



SAIMC PRIVACY POLICY

In compliance with the Protection of Personal Information Act 4 of 2013 ("POPI")



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1 INTRODUCTION

Welcome to the privacy policy of the SAIMC NPC. The SAIMC NPC is a Non Profit Company and a Voluntary Association of the Engineering Council of South Africa (ECSA).

This document serves as the Privacy Policy of the SAIMC as envisaged by the Protection of Personal Information Act 4 of 2013 ("POPI Act").

The SAIMC takes the protection of personal information very seriously and we aim to comply with the provisions of POPI in all respects including your right of protection against the unlawful collection, retention, dissemination and use of personal information.

2 KEY DEFINITIONS

The following definitions contained in section 1 of POPI are of importance:

'information officer' refers to the person(s) identified herein;

'personal information' means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views, or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

'processing' means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or
- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

'record' means any recorded information-



- (a) regardless of form or medium, including any of the following:
- (i) Writing on any material;
- (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
- (iii) label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;
- (iv) book, map, plan, graph or drawing;
- (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- (b) in the possession or under the control of a responsible party;
- (c) whether or not it was created by a responsible party; and
- (d) regardless of when it came into existence;
- **'responsible party'** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;
- 'special personal information' means information relating to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information or the criminal behaviour of a data subject.
- (vi)photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- (e) in the possession or under the control of a responsible party;
- (f) whether or not it was created by a responsible party; and
- (g) regardless of when it came into existence;
- **'responsible party'** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;
- 'special personal information' means information relating to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information or the criminal behaviour of a data subject.



3 INFORMATION OFFICER (internal)

In accordance with the provisions of POPI, the SAIMC has appointed the following Information Officer:

Information Officer: Mr Johan Maartens

Email: johan.maartens@saimc.co.za

Tel: (082) 373 2741

The Information Officer shall be at liberty to appoint a Deputy Information Officer should he/she so chose.

The SAIMC's Information Officer(s) are responsible for:

- developing, implementing, monitoring and maintaining a compliance framework;
- the encouragement of compliance by the SAIMC, with the conditions for the lawful processing of personal information;
- dealing with requests and complaints made to the SAIMC pursuant to POPI and PAIA;
- working with the Information Regulator in relation to investigations in relation to the SAIMC;
- otherwise ensuring compliance by the SAIMC with the provisions of this Act; and
- as may be prescribed by POPI.

The SAIMC's Information Officer(s) may elect to constitute an information compliance committee to assist the Information Officer(s) in its role as information officer(s). The Information Officer(s) may determine who serves on this committee.

Should you have any questions/complaints/suggestions regarding the processing of personal information, we encourage you to contact the SAIMC's Information Officer.

You are further invited to contact our Information Officer(s) regarding issues specifically pertaining to-

- Any objection to the processing of your personal information;
- A request for the deletion/destruction/correction of your personal information or records;
 and/or
- The submission of a complaint relating to the processing of your personal information.



4 ACTION PLAN AND INFORMATION POLICIES

We have developed and implemented the following policies regulating the processing of personal information in the SAIMC-

Risk analysis

 We have identified certain areas that carry more risk than others, specifically relating to those wherein third parties are involved or where electronic data are stored, and have implemented further measures to secure the security of personal information herein;

Privacy Policy

 An external document (this document) available to outside parties explaining how we process personal information and all else POPI-related;

POPI Policy

- An internal document specifically applicable to our employees wherein they acknowledge
 that they are aware of the provisions of POPI and undertake to comply with our
 Information Policies;
- An internal guideline highlighting the principles applicable to processing of personal information in our business;

Operator Undertakings

- We have worked closely with third parties who may have access or deal with any personal information held by us and inquired on whether they are aware of the provisions of POPI;
- These third parties have provided us with undertakings, confirming that they will only
 process personal information in line with the purpose that it was provided to them for
 and in line with the principles enshrined in POPI.

5 DESCRIPTION OF BUSINESS ACTIVITIES

The SAIMC NPC is a Non Profit company that aims to enable its members to be successful in their places of work. The SAIMC is also a Voluntary Association of the Engineering Council of South Africa supporting the aims and goals of ECSA.



6 PROCESSING OF PERSONAL INFORMATION THAT WE COLLECT

The SAIMC processes personal information collected from members. This information includes:

- your name;
- identity number;
- address;
- email;
- telephone details;
- gender;
- date of birth;
- race;
- personal opinions, view or preferences;

The processing of the above information involves greater risk, and as such we take special care to protect this information. Our security measures implemented are discussed under "SECURITY SAFEGUARDS" below.

6.1 Collecting Personal Information

The SAIMC has been collecting personal information from:

- Membership enrollment;
- Information obtained online:
- When you register on the SAIMC's website.
- From your internet browser;
- O Internet usage information on our server logs from your browser, such as your Internet Protocol address (IP address), browsing habits, click patterns, version of software installed, system type, screen resolutions, colour capabilities, plug-ins, language settings, cookie preferences, search engine keywords, JavaScript enablement, the content and pages that you access on the website, and the dates and times that you visit the website, paths taken, and time spent on sites and pages within the website (usage information). Please note that other websites visited before entering our website might place personal information within your URL during a visit to it, and we have no control over such websites. Accordingly, a subsequent website that collects URL information may log personal information;

Cookies

- We may place small text files called 'cookies' on your device when you visit our website. These files do not contain personal information, but they do contain a personal identifier allowing us to associate your personal information with a certain device. These files serve a number of useful purposes for you, including:
 - granting you access to website content;
 - tailoring our website's functionality to you personally by letting us remember your preferences;
 - improving how our website performs; and
 - allowing third parties to provide services to our website.



- Your internet browser generally accepts cookies automatically, but you can often change this setting to stop accepting them. You can also delete cookies manually. However, no longer accepting cookies or deleting them will prevent you from accessing certain aspects of our website where cookies are necessary. Many websites use cookies and you can find out more about them at www.allaboutcookies.org.
- We collect certain information from cookies that we may send to your computer to try and give you a personalised experience.

Third party cookies

Some of our software use their own cookies or widgets on our website. We have no access to or control over them. Information collected by any of those cookies or widgets is governed by the privacy policy of the company that created it, and not by us.

Web beacons

- Our website may contain electronic image requests (called a single-pixel gif or web beacon request) that allow us to count page views and to access cookies. Any electronic image viewed as part of a web page (including an ad banner) can act as a web beacon. Our web beacons do not collect, gather, monitor or share any of your personal information. We merely use them to compile anonymous information about our website.
- The nature and extent of our existing data base of supporters and potential supporters
 - We have, since our formation of the SAIMC, built and maintained a data base of the particulars of members and interested parties which are used to communicate with this group as part of our normal activities and specifically when we plan events like our prestigious Gala Dinner, Golf Days etc. This data base uses our member list as a point of departure, to which we have added additional information that has been obtained while arranging these events. This data base has been built mindful of the right to privacy of members and interested parties and we have taken care over the years to implement the requests made by certain individuals to exclude them from the communication.

6.2 Processing Personal Information

IN TERMS OF THIS POLICY we will process personal information and special personal information in the following circumstances and on the following conditions:

- We process personal information for <u>lawful purposes</u> relating to the SAIMC's activities and objectives under the following circumstances:
 - You have consented thereto;
 - o It is necessary to conclude or perform under a contract we have with you;
 - The law requires or permits it;
 - o If it is required to protect or pursue your legitimate interest;
 - For the proper performance of a public law duty by a public body;
 - Processing is necessary for pursuing a legitimate interests of ours or of a third party to whom the information is supplied



- We process special personal information:
 - When you are a SAIMC member or employee and the information is necessary to achieve the aims or principles of the SAIMC;
 - If it is needed to participate in the SAIMC's activities of, or engaging in the recruitment of members;
 - o If we need to create, use or protect a right or obligation in law;
 - o If the processing is required for campaigning for the SAIMC or one if its causes.
- We will only process personal information of a person received from third parties if:
 - The third parties provide us with your necessary consent to share the information with us;
 - You are informed of this privacy policy.

6.2 The Need to Process Personal Information

WHY does the SAIMC need to process your personal information?

Personal information may be obtained to:

- Communicate with our members and interested parties
- Helping to educate members and interested parties on events that might impact their or their company's performance;
- Identifying members and their concerns;
- Canvass possible members;
- Send you important information regarding changes to the legislation or any current issues;
- Inform you about voting formalities during AGM's;
- Investigate dishonesty, malpractice, or other seriously improper conduct by, or unfitness or incompetence of persons concerned;
- Protect members of the public against dishonesty, malpractice or other seriously improper conduct by, or the unfitness or incompetence of, persons authorised to carry on any profession or other activity.
- Request sponsorships from our known supporters;
- Carry out market research and analysis of trends;
- Distribute SAIMC newsletters and informative circulars;
- Manage our infrastructure and business operations, and to comply with internal policies and procedures.
- Process payment instructions;
- Resolve complaints;
- Comply with applicable laws and regulatory obligations (including laws, directives, sanctions and rules relating to anti-money laundering and anti-terrorism, comply with legal process;
- Establish and defend legal rights;



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•	For any related purpose to the SAIMC's activities.



7 CONDITIONS FOR THE LAWFUL PROCESSING OF PERSONAL INFORMATION

The SAIMC is committed to the fulfilment of the following condition imposed by POPI:

- 1. Accountability
- 2. Processing limitation
- 3. Purpose specification
- 4. Further processing limitation
- 5. Information quality
- 6. Openness
- 7. Security safeguards
- 8. Data subject participation

Our approach in fulfilment of each of the above is discussed below.

7.1 ACCOUNTABILITY

The SAIMC is committed to ensuring that your personal information will only be processed in accordance with the provisions of POPI and in line with the purpose for which it was supplied to us.

7.2 PROCESSING LIMITATION

Personal information will only be-

- Processed lawfully and in a reasonable manner;
- Processed for a specific purpose and reason for which it was supplied to us; and
- Collected directly from the data subject, subject to justifiable limitations in execution of our services insofar as allowed by POPI.

As mentioned above, personal information will only be processed by the SAIMC on one of the following grounds listed in POPI:

- Consent;
- Processing is necessary to carry out actions for the conclusion or performance of a contract;
- Processing complies with an obligation imposed by law on the responsible party;
- To protect a legitimate interest of a data subject;
- For the proper performance of a public law duty by a public body;
- Processing is necessary for pursuing a legitimate interest of ours or of a third party to whom the information is supplied.

7.3 **PURPOSE SPECIFICATION**

Data subjects will always be made aware of the purpose for which their personal information is being processed.

As mentioned above, section 18 of POPI requires from the SAIMC to ensure you are aware that your personal information may be processed by us in execution of the SAIMC's activities and will be used solely for this purpose.



Personal information will always be collected directly from the data subject, unless-

- The information has been made public;
- Consent is obtained;
- The collection from a third party would not prejudice a legitimate interest of the data subject;
- The collection of the information from another source is necessary for the conduct of legal proceedings or to maintain a legitimate interest of ours or of a third party to whom the information is supplied;
- The collection directly from the data subject would prejudice a lawful purpose of the collection; or
- Compliance is not reasonably practicable in the circumstances of the particular case.

Data subjects will be notified by the SAIMC once their personal information is collected, unless-

- Consent has been granted for the collection thereof;
- Failure to notify would not prejudice a legitimate interest of the data subject;
- It is collected for purposes of legal proceedings;
- Notification would prejudice a lawful purpose of the collection;
- Notification is not reasonably practicable in the circumstances of the particular case; or
- The information will not be used in a form in which the data subject may be identified, or unless the information is merely for historical, statistical or research purposes.

7.4 FURTHER PROCESSING LIMITATION

In line with the previous paragraph ('PURPOSE SPECIFICATION'), any further/subsequent processing of your personal information will still be done in accordance with original purpose and only when processing thereof is necessary in the circumstances described above.

7.5 INFORMATION QUALITY

Upon collecting your personal information, the SAIMC will take all steps necessary to ensure the correctness of your personal information. All of your personal information is stored securely for if and when we require same to be processed (refer to "Security Safeguards" below).

In order for us to execute our mandate, we kindly request that you provide us with your accurate and complete personal information required by us to fulfil our services. Lastly, we kindly request that you update us of any changes to your personal information for us to endorse same in our records.

7.6 OPENNESS

Your personal information will be stored in a secure system, as explained later on under 'SECURITY SAFEGUARDS'. Our goal with this Privacy Policy is to ensure that a data subject is made aware of:

- What information is collected and from where;
- Our name, address and contact details;



- The purpose for which personal information is collected;
- Whether or not the supply of personal information is mandatory or voluntary;
- Consequences of failure to provide personal information;
- Any particular law authorising the collection of personal information;
- Their right to access or rectify the information;
- Their right to object to the processing of their personal information; and
- Their right to lodge a complaint to the Information Regulator and the details of the Information Regulator.

8 RETENTION AND DELETION OF PERSONAL INFORMATION

We will try to keep the personal information we collect as accurate, complete and up to date as is necessary for the purposes defined in this policy. From time to time we may request you to update your personal information, or you can keep your information up to date via our website's functionality. We will only retain your personal information for as long as it is necessary to fulfil the purposes explicitly set out in this policy, unless:

- retention of the record is required or authorised by law; or
- you have consented to the retention of the record.

During the period of retention, we will continue to abide by our non-disclosure obligations and will not share or sell your personal information.

We may retain your personal information in physical or electronic records at our discretion but at all times in accordance with the provisions of POPI.

Should a data subject request removal of the data subject's personal information, this instruction shall be processed by the Information Officer of the SAIMC to the extent as requested by the data subject and insofar as the personal information is captured and processed within the SAIMC by the SAIMC. The deletion of personal information shall take place within a reasonable period.

9. YOUR RIGHTS

Kindly be advised that, as a data subject, you have the right to-

- 1. Be informed that your personal information is being collected;
- 2. Be informed when your personal information has been accessed by an unauthorised person;
- 3. Establish whether we hold your personal information and request access thereto;
- 4. Request deletion, destruction or correction of your personal information;
- 5. Object to the processing of your personal information (on reasonable grounds);
- 6. Object to the processing of your personal information for purposes of direct marketing;
- 7. Not be subject to a decision based solely on the automated processing of your personal information;
- 8. Submit a complaint to the Information Regulator;
- 9. Institute civil proceedings regarding an alleged interference with your personal information.



10. YOUR DUTY

In order for the SAIMC to properly comply with its obligations, we kindly request that you provide us with your accurate and complete personal information required by us to fulfil our mandate.

Lastly, we kindly request that you update us of any changes to your personal information for us to endorse same in our records.

11. FORMS

Kindly contact our Information Officer to inquire on the following:

- Form 1 Objection to processing of personal information;
- Form 2 Request for correction or deletion of personal information;
- Form 4 Consent in respect of direct marketing for the purposes of fundraising; and
- Form 5 Complaint regarding an interference with personal information.

You are encouraged to complete these forms and present them to our Information Officer.

9 SECURITY SAFEGUARDS

In order to protect your personal information, the SAIMC will-

9.1 IN RESPECT TO THE MANAGEMENT OF OUR ELECTRONIC DATA BASE:

- Implement reasonable, appropriate, technical and organisational measures; and
- Notify data subjects of any security compromises as soon as reasonably possible and state:
 - Possible consequences;
 - Steps taken to address the compromise;
 - Recommendation to data subject on what steps to take;
 - Identity of person who accessed the information (if known).

Kindly refer to 'STEPS IN EVENT OF A COMPROMISE' in paragraph 10 below.

We have implemented the following physical and software/electronic safeguards-

• Electronic data:

- Strong passwords;
- Encryption;
- Regular software updates;
- Secured all devices;
- Regular backups of data; and
- Employee training and awareness programs.

9.2 IN RESPECT OF OUR PERSONAL INTERACTION WITH VOTERS DURING CAMPAIGNING

Implement reasonable, appropriate, technical and organisational measures aimed at ensuring that the personal information obtained from members and interested parties are treated in a



lawful manner consistent with the authority afforded by POPI to process such personal information.

10 DATA SUBJECT PARTICIPATION

Data subjects can request confirmation from the SAIMC on whether we hold personal information and/or the correct personal information. Data subjects can further request for such information to be deleted or destroyed.

The SAIMC will not process special personal information unless expressly provided for in POPI and unless specifically necessary for the purpose for which it was provided to us for.

11 STEPS IN EVENT OF A COMPROMISE

The following steps will be taken by us in the unlikely event of a data breach/information compromise:

- Notify our service provider;
- Attempt to establish (internal analysis)-
 - Whether there was in fact a breach;
 - What data, if any, was compromised;
 - o Which parties were affected; and
 - The extent of the compromise.
- Draft an internal report with the assistance of our IT service providers;
- Notify affected persons of the breach;
- Cooperate with our service providers and data subjects to prevent any processing of the compromised data; and
- Review our safeguarding structures to prevent a reoccurrence.

12 CROSS-BORDER TRANSMISSION OF PERSONAL INFORMATION

We do not transfer information to foreign countries other than for purposes of storing data onto servers which the SAIMC leases from third parties. The processing of the above information involves greater risk, and as such we take special care to protect this information. Our security measures implemented are discussed under "SECURITY SAFEGUARDS" below. We have worked closely alongside our IT service providers to identify any risks associated herewith and have implemented applicable measures to combat these risks.

We will ensure that the cross-border transmission of your information complies with the standards set out in POPI, alternatively a higher standard as required in the destination countries (for example, the General Data Protection Regulation applicable in the European Union).

We will not send your personal information abroad unless-

- Consent has been provided;
- It is required to perform in terms of a contract; or
- The foreign laws are equally or stricter than those contained in POPI.



12. PERSONAL INFORMATION OF CHILDREN

The SAIMC will only process personal information of children where consent has been provided by a competent person (parent or guardian) or where otherwise authorised by POPI. The SAIMC acknowledges that the processing of the above information involves great risk, and as such we take special care to protect this information.

13 ACCOUNT NUMBERS

The SAIMC will never sell, obtain or disclose your account number (whether this relates to any sort of bank account details, credit card numbers or credit application numbers) to any person without your consent.

14 NEWSLETTERS AND DIRECT MARKETING

As a Voluntary Association most of the direct marketing we embark upon is aimed at campaigning for support for the SAIMC. This type of direct marketing does not fall within the ambit of direct marketing regulated by POPI. Nonetheless we will ensure that we give members and interested parties a simple manner in which to indicate to us that they would like to be exclude from our direct marketing activities for the purposes of a specific campaign.

Our direct marketing aimed at fundraising is however the type of direct marketing that is regulated by POPI and therefore you will only receive direct marketing aimed at fundraising if we have obtained your explicit prior consent thereto.

Communications received from the SAIMC will always clearly identify the SAIMC as the sender and provide you with a reasonable opportunity to unsubscribe at any time.

15 CONCLUSION AND DATE OF IMPLEMENTATION

This Policy will come into operation on 1 July 2021.

The SAIMC is committed to complying with POPI and the SAIMC acknowledge every individual's right to protection against the unlawful collection, retention, dissemination and use of personal information, subject to justifiable limitations that are aimed at protecting other rights and important interests.

Kindly contact the SAIMC's Information Officer for any queries relating to the processing of personal information.





POPI OBJECTION FORM - FORM 1

In compliance with the Protection of Personal Information Act 4 of 2013 ("POPI")

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by POPI.

Please submit your objection to the SAIMC Information Officer(s): Address to: The Information Officer

Email Address: johan.maartens@saimc.co.za

Name & Surname:	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	
Details of Objection:	
Desired Outcome:	



D. Signature:

Date:		
Place:		
Sign:		

Where we are unable to resolve your complaint, to your satisfaction you have the right to complain to the Information Regulator.

The Information Regulator:

Address: 33 Hoof Street Forum III, 3rdFloor, Braampark, Johannesburg

Email: inforreg@justice.gov.za





REQUEST CORRECTION OR DELETION OF PERSONAL INFORMATION - FORM 2

In compliance with the Protection of Personal Information Act 4 of 2013 ("POPI")

We are committed to safeguarding your privacy and the confidentiality and accuracy of your personal information and are bound by POPI.

Please submit your request to the SAIMC Information Officer(s): Address to: The Information Officer

Email Address: johan.maartens@saimc.co.za

Particulars of Complainant:	 	
Name & Surname:		
Identity Number:		
Postal Address:		
Contact Number:		
Email Address:		
Details of Request:	 	
1		
Desired Outcome:		



D. Signature:

Date:		
Place:		
Sign:		

Where we are unable to attend to your request to your satisfaction you have the right to complain to the Information Regulator.

The Information Regulator:

Address: 33 Hoof Street Forum III, 3rdFloor, Braampark, Johannesburg

Email: inforreg@justice.gov.za





CONSENT IN RESPECT OF DIRECT MARKETING - FORM 3

In compliance with the Protection of Personal Information Act 4 of 2013 ("POPI")

We are committed to safeguarding your privacy and the confidentiality and accuracy of your personal information and are bound by the provisions of POPI.

Please submit your request to the SAIMC Information Officer(s): Address to: The Information Officer

Email Address: <u>johan.maartens@saimc.co.za</u>

A.	Particulars of Data Subject:		
	Name & Surname:		
	Identity Number:		
	Postal Address:		
	Contact Number:		
	Email Address:		

B. Consent

I, the undersigned, acknowledge and understand the rights and obligations that I have in terms of POPI. I hereby consent to the processing of my personal information by the SAIMC for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail for the purpose of the SAIMC's activities pertaining to the sourcing of donations and fundraising.

C.	
·-	Signature:

Date:	
Place:	
Sign:	





POPI COMPLAINT FORM - FORM 4

In compliance with the Protection of Personal Information Act 4 of 2013 ("POPI") We are committed to safeguarding your privacy and the confidentiality and accuracy of your personal information and are bound by POPI.

Please submit your request to the **SAIMC Information Officer(s)**:

Address to: The Information Officer

۱.	Particulars of Complainant:	
	Name & Surname:	
	Identity Number:	
	Postal Address:	
	Contact Number:	
	Email Address:	
.	Details of Complaint:	
•	Desired Outcome:	



D. Signature:

Date:	
Place:	
Sign:	

Where we are unable to resolve your complaint, to your satisfaction you have the right to complain to the Information Regulator.

The Information Regulator:

Address: 33 Hoof Street Forum III, 3rdFloor, Braampark, Johannesburg

Email: inforreg@justice.gov.za