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Privacy Policy

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1. Introduction and Purpose

- 1.1. The purpose of this Policy is to develop and secure sound and sustainable management of the processing of Personal Information including where relevant, Special Personal Information within SANBS by establishing principles, norms, standards and other requirements to:
 - 1.1.1. Regulate the processing of Personal Information including Special Personal Information in a manner which complies with the provisions of the Act and gives effect to the right to privacy as envisaged in section 14 of the Constitution of the Republic of South Africa Act, No 108 of 1996, subject to justifiable limitations;
 - 1.1.2. Govern the manner in which Personal Information is collected, stored, recorded and transferred regardless of the form or medium thereof;
 - 1.1.3. Regulate and prescribe the retention of Records and the periods thereof; and
 - 1.1.4. Ensure compliance with all other relevant legislation which governs the processing of Personal Information.
- 1.2. Employees and other parties who are bound by or otherwise required to recognise and abide by this Policy who compromise or violate the provisions of this Policy could significantly damage SANBS's interests, including its relationships with third parties and its reputation, and expose it to un-intended consequences, risks and liabilities. Accordingly, any violation of this Policy will be subject to appropriate action by SANBS, including inter alia possible termination of employment or damages claims, should circumstances so require.

2. Scope

- 2.1. The Internal Privacy Policy applies to all SANBS staff.

3. External References

- 3.1. Protection of Personal Information Act, No 4 of 2013, as amended from time to time (POPIA);
- 3.2. Promotion of Access to Information Act, No 2 of 2000, as amended from time to time (PAIA);
- 3.3. Constitution of the Republic of South Africa Act, No 108 of 1996.

4. Definitions

- 4.1. **Act:** the Protection of Personal Information Act, No 4 of 2013, as amended from time to time;
- 4.2. **Board:** the board of directors of SANBS;
- 4.3. **Business Day:** a day which is not a Saturday or a Sunday or gazetted public holiday in South Africa;
- 4.4. **Consent:** any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;
- 4.5. **Donor:** any person who donates blood to SANBS;
- 4.6. **Data Subject:** the person to whom the Personal Information relates;
- 4.7. **Deputy Information Officers:** those persons contemplated in paragraph 5.3.2;
- 4.8. **Employees:** individuals employed by SANBS, irrespective of whether on a permanent or fixed-term basis;
- 4.9. **Information Officer:** the individual contemplated in paragraph 5.3.1;
- 4.10. **Operator:** a person who processes Personal Information for SANBS in terms of a contract or mandate, without coming under the direct authority of SANBS;
- 4.11. **PAIA:** the Promotion of Access to Information Act, No 2 of 2000, as amended from time to time;
- 4.12. **Personal Information:** personal information as defined in the Act as contemplated in paragraph 5.5.1;
- 4.13. **Policy:** the policy set out in this document and includes all annexures hereto (if any) and any sub-policies prepared, as amended or revised from time to time;
- 4.14. **Processing:** processing as contemplated in paragraph 5.1;
- 4.15. **Public body:** public body as defined in the Act;
- 4.16. **Record:** a record as defined in the Act and currently comprising of any recorded information:
 - 4.16.1. Regardless of form or medium, including any of the following:
 - 4.16.1.1. Writing on any material;

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- 4.16.1.2. Information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
- 4.16.1.3. Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- 4.16.1.4. Book, map, plan, graph or drawing;
- 4.16.1.5. Photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- 4.16.2. In the possession or under the control of a responsible party;
- 4.16.3. Whether or not it was created by a responsible party; and
- 4.16.4. Regardless of when it came into existence;
- 4.17. **Regulator:** the information regulator established in terms of section 39 of the Act;
- 4.18. **Responsible Party:** bears the definition accorded to it in section 1 of the Act;
- 4.19. **South Africa:** the Republic of South Africa;
- 4.20. **Special Personal Information:** Personal Information concerning:
 - 4.20.1. The 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
 - 4.20.2. The criminal behaviour of a Data Subject to the extent that such information relates to:
 - 4.20.2.1. The alleged commission by a Data Subject of any offence; or
 - 4.20.2.2. Any proceedings in respect of any offence allegedly committed by a Data Subject or the disposal of such proceedings; and
 - 4.20.2.3. Any Personal Information concerning a child being a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning himself or herself.

5. Policy

- 5.1. This Policy applies to the processing of all Personal Information by or on behalf of SANBS, by all Employees, officials, agents, and representatives of SANBS. The processing of Personal Information must comply with the provisions of this Policy read in conjunction with the Act.
- 5.2. This Policy prevails over all other policies of SANBS pertaining to the processing of Personal Information. All persons involved in the processing and recording of Personal Information shall:
 - 5.2.1. Comply with the relevant provisions of the Act as read with this Policy;
 - 5.2.2. Interpret and apply this Policy congruently with any other policies of SANBS to the extent that such congruency is possible; and
 - 5.2.3. Apply this Policy in preference to any other policies of SANBS in the event that ambiguity and/or conflict and/or vagueness exists between this Policy and other policies of SANBS.
 - 5.2.4. SANBS must, however, use its best endeavours to ensure that all other policies confirm and are aligned with the terms and conditions set out herein where relevant.
- 5.3. Information Officer and Deputy Information Officer:
 - 5.3.1. The Information Officer for SANBS is the Chief Executive Officer.
 - 5.3.2. The following position and the person who hold such positions are designated Deputy Information Officer, namely:
 - 5.3.2.1. Compliance and Ethics Officer.
 - 5.3.3. The Information Officer will be deemed to have delegated, on a revocable basis, aspects of his/her authority to the Deputy Information Officer in respect of the following matters:
 - 5.3.3.1. To provide general guidance on the processing and recording of Personal Information in accordance with this Policy as read with the Act;

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- 5.3.3.2. To encourage the compliance by SANBS as well as all Employees, with the conditions for the lawful processing of Personal Information;
- 5.3.3.3. Dealing with requests made to SANBS pursuant to the Act as well as this Policy;
- 5.3.3.4. Working with the Regulator in respect of any investigations conducted pursuant to the Act in relation to SANBS;
- 5.3.3.5. To otherwise ensure compliance by SANBS as well as all Employees, with the provisions of the Act and this Policy; and
- 5.3.3.6. To generally implement all processing activities in accordance with this Policy as read with the Act.
- 5.3.4. The Information Officer and Deputy Information Officer shall only be required to perform the functions contemplated in paragraph 5.3.3 upon being registered with the Regulator.
- 5.4. Information Officer's Report:
 - 5.4.1. The Information Officer shall submit a report on the implementation of this Policy to the Board on the request of the Board. Such report shall deal, *inter alia*, with:
 - 5.4.1.1. The compliance of SANBS and its Employees with the provisions of this Policy;
 - 5.4.1.2. The implementation of relevant security safeguards for the protection of the Personal Information as contemplated in point 1.
 - 5.4.1.3. Any security compromises in which there are reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by an unauthorised third party;
 - 5.4.1.4. Any complaints received in respect of the processing of Personal Information as well as any unauthorised use of the Personal Information of a Data Subject by anyone in SANBS; and
 - 5.4.1.5. Any and all other matters as may be appropriate and/or necessary to be addressed in the report contemplated in this paragraph 5.4.1.
 - 5.4.2. The Deputy Information Officer, in accordance with the provisions of paragraph 5.10.5, shall immediately report any compromises in SANBS's security safeguards in writing to the Information Officer, and whereupon the Information Officer shall be obliged to immediately report same to the Board.
- 5.5. **General Processing and Recording**
 - 5.5.1. Personal Information is defined by the Act as information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing, juristic person, including, but not limited to:
 - 5.5.1.1. 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;
 - 5.5.1.2. Information relating to the education or the medical, financial, criminal or employment history of the person;
 - 5.5.1.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 5.5.1.4. The biometric information of the person;
 - 5.5.1.5. The personal opinions, views or preferences of the person;
 - 5.5.1.6. 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;
 - 5.5.1.7. The views or opinions of another individual about the person; and
 - 5.5.1.8. 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.

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- 5.5.2. Subject to the provisions of the Act, Personal Information does not include publicly available directories containing information an individual has voluntarily consented to have publicly disseminated or listed, including name, address and telephone number and does not include information made lawfully available to the general public.
- 5.5.3. Collection of Personal Information.
- 5.5.3.1. Subject to the provisions of paragraph 5.5.3.3 as read with the Act, Personal Information must be collected directly from the Data Subject. This includes all Personal Information required from Donors as well as all Employees and persons applying for these positions.
- 5.5.3.2. Any request (which will include, but not be limited to all application forms as well as other information requests, in whatsoever medium or format) to a Data Subject for Personal Information must be in writing and contain at least the following:
- 5.5.3.2.1. Details pertaining to the Personal Information being collected and, where the Personal Information is not collected from the Data Subject, the source from which it is collected;
- 5.5.3.2.2. The name and address of SANBS;
- 5.5.3.2.3. The purpose for which the Personal Information is being collected;
- 5.5.3.2.4. Whether or not the supply of the Personal Information by that Data Subject is voluntary or mandatory;
- 5.5.3.2.5. The consequences of failure to provide the Personal Information;
- 5.5.3.2.6. Any particular law authorising or requiring the collection of the Personal Information;
- 5.5.3.2.7. Whether the Personal Information will or may be transferred to a third party residing outside of South Africa and the level of protection afforded to the Personal Information by that non-resident third party;
- 5.5.3.2.8. The recipient or category of recipients of the Personal Information;
- 5.5.3.2.9. The nature or category of the Personal Information;
- 5.5.3.2.10. The existence of the right of access to and the right to rectify the Personal Information collected;
- 5.5.3.2.11. The existence of the right to object to the processing of Personal Information; and
- 5.5.3.2.12. The existence of the right to lodge a complaint to the Regulator and the contact details of the Regulator.
- 5.5.3.3. Notwithstanding the provisions of paragraph 5.5.3.1, Personal Information need not be collected directly from the Data Subject in the event that:
- 5.5.3.3.1. The Personal Information is derived from a public record or has been deliberately made public by the Data Subject. A public record is defined in the Act as a Record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body. An example of public records includes deeds office records;
- 5.5.3.3.2. The Data Subject or, where the Data Subject is under the age of 18, his or her parent and/or guardian has consented to the collection of the Personal Information from another source;
- 5.5.3.3.3. The collection of Personal Information from another source would not prejudice a legitimate interest of the Data Subject;
- 5.5.3.3.4. The collection of the Personal Information from another source is necessary:
- 5.5.3.3.4.1. To avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;
- 5.5.3.3.4.2. To comply with an obligation imposed by law or enforce legislation concerning the collection of revenue as

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defined in section 1 of the South African revenue service act, no 34 of 1997;

5.5.3.3.4.3. For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;

5.5.3.3.4.4. In the interest of national security; or

5.5.3.3.4.5. To maintain the legitimate interests of SANBS or of a third party to whom the information is supplied;

5.5.3.3.5. The collection would prejudice the lawful purpose thereof; or

5.5.3.3.6. It is not reasonably practical in the circumstances of the particular case.

5.5.4. **Requests for Personal Information**

Any person who receives a written request from a Data Subject to obtain a Record or description of the Personal Information held by SANBS about the Data Subject, shall be required to:

5.5.4.1. Obtain a certified copy of the proof of identification of that Data Subject; and

5.5.4.2. Refer such request to the Information Officer who must deal with such request in the manner and form prescribed in terms of the Act, as well as PAIA.

5.5.5. **Correction of Personal Information**

5.5.5.1. A Data Subject is entitled to provide SANBS with a written request to:

5.5.5.1.1. Correct or delete the Personal Information about the Data Subject in the possession or control of SANBS which is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

5.5.5.1.2. Destroy or delete a Record of Personal Information about the Data Subject that SANBS is no longer authorised to retain.

5.5.5.2. Within 20 business days (or if this period is not reasonable, then such extended period as may be reasonable in the circumstances) of receipt of the written request contemplated in paragraph 5.5.5.1, the relevant person so designated by the Information Officer shall:

5.5.5.2.1. Correct the Personal Information;

5.5.5.2.2. Destroy or delete the Personal Information;

5.5.5.2.3. Provide the Data Subject, subject to his or her satisfaction, with credible evidence in support of the Personal Information; or

5.5.5.2.4. Where agreement cannot be reached between SANBS and the Data Subject concerned, and if the Data Subject so requests, take such steps, as are reasonable in the circumstances, to attach to the Personal Information in such a manner that it will always be read with the Personal Information, an indication that a correction of the Personal Information has been requested but not been made.

5.5.5.3. In the event of the Information Officer having taken steps as contemplated in paragraphs 5.5.5.1 and 5.5.5.2, where such steps have resulted in a change to the Personal Information of the Data Subject, and where the changed Personal Information has an impact on decisions that have been or will be taken in respect of the Data Subject in question, the Information Officer must, if reasonably practicable, and within 10 business days (or if such period is not reasonable then such extended period as may be reasonable in the circumstances) of such amendment taking place, inform each person or body to whom the Personal Information has been disclosed of the steps taken.

5.6. **Processing of Personal Information**

SANBS has a general and overriding duty to ensure that, at the time of determining the purpose and means of processing of any Personal Information of a Data Subject, as well as during the processing of the aforesaid, the provisions contemplated in this policy as read with the Act, are complied with.

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5.6.1. Consent, Justification and Objection

- 5.6.1.1. For Personal Information to be lawfully processed by SANBS, one of the following requirements must be complied with, namely that:
- 5.6.1.1.1. The Consent of the Data Subject to such processing must be obtained, or in the case of the Data Subject being under the age of 18, the parent and/or guardian of such Data Subject must provide his or her Consent to the processing;
- 5.6.1.1.2. The processing of the Personal Information is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party;
- 5.6.1.1.3. The processing complies with an obligation imposed by law on SANBS;
- 5.6.1.1.4. The processing protects a legitimate interest of the Data Subject;
- 5.6.1.1.5. The processing is necessary for the proper performance of a public law duty by a public body; or
- 5.6.1.1.6. The processing is necessary for pursuing the legitimate interests of SANBS or a third party to whom the Personal Information is supplied.
- 5.6.1.2. The Consent contemplated in paragraph 5.6.1.1.1 may be withdrawn by the Data Subject or, where relevant, the parent and/or guardian of the Data Subject, at any time. Such withdrawal shall be made in writing to the Information Officer.
- 5.6.1.3. The withdrawal of Consent as contemplated above shall not affect the lawfulness of the processing of the Personal Information either in terms of paragraphs 5.6.1.1.2 to 5.6.1.1.6 or which took place prior to SANBS receiving notification of such withdrawal.
- 5.6.1.4. Except where such processing is required in terms of legislation, the Data Subject may, at any time, object to the processing of Personal Information in terms of paragraphs 5.6.1.1.1 to 5.6.1.1.2, on reasonable grounds relating to his or her particular situation. Such notice of objection is to be made in writing to the Information Officer. Where SANBS receives notice of such objection as contemplated herein, SANBS may no longer process the Personal Information of the objecting Data Subject.

5.6.2. Further Processing

- 5.6.2.1. Further processing of Personal Information must be in accordance with the purpose for which the information was collected. Where this is not the case, the Consent of the Data Subject to such further processing must be obtained.
- 5.6.2.2. In assessing whether further processing is compatible with the purpose of collection, SANBS shall take account of:
- 5.6.2.2.1. The relationship between the purpose of the intended further processing and the purpose for which the information has been collected;
- 5.6.2.2.2. The nature of the information concerned;
- 5.6.2.2.3. The consequences of the intended further processing for the data subject;
- 5.6.2.2.4. The manner in which the personal information has been collected; and
- 5.6.2.2.5. Any contractual rights and obligations between the parties.
- 5.6.2.3. Notwithstanding the provisions of paragraph 5.6.2.1, in the event of:
- 5.6.2.3.1. The information being available in or derived from a public record or having deliberately been made public by the Data Subject;
- 5.6.2.3.2. The further processing being necessary: (i) to avoid prejudice to the maintenance of the law by any public body; (ii) to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue; (iii) for the conduct of proceedings in any

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- court or tribunal that have commenced or are reasonably contemplated; or (iv) in the interests of national security;
- 5.6.2.3.3. The further processing being necessary to prevent or mitigate a serious and imminent threat to public health, public safety or the life or health of the Data Subject; or
- 5.6.2.3.4. The Personal Information being used for historical, statistical or research purposes and SANBS ensures that the further processing is carried out solely for such purpose and will not be published in an identifiable form,
- 5.6.2.4. The further processing of such Personal Information may take place without the Consent of the Data Subject or his or her parent and/or guardian, where applicable.
- 5.6.3. Restrictions
- 5.6.3.1. SANBS shall be required to place restrictions on the processing of Personal Information in the event of:
- 5.6.3.1.1. The accuracy of the Personal Information being contested by the Data Subject, for a period to verify the accuracy of the information;
- 5.6.3.1.2. SANBS no longer requiring the Personal Information for achieving the purpose for which it was collected or subsequently processed, but such information is being retained for purposes of proof;
- 5.6.3.1.3. The processing being unlawful and the Data Subject, opposing the destruction or deletion thereof, requesting for the restriction of the use of the Personal Information; or
- 5.6.3.1.4. The Data Subject requests to transmit the Personal Information into another automated processing system.
- 5.6.3.2. Where a restriction as contemplated in this paragraph 5.6.3 has been placed on the processing of the Personal Information of a Data Subject, such information may, with the exception of storage, only be processed for the purposes of proof, or with the Data Subject's Consent or, where relevant, the Consent of the Data Subject's parent and/or guardian, or for the protection of the rights of another natural or legal person, or where such processing is in the public interest.
- 5.6.3.3. Where the processing of Personal Information has been restricted as contemplated in this paragraph 5.6.3, SANBS must inform the Data Subject before lifting the restriction.
- 5.7. **Retention and Record Keeping**
- 5.7.1. The Act requires that SANBS only retains Records for as long as is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:
- 5.7.1.1. Retention of the Record is required or authorised by law. In this regard the minimum retention schedule attached hereto sets out the various minimum retention periods for certain records prescribed by law;
- 5.7.1.2. SANBS reasonably requires the Record for lawful purposes related to its function or activities;
- 5.7.1.3. retention of the Record is required by a contract between the parties thereto; or
- 5.7.1.4. The Data Subject, or his or her parent or legal guardian where relevant, has consented to the retention of the Record.
- 5.7.2. Personal Information collected in accordance with paragraph 5.7.1 shall be retained:
- 5.7.2.1. In the case of Employees for the duration of the Employee's employment and for a period of not more than 7 years thereafter, provided that in the case of information relating to any remuneration including benefits received by former

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Employees will, if this is in the interest of the former Employee, be retained for an indefinite period;

- 5.7.2.2. In the case of Data Subjects who are Donors and Patients and having regard to any existing or future relationship that SANBS has or may have with such persons, be retained for a period of not more than 7 years unless the Data Subject has objected to the retention or otherwise requested a shorter retention period;
- 5.7.2.3. In the case of any other person including applicants for employment, for a period of 3 years after receipt of the Personal Information; or
- 5.7.2.4. Until such Personal Information is superseded, in which case any obsolete Personal Information shall be destroyed.
- 5.7.3. After expiration of the periods contemplated in paragraph 5.7.1, SANBS shall be required to destroy, delete or de-identify the Record of Personal Information as soon as reasonably possible thereafter provided that SANBS will be entitled to retain Records of Personal Information for periods in excess of those contemplated in paragraph 5.7.2 above for historical, statistical or research purposes provided that SANBS has established appropriate safeguards against the records being used for any other purpose.

5.8. **Special Personal Information**

No person shall be entitled to process the Special Personal Information of a Data Subject, unless:

- 5.8.1. The Data Subject has provided his or her Consent to the processing of such information;
- 5.8.2. Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
- 5.8.3. Processing is for historical, statistical or research purposes to the extent that:
 - 5.8.3.1. The purpose serves a public interest and the processing is necessary for the purpose concerned;
 - 5.8.3.2. It appears to be impossible or would involve a disproportionate effort to ask for Consent; and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the Data Subject to a disproportionate extent;
 - 5.8.3.3. Information has deliberately been made public by the Data Subject; or
 - 5.8.3.4. The necessary authorisations have been complied with.

5.9. **Transfer outside South Africa**

- 5.9.1. Subject to the provisions of paragraph 5.9.2, SANBS shall not be entitled to transfer the Personal Information of a Data Subject to a third party who does not reside within South Africa.
- 5.9.2. Personal Information of a Data Subject may be transferred outside of South Africa where:
 - 5.9.2.1. The third party concerned is subject to a law, binding corporate rules or a binding agreement which provides an adequate level of protection that:
 - 5.9.2.1.1. Effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and
 - 5.9.2.1.2. includes provisions, that are substantially similar to this paragraph 5.9.1, relating to the further transfer of Personal Information from the recipient to another third party who is in a foreign country;
 - 5.9.2.2. The Data Subject Consents to the transfer;
 - 5.9.2.3. The transfer is necessary for the performance of a contract between the Data Subject and SANBS, or for the implementation of pre-contractual measures taken in response to the Data Subject's request;

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- 5.9.2.4. The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between SANBS and a third party; or
- 5.9.2.5. The transfer is for the benefit of the Data Subject, and:
 - 5.9.2.5.1. It is not reasonably practical to obtain the Consent of the Data Subject to that transfer; and
 - 5.9.2.5.2. If it were reasonably practical to obtain such Consent, the Data Subject would be likely to give it.
- 5.9.3. In the event of a transfer of Personal Information as contemplated in this paragraph 5.9.2 shall be required to provide the Information Officer with details pertaining to the transfer, including but not limited to whether the Consent to the transfer was obtained from the Data Subject and proof of such Consent.

5.10. Information Security Supervision

5.10.1. Implementation of Security Safeguards

- 5.10.1.1. SANBS strives to ensure the security, integrity and privacy of Personal Information submitted. SANBS will review and update its security measures in accordance with future legislation and technological advances. While, no data transmission can be guaranteed to be totally secure, SANBS will endeavour to take all reasonable steps to protect the Personal Information collected.
- 5.10.1.2. SANBS must secure the integrity and confidentiality of Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent:
 - 5.10.1.2.1. Loss of, damage to or unauthorised destruction of Personal Information; and
 - 5.10.1.2.2. Unlawful access to or processing of Personal Information.
- 5.10.1.3. SANBS has done and will ensure that it takes reasonable steps to:
 - 5.10.1.3.1. Identify all reasonably foreseeable internal and external risks to Personal Information in its possession or under its control;
 - 5.10.1.3.2. Establish and maintain appropriate safeguards against the risks identified;
 - 5.10.1.3.3. Regularly verify that the safeguards are effectively implemented; and
 - 5.10.1.3.4. Ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 5.10.1.4. In implementing the above measures, SANBS will have due regard to generally accepted information security practices and procedures which may apply to it generally.

5.10.2. Information Security

- 5.10.2.1. SANBS is committed to ensuring information security and in particular ensure that the incidence of unauthorised access to or transmission of Personal Information is minimised.
- 5.10.2.2. The following measures have or will be introduced by SANBS and must, where relevant be adhered to:
 - 5.10.2.2.1. All documents containing Personal Information must be securely stored and access thereto controlled in an appropriate manner. No documentation containing Personal Information must be left unattended or unsecured or otherwise in plain sight or otherwise in an environment with ease of access;
 - 5.10.2.2.2. All computers and other electronic devices including particularly mobile devices which are capable of storing or accessing data must be secured with passwords which are to be updated on a regular basis;

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- 5.10.2.2.3. As far as possible and unless there is good reason not to do so, all information and particularly Personal Information must be loaded onto and accessed from SANBS central information systems and not be housed or stored on local devices including computers and other electronic devices; and
- 5.10.2.2.4. Data transmission, such as sending and receiving messages like emails must be conducted by SANBS information systems provided if this involves the transmission of Personal Information as these systems and transmission are encrypted. No non-SANBS assigned email addresses may be used to transmit any Personal Information.
- 5.10.3. SANBS is committed to ensuring information security and in particular ensure that the incidence of unauthorised access to or transmission of Personal Information is minimised.
- 5.10.4. **Information processed by Operators**
- 5.10.4.1. An Operator or anyone processing Personal Information on behalf of SANBS must:
- 5.10.4.1.1. Process such information only with the knowledge or authorisation of SANBS; and
- 5.10.4.1.2. Treat Personal Information which comes to their knowledge as confidential and must not disclose it, unless required by law or in the course of the proper performance of their duties.
- 5.10.4.2. SANBS shall always ensure that, in terms of a written contract between SANBS and the Operator, the Operator which processes Personal Information for SANBS establishes and maintains the security measures referred to in paragraph 5.10.5
- 5.10.4.3. The Operator must notify SANBS immediately where there are reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.
- 5.10.4.4. Notwithstanding anything to the contrary herein contained, under no circumstances must any Operator be allowed to process any Personal Information unless there is a written contract signed by both parties which deals comprehensively with the matters contemplated in this Policy.
- 5.10.5. **Security Compromises**
- 5.10.5.1. In the event of there being reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by an unauthorised person and accordingly, resulting in a compromise of the security safeguards of SANBS, the Information Officer upon, notification of such compromise as contemplated in paragraph 5.4.2, shall immediately upon receipt of such notification report same to the Board.
- 5.10.5.2. The Information Officer shall be required to notify both the Regulator and the Data Subject concerned within 5 Business Days of the Board being informed of the compromise as contemplated in paragraph 5.10.5.1.
- 5.10.5.3. The notification to the Data Subject must be in writing and must either:
- 5.10.5.3.1. Be mailed to the Data Subject's last known physical or postal address; or
- 5.10.5.3.2. Be sent by email to the Data Subject's last known email address; or
- 5.10.5.3.3. Be placed in a prominent position on the website of SANBS; or
- 5.10.5.3.4. Be published in the news media; or
- 5.10.5.3.5. As directed by the Regulator.
- 5.10.5.4. The notification contemplated in paragraph 5.10.5.2 must provide sufficient information to allow the Data Subject to take protective measures against the potential consequences of the compromise, including:
- 5.10.5.4.1. A description of the possible consequences of the security compromise;

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- 5.10.5.4.2. A description of the measures that SANBS intends to take or has taken to address the security compromise;
- 5.10.5.4.3. A recommendation with regard to the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and
- 5.10.5.4.4. If known to SANBS, the identity of the unauthorised third party who may have accessed or acquired the Personal Information.

5.11. REGULATOR

- 5.11.1. The Regulator is a juristic person established in terms of section 39 of the Act. The power, duties and functions of the Regulator are to provide education, to monitor and enforce compliance, examine any proposed legislation, report to the Minister and Parliament the results of such an examination, consult with interested parties, and to handle complaints.
- 5.11.2. The contact details of the Regulator may be obtained from the Information Officer during normal working hours.

6. Approaches to Implementation

- 6.1. The Information Officer is responsible for the administration, revision and interpretation of the Policy.
- 6.2. The policy will be reviewed every 2 years and revised as needed.

7. Revision Summary

VERSION NUMBER	REVISION DETAILS
0	New Policy.