirmation of incidents of any breach or potential breach (supporting Incident Management Register must be provided);
  - Details of the person(s) authorised to have access to personal information and their obligations in terms of Data Protection Legislation;
  - Confirmation of electronic systems safeguarding, and any changes implemented;
  - Confirmation of insurance in place to cover liability claims of incidents and
  - Any changes, the reasons, and impact thereof to the compliance requirements.

#### Review

The policy takes effect on the Commencement Date and must be reviewed and approved at least annually. Amendments to the policy may take place on an ad-hoc basis and data subjects are advised to view the Responsible Party's website periodically for any changes. In the event of material changes communication will be published on the Responsible Party's website to notify data subjects.

#### Revision History

<b>Date</b>	<b>Version</b>	<b>Author</b>
June 2021	1	Information Officer



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### 10. SIGNATORIES AND DECLARATIONS

We the undersigned declare this to be the Protection of Personal Information Policy and Procedures of the Electrical Industry Kwa-Zulu Natal Pension Fund and that by setting this policy, we have acted objectively and in the best interests of the Fund's members.

Signed on this 30<sup>th</sup> day of June 20 21 via round robin

*D W Alcock*

(Mr Dave Alcock)  
Chairperson

(Mr Deon van Deventer)  
Deputy Chairperson

*Bernard Carr*

(Mr Bernie Carr)  
Acting Chairperson: Governance, Risk,  
Audit, and Investments Sub-Committee

(Ms Lizané van der Merwe)  
Principal Officer







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### FORM B: NOTICE OF INTERNAL APPEAL

#### F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: .....

Particulars of manner: .....

Signed at ..... this day ..... of ..... year.....

.....  
SIGNATURE OF APPELLANT

#### FOR DEPARTMENTAL USE:

##### OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on ..... (date) by .....  
..... (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on ..... (date) to the relevant authority.

OUTCOME OF APPEAL: .....

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION  
SUBSTITUTED

NEW DECISION: .....

DATE RELEVANT AUTHORITY .....

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT  
AUTHORITY ON (date): .....