

**PROTECTION OF PERSONAL
INFORMATION
(POPI)
OR
PRIVACY
POLICY WORDING**

APPROVED BY : THE BORWA BOARD
APPROVAL DATE : 17 JUNE 2021
**DRAFTED BY : THE OFFICE OF THE COMPANY SECRETARY
AND LEGAL SPECIALIST**

1. INTRODUCTION

This policy wording seeks to ensure that personal information is lawfully processed by Borwa Financial Services. The aforementioned entity is responsible for processing personal information and it is thus, responsible for complying with the POPI Act that also gave effect to the drafting of this policy wording, to ensure compliance of the provisions of the Act.

In terms of Section 109 of the Act contravening this Act or non-compliance thereof, will amount to an offence or to an administrative fine that will be payable by the infringer of the alleged offence.

2. ABBREVIATIONS

- Act = Protection of Personal Information Act No. 4 of 2013
- ECT = Electronic Communications and Transaction No. 25 of 2002
- Constitution = The Constitution of the Republic of South Africa, 1996
- Personal Information (definition as per the Act) = means information relating to an identifiable, living, natural person, and where it is applicable, existing juristic person.

3. LEGISLATIVE RECOGNITION

Section 14 of the Constitution of the Republic of South Africa, 1996; states that *every one has the right to privacy*, such right that has been confined in the Constitution is inclusive of the right to protection against unlawful collecting, retention and use of personal information, the Protection of personal information Act 4 of 2013 was established to recognise the Section 14 Constitutional right.

Therefore, Borwa Financial Services (Pty) Ltd is an administrative company that deals with the processing of personal information of members and it is thus confined by the provisions of both the Constitution and the Act of Parliament.

4. LAWFUL PROCESSING OF INFORMATION

The personal information must be processed:

- a) Lawfully and;*
- b) In a reasonable manner that does not infringe the privacy of the data subject.*

Except where the law provides otherwise.

5. SECTION 51 OF THE ECT ACT

Borwa Financial Services (Pty) Ltd is bound by the provisions of this codified Act of Parliament as well, that addresses as follows:

- *A data controller may not electronically request, collect, collate, process or store personal information on a data subject which is not necessary for the lawful purpose for which the personal information is required.*
- *A data collector may not disclose any of the personal information held by it to a third party, unless required or permitted by law or specifically authorised to do so in writing by the data subject.*

6. DATA COLLECTION BY BORWA

Borwa collects *inter alia* but not limited to the following data from members:

- Full Names.
- Title and Gender.
- Identification Number.
- Nationality.
- Tax Number.
- Postal and Residential Address.
- Contact Details.
- Marital Status.
- Family Register (with beneficiary details).

7. USE OF INFORMATION BY BORWA

Borwa uses the member's information for:

- Register the member on our system.
- Verify the members information.
- Verify the banking details of the members.
- Recording member's beneficiaries.
- To also pay the member.
- To do credit check.

8. DISCLOSURE OF THE MEMBER'S INFORMATION

Borwa will not disclose the member's information to any third party unless such disclosure is necessary or is in fulfilment of claim or has been requested by the Authority or by contacted Service Providers (who will in turn be confined by the confidentiality principle).

9. INFORMATION SECURITY

- Borwa ensures that the member's information is well kept in a safe and secure manner by making use of trusted security software for storage of the information.

- And by ensuring that the data collectors / administrators of Borwa adhere to the workplace confidentiality policy wording of the company and they are kept aware about the contravention of that policy wording that warrants a disciplinary hearing.
- Despite the abovementioned measures of ensuring that the information is 100% safe, Borwa cannot furnish any guarantee to that effect.
- Borwa has put in place monitoring systems and will continue to do its absolute best to ensure that the information furnished to it is highly secured and will notify the relevant parties about any leak of information thereof if such has unfolded.

10. YOUR RIGHT TO ACCESS YOUR INFORMATION

The members have the right to request that they be furnished with information as long as such request is within the ambits of the law and is not prohibited by any legislation or court order.

11. CORRECTING YOUR INFORMATION

Members are permitted to alter or to change the information that they gave to Borwa Administrators to ensure that Borwa has the most up-to-date information.

12. AMENDMENT OF THE POLICY

The policy can be amended ONLY by the Board at any time should the need to amend arise.