

KORSMAN CONSERVANCY
COMPLIANCE MANUAL
FOR THE IMPLEMENTATION OF THE
PROTECTION OF PERSONAL INFORMATION ACT OF 2013

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A. INTRODUCTION

The Protection of Personal Information Act (POPI) is intended to balance two competing interests. These are:

1. Our individual constitutional rights to privacy (which requires our personal information to be protected); and
2. The needs of our society to have access to and to process (work with) our personal information for legitimate purposes, including the purpose of doing business.

This Compliance Manual sets out the framework for our organisation's compliance with POPI.

Where reference is made to the "processing" of personal information, this will include any activity in which the information is worked with, from the time that the information is collected, up to the time that the information is destroyed.

B. OUR UNDERTAKINGS TO OUR MEMBERS:

1. We undertake to follow POPI at all relevant times and to process personal information lawfully and reasonably, so as not to infringe unnecessarily on the privacy of our members.
2. We undertake to process information only for the purpose for which it is intended, communications of news and events and for AGM purposes as required by the Constitution. This enables us to do our work, as agreed with our members.
3. Whenever necessary, we shall obtain consent to process personal information.

4. Where we do not seek consent, the processing of our member's personal information will be following a legal obligation placed upon us, or to protect a legitimate interest that requires protection.
5. We shall stop processing personal information if the required consent is withdrawn, or if a legitimate objection is raised.
6. We shall collect personal information directly from the member whose information we require, unless:
 - 6.1 the information is of public record, or
 - 6.2 the member has consented to the collection of their personal information from another source, or
 - 6.3 the collection of the information from another source does not prejudice the member, or
 - 6.4 the information is required to maintain our legitimate interests; or
 - 6.5 where requesting consent would prejudice the purpose of the collection of the information; or
 - 6.6 where requesting consent is not reasonably practical in the circumstances.
7. We shall advise our members of the purpose of the collection of the personal information.
8. We shall retain records of the personal information we have collected for the minimum period as required by law unless the member has furnished their consent or instructed us to retain the records for a longer period.
9. We shall destroy or delete records of the personal information (so as to de-identify the member) as soon as reasonably possible after the single year for which we were entitled to hold the records has expired.
10. We shall restrict the processing of personal information:
 - 10.1 where the accuracy of the information is contested, for a period sufficient to enable us to verify the accuracy of the information;
 - 10.2 where the purpose for which the personal information was collected has been achieved and where the personal information is being retained only for the purposes of proof;
 - 10.3 where the member requests that the personal information is not destroyed or deleted, but rather retained; or
 - 10.4 where the member requests that the personal information be transmitted to another automated data processing system.
11. The further processing of personal information shall only be undertaken:
 - 11.1 if the requirements of paragraphs 3; 6.1; 6.4; 6.5 or 6.6 above have been met;
 - 11.2 where the further processing is necessary because of a threat to public health or public safety or to the life or health of the member, or a third person;
 - 11.3 where the information is used for historical, statistical or research purposes and the identity of the member will not be disclosed; or
 - 11.4 where this is required by the Information Regulator appointed in terms of POPI.
12. We undertake to ensure that the personal information which we collect and process is complete, accurate, not misleading and up to date.
13. We undertake to retain the physical file and the electronic data related to the processing of the personal information.
14. Form 1 Objection to processing of personal information referred to in Section O below shall be sent to every member when we accept a mandate of any sort, to advise them of our duty to them in terms of POPI.

C. OUR MEMBER'S RIGHTS

1. In cases where the member's consent is required to process their personal information, this consent may be withdrawn.
2. In cases where we process personal information without consent to protect a legitimate interest, to comply with the law or to pursue or protect our legitimate interests, the member has the right to object to such processing.
3. All members are entitled to lodge a complaint regarding our application of POPI with the Information Regulator.
4. If a member has any objection to our processing of their personal information, for example, after we accept a mandate of any sort, then Form 1 in Section O (Objection to processing of personal information), should be submitted.

D. SECURITY SAFEGUARDS

1. In order to secure the integrity and confidentiality of the personal information in our possession, and to protect it against loss or damage or unauthorised access, we must continue to implement the following security safeguards:
 - 1.1 Our email procedures must be blind copy to our members.
 - 1.2 Member's information must be held in cloud services requiring a password. No hard copies will be printed.
 - 1.3 Our committee and Membership Officer must be trained to carry out their duties in compliance with POPI, and this training must be ongoing.
 - 1.4 It must be agreed by every committee member and the Membership officer that they must maintain full confidentiality in respect of all of our members' affairs, including our members' personal information.
 - 1.5 The personal information of members and staff must be destroyed timeously in a manner that de-identifies the person.
2. These security safeguards must be verified on a regular basis to ensure effective implementation, and these safeguards must be continually updated in response to new risks or deficiencies.

E. SECURITY BREACHES

1. Should it appear that the personal information of a member has been accessed or acquired by an unauthorised person, we must notify the Information Regulator and the relevant member /s, unless we are no longer able to identify the member /s. This notification must take place as soon as reasonably possible.
2. Such notification must be given to the Information Regulator first as it is possible that they, or another public body, might require the notification to the member /s be delayed.
3. The notification to the member must be communicated in writing in one of the following ways, with a view to ensuring that the notification reaches the member :
 - 3.1 by mail to the member's last known physical or postal address;
 - 3.2 by email to the member's last known email address;
 - 3.3 by publication on our website; or
 - 3.4 as directed by the Information Regulator.
4. This notification to the member must give sufficient information to enable the member to protect themselves against the potential consequences of the security breach, and must include:
 - 4.1 a description of the possible consequences of the breach;
 - 4.2 details of the measures that we intend to take or have taken to address the breach;

4.3 the recommendation of what the member could do to mitigate the adverse effects of the breach; and

4.4 if known, the identity of the person who may have accessed, or acquired the personal information.

F. MEMBERS REQUESTING RECORDS

1. On production of proof of identity, any person is entitled to request that we confirm, free of charge, whether or not we hold any personal information about that person in our records.

2. If we hold such personal information, on request, and upon payment of a fee of R100, we shall provide the person with the record, or a description of the personal information, including information about the identity of all third parties or categories of third parties who have or have had access to the information. We shall do this within a reasonable period of time, in a reasonable manner and in an understandable form.

3. A member requesting such personal information must be advised of their right to request to have any errors in the personal information corrected, which request shall be made on the prescribed application form. See form 2 below.

4. In certain circumstances, we will be obliged to refuse to disclose the record containing the personal information to the member. In other circumstances, we will have discretion as to whether or not to do so.

5. In all cases where the disclosure of a record will entail the disclosure of information that is additional to the personal information of the person requesting the record, the written consent of the Information Officer (or his delegate) will be required, and that person shall make their decision having regard to the provisions of Chapter 4 of Part 3 of the Promotion of Access to Information Act.

6. If a request for personal information is made and part of the requested information may, or must be refused, every other part must still be disclosed.

G. THE CORRECTION OF PERSONAL INFORMATION

1. A member is entitled to require us to correct or delete personal information that we have, which is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or which has been obtained unlawfully.

2. A member is also entitled to require us to destroy or delete records of personal information about the member that we are no longer authorised to retain.

3. Any such request must be made on the prescribed form, Form 2, referred to in Section O below

4. Upon receipt of such a lawful request, we must comply as soon as reasonably practicable.

5. In the event that a dispute arises regarding the member's rights to have information corrected, and in the event that the member so requires, we must attach to the information, in a way that it will always be read with the information, an indication that the correction of the information has been requested but has not been made.

6. We must notify the member who has made a request for their personal information to be corrected or deleted what action we have taken as a result of such a request.

H. SPECIAL PERSONAL INFORMATION

1. Special rules apply to the collection and use of information relating to a person's religious or philosophical beliefs, their race or ethnic origin, their trade union membership, their political persuasion, their health or sex life, their biometric information, or their criminal behaviour. Korsman Conservancy does not collect this information.

I. THE PROCESSING OF PERSONAL INFORMATION OF CHILDREN

1. We may only process the personal information of a child if we have the consent of the child's parent or legal guardian.

J. INFORMATION OFFICER

1. Our Information Officer is **Jane Trembath** who is our chairperson. Information Officers should be nominated and authorised in writing. Registration and authorization of the Information Officer and the Deputy Information Officer/s should be done using Forms 7, 8 and 9 of the regulations. These are not included in this document. Our Information Officer's responsibilities include:

1.1 Ensuring compliance with POPI.

1.2 Dealing with requests which we receive in terms of POPI.

1.3 Working with the Information Regulator in relation to investigations.

2. Our Information Officer must designate in writing as many Deputy Information Officers as are necessary to perform the tasks mentioned in paragraph 1 above. They are **Tracy Boggis, Cathi Marques and Debbie van de Laar**. Such designation shall be done by the completion of Form 8 of the regulations

3. Our Information Officer and our Deputy Information Officers must register themselves with the Information Regulator prior to taking up their duties, using Form 7 of the regulations.

4. In carrying out their duties, our Information Officer must ensure that:

4.1 this Compliance Manual is implemented;

4.2 a Personal Information Impact Assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;

4.3 that this Compliance Manual is developed, monitored, maintained and made available;

4.4 that internal measures are developed together with adequate systems to process requests for information or access to information;

4.5 that internal awareness sessions are conducted regarding the provisions of POPI, the Regulations, codes of conduct or information obtained from the Information Regulator; and

4.6 that copies of this manual are provided to persons at their request, hard copies to be provided upon payment of a fee (to be determined by the Information Regulator).

5. Guidance notes on Information Officers have been published by the Information Regulator (on 1 April 2021) and our Information Officer and deputy Information Officers must familiarize themselves with the content of these notes.

K. CIRCUMSTANCES REQUIRING PRIOR AUTHORISATION

1. In the following circumstances, we will require prior authorisation from the Information Regulator before processing any personal information:

1.1 In the event that we intend to utilise any unique identifiers of members for any purpose other than the original intention, or to link the information with information held by others.

2. The Information Regulator must be notified of our intention to process any personal information as set out in paragraph 1.1 above prior to any processing taking place and we may not commence with such processing until the Information Regulator has decided in our favour. The Information Regulator has 4 weeks to make a decision but may decide that a more detailed investigation is required. In this event the decision must be made in a period as indicated by the Information Regulator, which must not exceed 13 weeks. If the

Information Regulator does not make a decision within the stipulated time periods, we can assume that the decision is in our favour and commence processing the information.

L. DIRECT MARKETING

1. Not applicable. Korsman Conservancy does not offer commercial services or carry out direct marketing.

M. TRANSBORDER INFORMATION FLOWS

1. Not applicable. Korsman Conservancy does not transfer member's personal information to third parties in foreign countries.

N. OFFENCES AND PENALTIES

1. POPI provides for serious penalties for the contravention of its terms. For minor offences a guilty party can receive a fine or be imprisoned for up to 12 months. For serious offences the period of imprisonment rises to a maximum of 10 years. Administrative fines for the company can reach a maximum of R10 million.

2. Breaches of this Compliance Manual will also be viewed as a serious disciplinary offence.

3. It is therefore imperative that we comply strictly with the terms of this Compliance Manual and protect our member's personal information in the same way as if it was our own.

O. SCHEDULE OF ANNEXURES AND FORMS

1. Objection to the Processing of Personal Information (Form 1 of the Regulations).

2. Request for correction or deletion of personal information (Form 2 of the Regulations).

**Form 1: Objection to processing of personal information
(Form 1 of the Regulations)**

FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS
OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT,
2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2018**

[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....
Signature of data subject/designated person

Form 2: Request for correction or deletion of personal information (Form 2 of the Regulations)

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]**

Note:

E. Affidavits or other documentary evidence as applicable in support of the request may be attached.

F. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

G. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED

REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.
(Please provide detailed reasons for the request)

Signed at this day of20.....

.....
Signature of data subject/ designated person
Form 3