

Industry Compliance & Certification Authority of South Africa (Pty) Ltd

PM 09 PROTECTION OF PERSONAL INFORMATION POLICY



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1. Introduction

The Industry Compliance and Certification Authority of South Africa (ICCASA) recognises the constitutional rights of a person/s to privacy and acknowledges that it is of the utmost importance, as required by law, to protect the personal information pertaining to the relevant parties concerned.

ICCASA undertakes to respect and protect the privacy of all persons who are associated with this certification body, whether they are employees of ICCASA, contractors, internal and external auditors and consultants, certified companies, applicants for certification, clients, affected or interested parties or persons who are other entities, who for various reasons of interest, are related to ICCASA in the provision of certification and other related services by ICCASA.

The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act 4 of 2013 (POPIA). The POPI act aims to promote the protection of privacy through providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner. Through the provision of certification, auditing and training services, ICCASA is necessarily involved in the collection, use and disclosure of certain aspects of the Personal Information of clients, customers, employees and other stakeholders. Given the importance of privacy, ICCASA is committed to effectively managing personal information in accordance with POPIA's provisions.

2. Definitions

Personal Information – Personal information is any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning –

- race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- 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;
- the views or opinions of another individual about the person;
- 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.

3. Application

These guiding principles apply to all divisions of ICCASA, employees of ICCASA, contractors, internal and external auditors and consultants, certified companies, applicants for certification, clients, affected or interested parties or persons who are other entities, who for various reasons of interest, are related to ICCASA in the provision of certification and other related services by ICCASA.

4. Rights of Data Subjects

4.1. Where appropriate, ICCASA shall ensure that its clients and stakeholders are made aware of the rights conferred upon them as data subjects. ICCASA shall ensure that it gives effect to the following rights –

- The Right to Access Personal Information - ICCASA recognises that a data subject has the right to establish whether ICCASA holds personal information related to him/her or including the right to request access to that personal information. Refer to Appendix A "Personal Information Request Form".
- The Right to have Personal Information Corrected or Deleted - The data subject has the right to request, where necessary, that his, her or its personal information must be corrected or deleted where ICCASA is no longer authorised to retain the personal information.
- The Right to Object to the Processing of Personal Information - The data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information. In such circumstances, ICCASA shall give due consideration to the request and the requirements of POPIA. ICCASA may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information.
- The Right to Object to Direct Marketing - The data subject has the right to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communications.
- The Right to Complain to the Information Regulator - The data subject has the right to submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.
- The Right to be Informed - The data subject has the right to be notified that his, her or its personal information is being collected by ICCASA. The data subject also has the right to be notified in any situation where ICCASA has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person

5. Processing of Information

5.1. ICCASA shall ensure that personal information under its control is processed in a fair, lawful and non-excessive manner, and only with the informed consent of the data subject, and only for a specifically defined purpose.

5.2. ICCASA shall inform the data subject of the reasons for collecting his, her or its personal information and obtain written consent prior to processing personal information.

5.3. Alternatively, where services or transactions are concluded over the telephone or electronic video feed, ICCASA shall maintain a voice recording of the stated purpose for collecting the personal information followed by the data subject's subsequent consent.

5.4. ICCASA shall under no circumstances distribute or share personal information between separate entities, or with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected.

5.5. Where applicable, the data subject must be informed of the possibility that their personal information shall be shared with other aspects of ICCASA's business and be provided with the reasons for doing so.

5.6. ICCASA shall process personal information only for specific, explicitly defined and legitimate reasons. ICCASA shall inform data subjects of these reasons prior to collecting or recording the data subject's personal information.

5.7. Personal information shall not be processed for a secondary purpose unless that processing is compatible with the original purpose. Therefore, where ICCASA seeks to process personal information it holds for a purpose other than the original purpose for which it was originally collected, and where this secondary purpose is not compatible with the original purpose, ICCASA shall first obtain additional consent from the data subject.

6. Information Quality

6.1. ICCASA shall take reasonable steps to ensure that all personal information collected is complete, accurate and not misleading.

6.2. The more important it is that the personal information be accurate (for example, the beneficiary details of a life insurance policy are of the utmost importance), the greater the effort ICCASA shall put into ensuring its accuracy.

6.3. Where personal information is collected or received from third parties, ICCASA shall take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.

7. Open Communication

7.1. ICCASA shall take reasonable steps to ensure that data subjects are notified (are at all times aware) that their personal information is being collected including the purpose for which it is being collected and processed.

7.2. ICCASA shall ensure that it establishes and maintains a "contact us" facility, for instance via its website or through an electronic helpdesk, for data subjects who want to – enquire whether ICCASA holds related personal information, or request access to related personal information, or request ICCASA to update or correct related personal information, or make a complaint concerning the processing of personal information.

8. Security Safeguards

8.1. ICCASA shall manage the security of its filing system to ensure that personal information is adequately protected. To this end, security controls shall be implemented in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction.

8.2. ICCASA shall ensure that all paper and electronic records comprising personal information are securely stored and made accessible only to authorised individuals.

8.3. All new employees shall be required to sign employment contracts containing contractual terms for the use and storage of employee information. Confidentiality clauses shall also be included to reduce the risk of unauthorised disclosures of personal information for which ICCASA is responsible.

9. Data Subject Participation

9.1. A data subject may request the correction or deletion of his, her or its personal information held by ICCASA. ICCASA shall ensure that it provides a facility for data subjects who want to request the correction or deletion of their personal information. Where applicable, ICCASA shall include a link to unsubscribe from any of its electronic newsletters or related marketing activities

10. Request to Access Personal Information Procedure

10.1. Data subjects have the right to request what personal information ICCASA holds about them and why, request access to their personal information, and be informed how to keep their personal information up to date.

10.2. Access to information requests can be made by email, addressed to the Information Officer at io@ICCASA.co.za. The Information Officer shall provide the data subject with the "Personal Information Request Form" (Refer to Appendix A).

10.3. Once the completed form has been received, the Information Officer shall verify the identity of the data subject prior to handing over any personal information. All requests shall be processed and considered against ICCASA's PAIA manual.

11. POPI Complaints Procedure

11.1. Data subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon. ICCASA takes all complaints very seriously and shall address all POPI related complaints in accordance with the ICCASA P12 "Handling of Complaints and Appeals" procedure, available on www.ICCASA.co.za.

12. Disciplinary Action

12.1. Where a POPI complaint or a POPI infringement investigation has been finalised, ICCASA may recommend any appropriate administrative, legal and/or disciplinary action to be taken against any employee reasonably suspected of being implicated in any non-compliant activity outlined within this policy.

12.2. In the case of ignorance or minor negligence, ICCASA shall undertake to provide further awareness training to the employee.

12.3. Any gross negligence or the wilful mismanagement of personal information, shall be seriously considered and shall be investigated.

APPENDIX A: Request for Access to Personal Information



REQUEST FOR ACCESS TO PERSONAL INFORMATION

A. FOR ICCASA USE

Request received by:

Name & Surname of Information Officer: Reference _____
number:

Date of Receipt: _____

Applicable Fees:

Request Fee (if any): RDeposit _____

Fee (if any):

Access Fee (if any):

B. PARTICULARS OF PERSON REQUESTING ACCESS TO PERSONAL INFORMATION

The particulars of the person who requests access to the personal information must be recorded below.

Full names and surname of Requestor: _____

Identity Number: _____

Postal Address: _____

Capacity in which request is made, when made on behalf of another person: _____

Form of information (i.e: Post, Email) _____

Fax: _____

Telephone: _____

Email: _____

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname of person on whose behalf request is made _____

Identity Number: _____

D. PARTICULARS OF PERSONAL INFORMATION

Provide full particulars of the personal information which access is requested. If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

Description of personal information or relevant part thereof _____

Reference number (if available):

E. FEES (if applicable)

A request for access to personal information will be processed only after a request fee has been paid. You will be notified of the amount required to be paid as the request fee. The fee payable for access to a personal information depends on the form in which access is required and the reasonable time required to search for and prepare the personal information.