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Document Name	PAIA & POPI POLICY		
Related Classification	Company X	Trade Association	Professional Body
Purpose	The purpose of this policy is to enable the IWH to: <ol style="list-style-type: none"> a) comply with the law in respect of the data it holds about individuals (known as Data Subjects in the POPIA). b) follow good reasonable commercial practice; & c) (c) protect the IWH employees and other individuals 		
Scope	This Policy applies to wherever business of the IWH is conducted, it applies to its member or Individuals, Registered Practitioners, employees, guests, volunteers, and associates of the IWH at the offices of the IWH and towards the IWH's general business and management conduct.		

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1. PAIA Policy

PAIA is an act that was passed to give effect to the constitutional right, held by everyone in South African, of access to information which is held by the Government or by another entity or person (including the IWH) and which is required for the exercise or protection of any right. Where a request is made in terms of PAIA, the body to which the request is made is obliged to give access to the requested information, except where the Act expressly provides that the information may or must not be released. It is important to note that PAIA recognises certain limitations to the right of access to information, including, but not exclusively, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient, and good governance and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

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One of the main requirements specified in PAIA is the compilation of an information manual that provides information on both the types and categories of records held by a public or private body. This Policy serves as the IWH's Information Manual. This Policy is compiled in accordance with Section 51 of PAIA and the Schedule to POPIA. It is intended to give a description of the records held by and on behalf of the IWH, to outline the procedure to be followed and the fees payable when requesting access to any of these records in the exercise of the right of access to information, with a view of enabling requesters to obtain records which they are entitled to in a quick, easy, and accessible manner. This Policy is available for public inspection at the physical address of the IWH, free of charge.

The IWH only keeps the Personal Information of the Member or Individual as defined in the POPIA Policy below. Member or Individuals shall at all reasonable times have access to such data and the IWH shall within a reasonable time provide a Member or Individual with that Personal Information and shall charge no fee to provide it.

2. POPIA Policy

2.1 Introduction

POPIA is intended to balance two competing interests. These are: our individual constitutional rights to privacy (which requires our Personal Information to be protected); and 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 Policy sets out the framework for our compliance with POPIA. 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, regardless of whether the information is worked with manually, or by automated systems.

2.2 IWH Undertakings

The IWH will always:

- a) comply with both the law and good practice;
- b) respect individuals' rights;
- c) be open and honest with individuals whose data is held; &
- d) provide training and support for employees who handle personal data, so that they can act confidently and consistently with regards to PAIA and POPIA.

POPIA aims to ensure that the legitimate concerns of members or individuals about the ways in which their data may be used are considered. In addition to being open and transparent, the IWH will seek to give members or individuals as much choice as is possible and reasonable over what data is held and how it is used.

The IWH undertakes to follow POPIA at all relevant times and to process Personal Information lawfully and reasonably, so as not to infringe unnecessarily on the privacy of our Members or Individuals and the IWH recognises that its first priority under the POPIA is to avoid causing harm to individuals.

In the main this means:

- a) the IWH undertakes to process information only for the purpose for which it is intended, to enable us to do our work, as agreed with our Member or Individuals;
- b) keeping information securely in the right hands;
- c) retention of good quality information;
- d) whenever necessary, the IWH shall obtain consent to process Personal Information;
- e) where the IWH does not seek consent, the processing of our Member or Individuals Personal Information will be following a legal obligation placed upon us, or to protect a legitimate interest that requires protection;
- f) the IWH shall stop processing Personal Information if the required consent is withdrawn, or if a legitimate objection is raised;
- g) the IWH shall retain records of the Personal Information the IWH has collected for the minimum period as required by law unless the Member or Individual has furnished their consent or instructed us to retain the records for a longer period;
- h) the IWH shall destroy or delete records of the Personal Information (so as to de-identify the Member or Individual or Individual) as soon as reasonably possible after the time period for which the IWH uses said data (please note that the IWH keeps Member or Individual's information after they have left the IWH in case they should re-join, this is kept on the database);

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- i) the IWH undertakes to ensure that the Personal Information which the IWH collects, and processes is complete, accurate and not misleading and up to date;
- j) the IWH undertakes to retain the physical file and the electronic data related to the processing of the Personal Information;

The IWH shall collect Personal Information directly from the Member or Individual unless:

- a) the information is of public record;
- b) the Member or Individual has consented to the collection of their Personal Information from another source;
- c) the collection of the information from another source does not prejudice the Member or Individual;
- d) the information to be collected is necessary for the maintenance of law and order or national security;
- e) the information is being collected to comply with a legal obligation, including an obligation to SARS;
- f) the information collected is required for the conduct of proceedings in any court or tribunal, where these proceedings have commenced or are reasonably contemplated;
- g) the information is required to maintain our legitimate interests; or
- g) where requesting consent is not reasonably practical in the circumstances.

The IWH shall restrict the processing of Personal Information:

- a) where the accuracy of the information is contested, for a period sufficient to enable us to verify the accuracy of the information;
- b) 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; or
- c) where the Member or Individual requests that the Personal Information be transmitted to another automated data processing system.

According to POPIA “Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.

The IWH collects the following information from its Member or Individuals (Personal Information):

Members

- Company Name
- Company Details (as per CIPC, SARS, LOGS, BB-BEE, Public liability)
- Employee Details (including):
 - o Name and surname
 - o Email address
 - o Telephone/cell number

Individuals (Registered Practitioners)

- Name and Surname
- Identification / Passport Number
- Address
- Telephone/cell number
- Gender
- Date of birth
- Photograph
- Possible previous registrations

2.3 Non-Personal Information

The IWH may automatically collect non-Personal Information about a Member or Individual. The IWH may also aggregate details which a Member or Individual has submitted to our website (for example, the products or services they are interested in). They cannot be identified from this information, and it is only used to assist the IWH in providing an effective service.

2.4 Key Risks

The IWH has identified the following potential key risks, which this Policy is designed to address:

- a) breach of confidentiality (information being given out inappropriately);
- b) insufficient clarity about the range of uses to which data will be put — leading to Data Subjects (our Member or Individuals) being insufficiently informed;
- c) failure to offer choices about data use when appropriate;
- d) breach of security by allowing unauthorised access;
- e) harm to individuals if personal data is not up to date; &

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- f) third party data operator contracts.

2.5 Member or Individual's Rights

The Members or Individuals of the IWH hold the following specific rights:

- a. in cases where the Member or Individual's consent is required to process their Personal Information, this consent may be withdrawn.
- b. in cases where the IWH processes Personal Information without consent to protect a legitimate interest, to comply with the law or to pursue or protect our legitimate interests, the Member or Individual has the right to object to such processing; and
- c. all Member or Individuals are entitled to lodge a complaint regarding our application of POPIA with the Information Regulator.

2.6 Security Safeguards

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, the IWH must continue to implement the following security safeguards:

- a) our business premises where records are kept must remain protected by access control,
 - b) archived files must be stored behind locked doors and access control to these storage facilities must be implemented;
 - c) all the user terminals on our internal computer network and our servers / PC's / laptops must be protected by passwords which must be changed on a regular basis. This also applies to all cloud data storage modalities;
 - d) our email infrastructure must comply with industry standard security safeguards (the IWH shall deal directly with its service provider in this regard);
 - e) if necessary, vulnerability assessments shall be carried out on our digital infrastructure to identify weaknesses in our systems and to ensure the IWH has adequate security in place;
 - f) the IWH must use an internationally recognised firewall to protect the data on its local servers, and the IWH must run antivirus protection at least every week to ensure its systems are kept updated with the latest patches;
 - g) IWH volunteers and employees must be trained to carry out their duties in compliance with POPIA, and this training must be ongoing;
 - h) it must be a term of the contract with every employees that they must maintain full confidentiality in respect of all of our Member or Individuals' affairs, including our Member or Individuals' Personal Information;
 - i) employment contracts for employees whose duty it is to process a Member or Individual's Personal Information, must include an obligation on the employees:
 - a. to maintain the IWH's security measures, and
 - b. to notify their manager/supervisor immediately if there are reasonable grounds to believe that the Personal Information of a Member or Individual has been accessed or acquired by any unauthorised person;
 - j) the processing of the Personal Information of IWH volunteers and employees must take place in accordance with the rules contained in the relevant labour legislation; &
 - k) the digital work profiles and privileges of employees who have left our employ must be properly terminated.
- 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.

2.7 Security Breaches

Should it appear that the Personal Information of a Member or Individual has been accessed or acquired by an unauthorised person, the IWH must notify the Information Regulator and the relevant Member or Individuals, unless the IWH is no longer able to identify the Member or Individual. This notification must take place as soon as reasonably possible.

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 or Individual be delayed.

The notification to the Member or Individual must be communicated in writing in one of the following ways, with a view to ensuring that the notification reaches the Member or Individual :

- a) by email to the Member or Individual's last known email address;
- b) by publication on the IWH's website, or in the news media; or

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- c) as directed by the Information Regulator

This notification to the Member or Individual must give sufficient information to enable the Member or Individual to protect themselves against the potential consequences of the security breach, and must include:

- a) a description of the possible consequences of the breach;
- b) details of the measures that the IWH intends to take or have taken to address the breach;
- c) the recommendation of what the Member or Individual could do to mitigate the adverse effects of the breach;
- &
- d) if known, the identity of the person who may have accessed, or acquired the Personal Information.

2.8 Correction of Personal Information

A Member or Individual is entitled to require the IWH to correct or delete Personal Information that the IWH has, which is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or which has been obtained unlawfully.

A Member or Individual is also entitled to require the IWH to destroy or delete records of Personal Information about the Member or Individual that the IWH is no longer authorised to retain.

Upon receipt of such a lawful request, the IWH must comply as soon as reasonably practicable:

- a) in the event that a dispute arises regarding the Member or Individual's rights to have information corrected, and in the event that the Member or Individual so requires, the IWH 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; &
- b) the IWH must notify the Member or Individual who has made a request for their Personal Information to be corrected or deleted what action the IWH have taken as a result of such a request.

2.9 Special Personal Information

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 Member or Individual ship, their political persuasion, their health or sex life, their biometric information, or their criminal behaviour.

The IWH shall not process any of this special Personal Information without the Member or Individual's consent, or where this is necessary for the establishment, exercise or defence of a right or an obligation in law.

2.10 Information Officer

Our Information Officer is the IWH's nominated Chairman or is a Committee Member or Individual nominated and authorised by the IWH's Management Committee. Our Information Officer's responsibilities include:

- a) encourage and ensure overall compliance with POPIA;
- b) encourage compliance with conditions for the lawful processing of Personal Information;
- c) deal with requests made by the Information Regulator or data subjects (members or individuals);
- d) work with the Regulator in relation to investigations conducted in accordance with the relevant provisions of POPIA;
- e) develop, implement and monitor a compliance framework;
- f) ensure that a personal information impact/risk assessment is performed to guarantee that adequate measures and standards exist within the entity;
- g) develop, monitor, maintain and make available a PAIA manual;
- h) develop internal measures and adequate systems to process requests for access to information; &
- i) ensure that internal awareness sessions are conducted regarding the provisions of POPI, the regulations and any codes of conduct or information obtained from the Regulator.

In the event that our Information Officer is not the IWH's nominated Chairman, such person must register with the Information Regulator prior to taking up their duties.

In carrying out his/her duties, our Information Officer must ensure that:

- a) this Policy is implemented;
- b) that this Policy is developed, monitored, maintained, and made available;
- c) that internal measures are developed together with adequate systems to process requests for information or access to information;

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- d) that internal awareness sessions are conducted regarding the provisions of POPIA, the Regulations, codes of conduct or information obtained from the Information Regulator; and
- e) that copies of this Policy are provided to persons at their request.

Guidance notes on Information Officers have been published by the Information Regulator and our Information Officer must familiarise themselves with the content of these notes. A Member or Individual can rest assured that unless the IWH is legally obliged to share their Personal Information, the IWH will only share so much of a Member or Individual's Personal Information as is needed by the authority that requires it, and we will only do so when it is necessary for the IWH to do its work for the Member or Individual .

Should a Member or Individual have any concerns with the way in which the IWH is processing their Personal Information, such Member or Individual should inform the Information Officer and if not satisfied with the remedy be entitled to lodge a complaint with the Information Regulator, whose contact details are:

Address:

33 Hoofd Street, Forum III, 3rd Floor, Braampark
 PO Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za

General enquiries email: inforeg@justice.gov.za

2.11 Employees Training & Acceptance of Responsibilities

The IWH's Information Officer will ensure that all employees and IWH volunteers who have access to any kind of Personal Information will have their responsibilities outlined during their induction procedures. Continuing training will provide opportunities for employees to explore POPIA issues through training, team meetings, and supervision. Procedure for employees signifying acceptance of policy will ensure that all employees sign acceptance of this Policy once they have had a chance to understand the Policy and their responsibilities in terms of the policy and the POPIA.

2.12 Direct Marketing

The IWH may only carry out direct marketing (using any form of electronic communication) to Member or Individual s if:

- a) they have been given an opportunity to object to receiving direct marketing material by electronic communication at the time that their Personal Information was collected; &
- b) they did not object then or at any time after receiving any such direct marketing communications from the IWH.

The IWH may only approach Member or Individual s using their Personal Information if the IWH has obtained their Personal Information in the context of providing services associated with our business to them and the IWH may then only market IWH or affiliated services to them.

The IWH may approach a person to ask for their consent to receive direct marketing material only once, and the IWH may not do so if they have previously refused their consent.

All direct marketing communications must disclose a Member or Individual's identity and must contain an address or opt-out functionality, to which the Member or Individual may send a request that the communications cease.

2.13 Transborder Information Flows

The IWH may not transfer a Member or Individual's Personal Information to a third party in a foreign country, unless:

- a) the Member or Individual consents to this, or requests it;
- b) such third party is subject to a law, binding corporate rules or a binding agreement which protects the Personal Information in a manner similar to POPIA, and such third party is governed by similar rules which prohibit the onward transfer of the Personal Information to a third party in another country;
- c) the transfer of the Personal Information is required for the performance of the contract between us and the Member or Individual ;
- d) the transfer is necessary for the conclusion or performance of a contract for the benefit of the Member or Individual entered into between the IWH and the third party; or

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- e) the transfer of the Personal Information is for the benefit of the Member or Individual and it is not reasonably possible to obtain their consent and that if it is possible the Member or Individual would be likely to give such consent.

2.14 Offences & Penalties

POPIA 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 IWH can reach a maximum of R10 million.

Breaches of this Policy will also be viewed as a serious disciplinary offence by employees and IWH volunteers. It is therefore imperative that the IWH complies strictly with the terms of this Policy and protects our Member or Individual's Personal Information to international standard.

This Policy shall be governed by and construed in accordance with the laws of South Africa.

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