

**NATIONAL BARGAINING COUNCIL
FOR THE ELECTRICAL INDUSTRY OF
SOUTH AFRICA (NBCEI)**

**PROTECTION OF
PERSONAL INFORMATION POLICY**

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1. PURPOSE

The National Bargaining Council for the Electrical Industry of South Africa, hereinafter referred to as the “NBCEI”, strives to comply with all applicable laws and regulations related to the Protection of Personal Information.

At the NBCEI, the collection and processing of your personal information is important to us. We are committed to handling your personal information in the right way, for the right reasons. This Policy sets forth the basic principles by which the NBCEI processes personal data of our data subjects, consumers, customers, suppliers, business partners and employees and indicate the responsibilities of our organization and employees while processing such personal data.

We are a *responsible party* who strives to ensure that our data subjects are fully protected from any form of security breaches and/or identity theft. In developing this policy, we introduced standards, guidelines and procedures to efficiently manage and control the collection and protection of personal information and this policy applies to all of our customers’ data, personal data, all other business data, and applies to every server, database and IT system that handles such data. Every user that interacts with us is also subject to this policy.

2. SCOPE

The Right to Privacy is enshrined in Section 14 of the Constitution of the Republic of South Africa and includes the right to protection against the unlawful collection, retention, dissemination and use of personal information. The Protection of Personal Information Act, (act no 4 of 2013) (the “POPIA” Act) granted public and private bodies a grace period of one year, up to 1 July 2021, to comply with the Act and to utilize the grace period to put compliance processes and measures in place.

POPIA applies to the processing of personal information: -

- (1) Entered in a record by or for a responsible party by making use of automated or non-automated means provided when the recorded personal information is processed by non-automated means, it forms part of a filing system or is intended to form part thereof; and
- (2) Where the responsible party is
 - a. domiciled in the Republic;
 - b. not domiciled in the Republic but makes use of automated and non-automated means within the republic unless those serve only as a means to transmit non-personal information throughout the Republic.

All processing of personal information is covered by POPIA. However, POPIA does not apply to personal information processing;

- Which is purely personal;
- By or on behalf of a public body where it involves national security or where its purpose is to prevent or protect against unlawful activities;
- Public information.

The NBCEI, as a responsible party, is domiciled in the Republic of South Africa and makes use of both automated and non-automated means to gather, process and distribute information and through the establishment of this Policy, the NBCEI is aligning its business practices with the spirit of the POPIA.

3. THE ROLE OF NBCEI

The NBCEI is a creature of statute. The NBCEI is established in accordance with the provisions of Section 27 of the Labour Relations Act, Act 66 of 1995 (as amended), the “LRA”. Having its national offices situated at 122 Queen Street, Kensington, Johannesburg.

The NBCEI is the custodian of a collective agreement, duly granted by the Minister of Labour, as envisaged by the LRA, in terms of which it, in essence: -

- (1) Constitutes a forum and facility for collective bargaining;
- (2) Assists with the settlement of labour disputes; and
- (3) Assists and provides for social benefits for its members within the electrical industry.

Section 28 of the LRA prescribes the powers and functioning of a bargaining council and includes, amongst others, to establish and administer pension, provident, medical aid, sick pay, holiday, unemployment and training schemes or funds, or any similar schemes or funds to the benefit of one or more of the parties to the bargaining council or their members.

Part and parcel of the social benefits provided by the NBCEI to its members is the following: -

- (1) A pension or provident fund benefit,
- (2) Risk insurance benefits, which includes,
 - a. Death benefits;
 - b. Disability benefits;
 - c. Funeral benefits;
 - d. Sick pay fund.

In administering these social benefits provided by the NBCEI to its members, the NBCEI interacts with the Electrical Contracting Industry Pension and Provident Funds, duly registered and incorporated Funds in accordance with the provisions of the Pension Funds Act, Act 24 of 1956.

. The NBCEI is responsible in part for the proper administration of these funds.

In administering these functions, the NBCEI collects, processes, and utilises personal information of its members to comply with its obligations imposed by the above-mentioned legislation.

4. ADDITIONAL ACTS RELATING TO THIS POLICY

The Promotion of Access to Information Act, act 2 of 2000, was enacted on 3 February 2000, giving effect to the Constitutional right of access to any information held by the state or by another person that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the act expressly provides that the information may or must not be released. The act sets out the requisite procedural issues attached to such request and is to be read in conjunction with POPIA.

This Policy is also intended to foster a culture of transparency and accountability by giving effect to the right of information that is required for the exercise or protection of any right, and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights more fully.

This Policy also sets out the contact details of our information officer, and deputy information officers dealing with requests in terms of the act to obtain records to which they are entitled to in a quick, easy and accessible manner.

In formulating and implementing this Policy, due consideration was also given to the following Acts: -

- The Consumer Protection Act 24 of 2009 (“CPA”);
- The Electronic Communications and Transactions Act 25 of 2002 (“ECTA”);
- Financial Intelligence Centre Act 38 of 2001 (“FICA”);
- National Credit Act 34 of 2005 (“NCA”); and
- The Regulations of Interceptions of Communications Act 70 of 2002 (“RICA”);
- The Pension Funds Act 24 of 1956

5. DEFINITIONS

The POPIA Act contains a full description of all definitions relating to the protection of personal information described in the Act.

To avoid prolixity, we do not repeat all the definitions contained in the Act, but merely emphasis certain definitions that we often refer to in this Policy.

- 5.1. “Data base” – Refers to an organized collection of personal information of members which data is collected for a multitude of purposes;
- 5.2. “Data subject” – Means the person to whom personal information relates;
- 5.3. “Electronic communication” – Any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;

- 5.4. "Filing system" – Means any structured set of personal information, whether centralized, decentralized or dispersed on a functional or geographical basis which is accessible according to specific criteria;
- 5.5. "Information officer" – Related to the information officer of NBCEI as contemplated in Section 1 of PAIA Act;
- 5.6. "Person" – Means a natural person or a juristic person;
- 5.7. "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: -
- 5.7.1. 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;
- 5.7.2. Information relating to the education or medical, financial, criminal or employment history of the person;
- 5.7.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 5.7.4. The biometric information of a person;
- 5.7.5. The personal opinions, views or preferences of the person;
- 5.7.6. Correspondence sent by the person that is implicitly/explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence;

- 5.7.7. The views or opinions of another individual about the person;
- 5.7.8. 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.
- 5.8. “Processing” – Any operation of activity concerning personal information;
- 5.9. “Record” – Any recorded information, regardless of when it came into existence;
- 5.10. “Responsible party” – A public or private body, or any other person which determines the purpose of and means of processing personal information.

6. THE NBCEI COMMITMENT TO INFORMATION PRIVACY

6.1. AT THE NBCEI WE TREAT YOUR PERSONAL INFORMATION RESPONSIBLY

- 6.1.1. The NBCEI promises to treat all your personal information carefully and responsibly.
- 6.1.2. Your personal information includes any information that we need to identify you, such as your name and surname, your physical address, contact details and identity or password number.
- 6.1.3. In accordance with the provisions of the LRA we collect your personal information to comply with our obligations imposed on us by legislation. The

collection of your personal information will mainly be obtained from your employer, your trade union, or given to us directly as part of a written application form, electronically (e-mail), telephonically or online through our website.

6.1.4. Processing of your personal information includes any initial processing that we do when collecting your personal information. It also includes any further and ongoing processing that we are allowed to carry out legitimately to adhere to legislation. "Processing" includes collecting, using, altering, merging, linking, organizing, disseminating, storing, retrieving disclosing, erasing, archiving, destroying or disposing of personal information.

6.1.5. We will only collect and process your personal information for the specific reasons provided for in terms of the LRA and in terms of the Pension Funds Act 24 of 1956 or to enable us to comply with the requirements of other laws and regulations that we are governed by.

6.1.6. We will process your personal information to protect your and our legitimate interests and rights.

6.2. YOUR PERSONAL INFORMATION IS AN IMPORTANT PART OF OUR RELATIONSHIP WITH YOU

6.2.1. The NBCEI will not process your personal information unless:

6.2.1.1. It is necessary to exercise or defend a right or obligation in law, or

6.2.1.2. You have consented to processing it.

6.2.2. We will not share your personal information with third parties who do not need your personal information, or where we are not legally permitted to do so.

6.2.3. Where the NBCEI has to transfer your personal information to third parties, we will only provide it to third parties that have data privacy policies equivalent to our own, or subject to appropriate contractual obligations, or to those who are subject to laws relating to the processing of personal information.

6.3. WE RESPECT YOUR RIGHTS

6.3.1. We will only collect personal information in a lawful and reasonable manner and only for the purpose for which the information is necessary to be processed.

6.3.2. Your personal information is collected for a specific purpose and we will not retain your information for longer than necessary.

6.3.3. In collecting and processing your personal information, we will not infringe on your privacy and will take all reasonably practical steps to ensure that your information is complete, accurate, not misleading and updated where necessary.

6.3.4. We will take all measures possible to identify internal and external risks to personal information in our possession and under our control to ensure the integrity and confidentiality of your personal information.

6.4. WE ENCOURAGE YOUR PARTICIPATION

- 6.4.1. You have the right to request access to the personal information held by us, and we will provide you with a description or a record of such information.
- 6.4.2. If you have a complaint relating to the protection of your personal information, including in the way that it has been collected or processed by us, you are kindly requested to contact us by using the local contact details as listed below.
- 6.4.3. If your complaint is not dealt with satisfactorily, you may lodge a complaint with the Information Regulator established in terms of POPIA.

CONTACT DETAILS:

INFORMATION OFFICER

NAME: HLOPHEKAZI KUBAYI

PHYSICAL ADDRESS: 122 QUEEN STREET KENSINGTON JOHANNESBURG

TEL: 011 339 2312

E-MAIL: HLOPHEKAZI@NBCEI.CO.ZA

JOHANNESBURG OFFICE:

NAME: SAMANTHA WIGGEL

PHYSICAL ADDRESS: 122 QUEEN STREET KENSINGTON JOHANNESBURG

TEL: 011 339 2312

EMAIL: SAM@NBCEI.CO.ZA

PRETORIA OFFICE:

NAME: SYDNEY MOSHOMI

PHYSICAL ADDRESS: 1072 FRANCIS BAARDT STREET, HATFIELD, PRETORIA

TEL: 012 110 4644

EMAIL: SYDNEY@NBCEI.CO.ZA

CAPETOWN OFFICE:

NAME: DARRYL WHITAKER

PHYSICAL ADDRESS: 31 COOK STREET GOODWOOD CAPETOWN

TEL: 021 591 4884

EMAIL: DARRYL@NBCEI.CO.ZA

DURBAN OFFICE

NAME: KIREN JUDGE

PHYSICAL ADDRESS: 23 LENNOX ROAD, GREYVILLE, DURBAN

TEL: 031 309 1326

EMAIL: KIREN@NBCEI.CO.ZA

PORT ELIZABETH OFFICE

NAME: JACOBUS GROBLER

PHYSICAL ADDRESS: 12 WORRAKER STREET, NEWTON PARK, PORT ELIZABETH

TEL: 041 363 5460

EMAIL: COBUS@NBCEI.CO.ZA

7. SPECIAL PERSONAL INFORMATION

- 7.1. POPIA prohibits the processing of “special personal information” concerning: -
 - 7.1.1. Religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
 - 7.1.2. Criminal behavior of a data subject.
- 7.2. As a rule, consent needs to be obtained from an individual to process special personal information, although POPIA provides for certain exceptions to this rule;
- 7.3. POPIA also states that you cannot process personal information about a child unless it is a legal requirement, or you have the consent of a competent person (such as a parent or guardian).

8. DATA PROTECTION

8.1. NOTIFICATION TO DATA SUBJECTS

8.1.1 POPIA provides that a data subject has the right to be notified if personal information is collected as provided for in terms of Section 18, or personal information has been accessed or acquired by an unauthorized person as provided for in section 22.

8.1.2 A responsible party does not have to notify a data subject of the collecting of personal information if non-compliance is necessary to comply with an obligation imposed by law. The NBCEI obtains personal information from employers and employees in the Electrical Industry. This is done via employee registrations which is a requirement in terms of the Collective Agreement stipulating the registration of all scheduled employees and employers within the Electrical Industry.

8.1.3 With the registration of an employer (new employer registration) the NBCEI obtain copies of the Identity documents to ensure the correct registration of identity numbers required for processing and contractual purposes and to provide members with benefits.

Personal information is also required in terms of other legislation such as the Financial Intelligence Centre Act 38 of 2001 (FICA) and by the Financial Sector Conduct Authority (FSCA).

- 8.1.4 All employers are required to complete an employee form in conjunction with the employee, detailing the personal information of the employee.
- 8.1.5 With the registration of new employees, the employer is again required to complete an employee form in conjunction with the employee and to provide a copy of the identity document of the employee to the NBCEI.
- 8.1.6 In addition, the NBCEI also collect information, directly from data subjects, via our front offices pertaining to the following: -
- 8.1.6.1 Pension and/or provident fund withdrawal claims;
 - 8.1.6.2 Pension and/or provident fund risk claims.
- 8.1.7 For purposes of these claims, information is obtained from the data subjects which includes the completion of claim forms and providing the NBCEI with certified copies of identity documents, death certificates, birth certificates, marriage certificates and bank certified documents. In appropriate circumstances the information includes contact details of beneficiaries and/or dependents

8.2. DATA SUBJECT'S CHOICE AND CONSENT

- 8.2.1 POPIA provides that a data subject may withdraw their consent at any time or to request that a responsible party correct or delete personal information that is inaccurate, irrelevant and excessive, or which the responsible party is no longer authorised to retain.
- 8.2.2 In assisting data subjects with pension and/or provident fund withdrawals, or risk claims, the NBCEI obtain the information directly

from the data subjects, except in some instances, for example, where the information is already contained in, or derived from a public record, or where the collection of the information from another source would not prejudice the legitimate interest of the data subject.

8.3. DATA RETENTION AND DISPOSAL

- 8.3.1 The NBCEI has taken appropriate technical and organizational measures to safeguard the security of the information.
- 8.3.2 The personal information relating to identity numbers and contact information of employers and employees are captured onto our computer data systems. The capturing of information onto the system is conducted by authorised staff members of the NBCEI who are specifically educated for the task. We have implemented the necessary checks and balances in respect of all data capturing to ensure that personal information is complete and accurate.
- 8.3.3 The personal information is regularly updated when we receive update notifications from employers and employees. We engage on a regular basis with all employers in the Electrical Industry to provide us with updated personal information relating to all employers and employees.
- 8.3.4 All information captured onto our data system is stored and regularly backed up on our server.
- 8.3.5 In addition, all company registration forms are filed for a record keeping in lever arch files under the company name in a filing cabinet. We also file

copies of identity documents in alphabetical files under the employee's surnames.

8.3.6 We ensure that the data retention provisions under POPIA apply to all documentation received in a structured filing system on a geographical basis and which is fully protected and accessible when required.

8.3.7 We only obtain information that we reasonably require to fulfil our obligations in terms of the LRA, or as required by the pension or provident retirement funds pertaining to fund members.

8.3.8 The retention of our records is required by law and we do not retain records any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.

8.3.9 We ensure that information protection conditions are met and that processing is performed in a reasonable manner that does not infringe on the data subject's privacy.

8.4. DATA TRANSFER AND OUTSOURCING

8.4.1 To the extent necessary, we only transfer personal information to a third party where: -

- It is required by law;
- The third party upholds principles or reasonable processing of the information that are substantially like the principles contained in POPIA;
- The transfer is for the benefit of the data subject;

- The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third party.

9. PERSONAL DATA BREACH INCIDENTS

- 9.1. Under POPIA, where there are reasonable grounds to believe that a data subject's personal information has been accessed or acquired by an unauthorised person, the responsible party, or any third-party processing personal information under the authority of the responsible party, must immediately notify the Information Regulator and the Data Subject thereof, unless the identity of the data subject cannot be established.
- 9.2. Notification to the Data subject must be: -
 - 9.2.1. Made as soon as reasonably possible after the discovery of the breach;
 - 9.2.2. Sufficiently detailed; and
 - 9.2.3. In writing and communicated to the data subject by mail;
- 9.3. The notification must include such detail to allow the data subject to take protective measures.
- 9.4. All our staff members have been educated and are aware that personal information may not be disclosed or provided to any unauthorized entity or individual.

- 9.5. Any known or suspected breach is treated in a very serious light, is fully investigated and may lead to the institution of disciplinary hearings and sanctions.
- 9.6. Section 201 of the LRA contains a confidentiality clause which is applicable to the NBCEI and provides that a person commits an offence by disclosing such information.
- 9.7. POPIA also provides for strict sanctions relating to any contraventions made in terms of the POPIA Act.

10. SERVICE PROVIDERS

- 10.1. The NBCEI is committed to the protection of the personal information of its data subjects.
- 10.2. In this regard we will ensure that all our service providers adhere to the same strict standards pertaining to the protection of personal information and are also contractually bound to the provisions of POPIA.

11. AUDIT AND ACCOUNTABILITY

- 11.1. The NBCEI has appointed an information officer and deputy information officers for each of its main offices who are responsible for ensuring that

the information protection principles within POPIA and the controls in place to enforce them are complied with.

- 11.2. We require all staff members to adhere to this Policy and the legal requirements to protect the personal information of data subjects in the performance of their duties.
- 11.3. All personnel are required to sign acceptance and understanding of this Policy and will receive the necessary guidance to ensure adherence to the Policy.

12. VALIDITY AND POLICY MANAGEMENT

- 12.1. This policy is valid as of 1July 2021.
- 12.2. The information officer and deputy information officers are responsible for the effective implementation of the Policy and must ensure, if necessary, that the Policy is updated at least once a year
- 12.3. In evaluating the effectiveness and adequacy of this Policy, the NBCEI will develop criteria for consideration and which will include, amongst others:
 - 12.3.1. The number of physical or potential security breaches that occurred during the year;
 - 12.3.2. The number of complaints received by data subjects;
 - 12.3.3. The effectiveness of the policy in protecting the private information of our data subjects.

