

## METAL AND ENGINEERING INDUSTRIES BARGAINING COUNCIL SICK PAY FUND'S PRIVACY POLICY

### 1. PRIVACY NOTICE

- 1.1 We, the Metal and Engineering Industries Bargaining Council Sick Pay Fund (**Fund, we or us**) process personal information in terms of this policy when we act as a responsible party (we decide why and how to process the personal information). Privacy is very important to us.
- 1.2 This policy (read with other notices given to individual data subjects) is our notice in terms of section 18 of the Protection of Personal Information Act, 2013 (**POPIA**).
- 1.3 This policy describes what personal information we process, where we collect it, why we process it and the legal basis on which we do so and generally, how we do so.

### 2. THE INFORMATION WE COLLECT AND PROCESS

We don't have our own website, email system, electronic messaging, voice recordings, post or other hard copy reception facilities or other infrastructure. If you send us personal information, you do so through our administrator, the Metal Industries Benefit Funds Administrator NPC's (**Administrator**) website, email system, call center, using its Whatsapp or SMS, post or other hard copy reception facilities or other infrastructure (**Infrastructure**). We process personal information using our Administrator's infrastructure.

#### 2.1 INFORMATION OF MEMBERS AND DEPENDANTS

- 2.1.1 We process personal information in relation to our **active and deceased members and dependants (Member Information)**. The Member Information we process includes names, identity or passport numbers, employee numbers, date of birth and age, gender, normal retirement date, Fund joining date, tax number, contact information (phone numbers, email and other addresses), information in communications relating to our Fund, bank account details, salary information, financial information (including contribution and investment options and choices), previous membership of other retirement and benefit funds, employment information (including remuneration, employment duration and work address), health information including medical certificates issued by health practitioners, information about marital status and dependants including children.
- 2.1.2 We source the Member Information from our members, Metal and Engineering Industries Bargaining Council, participating employers (who employ our members and to participate in the Fund in terms of its rules), members' dependants, banks (on members' instructions), the Financial Sector Conduct Authority (**FSCA**), the Department of Labour (**DOL**) and other regulators (in this policy, we collectively describe the sources of Member Information as **Stakeholders**) and tracing reports from credit bureaux (which we use to verify member identity and contact details).
- 2.1.3 We process Member Information to register members of the Fund, receive and allocate member contributions, invest and manage funds, use returns to pay benefits, prepare annual financial statements, for annual audits, statutory actuarial valuations and calculating actuarial projections, to verify identity, contact and bank details, to receive and process claims and pay benefits, resolve questions and complaints, to ensure the security of our business and systems including information processed using the Infrastructure, to comply with the law including the Labour Relations Act, 1995, any applicable collective agreement and the requirements of the FSCA, the DOL and other regulators (**Applicable Laws**), to keep records, including backups of our IT systems, communicating and managing our contracts and relationships with the Administrator, other suppliers and our Stakeholders and securely and properly managing the Fund.

- 2.1.4 The legal bases on which we process Member Information are consent or compliance with the law including the Applicable Laws or our legitimate interests in properly and securely managing the Fund and the Fund's, members' and dependants' legitimate interests in us verifying the member's identity.

## 2.2 INFORMATION RELATING TO PARTICIPATING EMPLOYERS

- 2.2.1 We process personal information relating to participating employers (**Employer Information**) including names, identity, passport and registration numbers, contact information (including phone numbers, email and other addresses) and financial and other information in respect of contributions and contribution returns.
- 2.2.2 We usually source the Employer Information directly from the Metal and Engineering Industries Bargaining Council, the participating employers and from public records.
- 2.2.3 We process Employer Information in relation to registering members of the Fund, receiving, reconciling and allocating contributions, managing the Fund and reporting to the FSCA, the DOL and any other regulatory authority. The legal bases on which we process Employer Information include consent, complying with the law including the Applicable Laws, our legitimate interests in managing relationships and communicating with the participating employers, our members' legitimate interests in the receipt, processing, allocation and reconciliation of contributions, and our legitimate interests in dealing with disputes and claims by, against or involving the Fund, including legal proceedings in any forum.

## 2.3 INFORMATION YOU SEND US VIA THE INFRASTRUCTURE

### OUR ADMINISTRATOR'S WEBSITE

- 2.3.1 You don't have to provide personal information to us when you visit our Administrator's website, but you can do so by:
- 2.3.1.1 sending an enquiry to us; and
- 2.3.1.2 submitting contribution returns online.
- 2.3.2 If you provide us with personal information using our Administrator's website, we source that information from you, with your consent and we only use it for the purpose for which you provide it.
- 2.3.3 Any email enquiries you send us via our Administrator's website or other email Infrastructure are held on our Administrator's email server, by the addressee and by anyone in our Fund to whom the addressee refers your email for response, including our Administrator. Your contribution returns are held by our Administrator's contributions, benefits administration, investment administration and accounting personnel.
- 2.3.4 We use the personal information that you provide to us through our Administrator's website:
- 2.3.4.1 for the purposes for which you provided it; and
- 2.3.4.2 to communicate with you.
- 2.3.5 When you use our Administrator's website, our Administrator processes personal information about how you do so including your IP address and information about your use of the website (i.e. the search terms you use, what pages you access, the links you click, when you visited and the web browser you use) (**Analytics Information**). Our Administrator doesn't collect any of your other personal information when you use its website and neither it nor the Fund uses the Analytics Information to identify any

person. Our Administrator collects the Analytics Information from its website analytics service providers, Media ETC and its service providers, Microsoft, Profitbricks Inc and Trinty Interactive and Google Analytics. The legal basis on which the Analytics Information is used is our legitimate interest in our Administrator analysing and improving its website for the benefit of anyone who uses it.

## COOKIES ON OUR ADMINISTRATOR'S WEBSITE

Our Administrator's website uses **cookies**. Cookies are small pieces of data stored on your device when you use a website for your browsing session only (session cookie) or permanently (persistent cookie) which allow that website to recognize you and track your preferences. **You can set your browser to notify you whenever you receive a cookie.** Most Internet browsers allow the use of cookies. You can change your cookie settings on your browser at any time. You can also delete cookies at any time. **Your ability to access and use our Administrator's website may be affected if you block cookies.** Our Administrator uses first party cookies to learn how you use its website, to improve the website, to identify language and location preferences and for basic website functionality. The cookies our Administrator uses don't contain personal information and it doesn't combine them with other data so that it or the Fund can identify you.

- 2.3.6 Our Administrator's website service providers (including Google Analytics and Media ETC and its service providers, Microsoft, Profitbricks Inc and Trinty Interactive) may also use cookies (**Third Party Cookies**) to track your activity when you use our Administrator's website. Third Party Cookies belong to and are managed by our Administrator's website service providers. Our Administrator doesn't control these service providers. Our Administrator's website service providers have their own privacy policies which you can find on their websites.

## WHATSAPPS AND SMS'S

- 2.3.7 We may use the Infrastructure to communicate in relation to the Fund via SMSs and **WhatsApp**. You don't have to provide us with any personal information using SMSs or WhatsApp but if you do so, we may use and store and process that information on the Infrastructure (**Message Information**). If you provide us with Message Information, we source that information from you, with your consent and we only use it for the purpose for which you provide it. The legal bases on which we process Message Information are consent or complying with the law including the Applicable Laws or protecting the legitimate interests of participating employers, members and dependants by communicating with them in relation to the Fund, dealing with questions and complaints or our legitimate interests in properly and securely managing the Fund. Telecommunications companies and WhatsApp may collect your personal information for their own purposes. The telecommunications companies and WhatsApp are beyond our or our Administrator's control. They have their own independent privacy policies which you can find on their websites.

## VOICE RECORDINGS

- 2.3.8 We may make voice recordings using the Infrastructure when you communicate with us via our Administrator's call centre. You don't have to provide us with any personal information on a telephone call but if you do so, we may use and store and process that information on the Infrastructure (**Call Information**). If you provide us with Call Information, we source that information from you, with your consent and we only use it for the purpose for which you provide it. The legal bases on which we process Call Information are consent or complying with the law including the Applicable Laws or protecting our legitimate interests, those of the Fund and of participating employers, members and dependants by verifying the identities of callers, communicating with them in relation to the Fund, dealing with questions and complaints or our legitimate interests in properly and securely managing the Fund.

- 2.3.9 We may also use the Infrastructure to make voice recordings or transcriptions of meetings. We source the personal information in those recordings or transcriptions from the people who attend the meeting. We use the recordings or transcriptions to keep a record of the outcome of the meetings which we need for various business reasons, including dealing with any claims against, by or involving us, including legal proceedings in any forum. The legal basis for sourcing the personal information in recordings or transcriptions is your consent or our legitimate interest in keeping records of meetings with Stakeholders, trustees or board members or suppliers or dealing with claims against, by or involving us, including legal proceedings in any forum.

## **HARD COPIES**

If you send us personal information by post or by hand delivery, that information will be processed by our Administrator's Infrastructure for receiving and handling post and hand deliveries.

## **2.4 TRUSTEE/BOARD MEMBER INFORMATION**

- 2.4.1 We process personal information relating to our trustees or board members (**Trustee Information**) including names, identity or passport numbers, contact information (including phone numbers, email and other addresses), information in communications, education and employment information, training attended, race and gender, credit and criminal record checks and business or financial information including relating to conflicts of interest.
- 2.4.2 We usually source the Trustee Information directly from our potential or actual trustees or board members, public records, qualification checks, credit and fraud checks, criminal history checks and references.
- 2.4.3 We process Trustee Information in relation to the appointment of trustees or board members, their management of the Fund including arranging, attending and recording board meetings and their decisions, in communication with the FSCA, the DOL and other regulators and in compliance with the law including Applicable Laws. The legal bases on which we process Trustee Information include consent or compliance with the law including Applicable Laws, concluding and performing contracts with our trustees or board members or our legitimate interests in managing relationships and communicating with our trustees or board members, dealing with disputes and claims by, against or involving the Fund, including legal proceedings in any forum.

## **2.5 SUPPLIER INFORMATION**

- 2.5.1 We process personal information relating to the Fund's potential and actual suppliers of goods and services such as the Administrator, the Fund's auditor, actuary, consultants, insurers, investment managers or asset managers (**Supplier Information**). The Supplier Information includes names, identity, passport or registration numbers, contact information (including phone numbers, email and other addresses), tax and VAT numbers, Broad-Based Black Economic Empowerment verification certificates and other licences, authorisations and accreditation relevant to their services and bank account details.
- 2.5.2 We usually source the Supplier Information directly from our potential or actual suppliers, but we may source it from our Administrator or from quotations, adverts, proposals, references or public records.
- 2.5.3 We process Supplier Information in relation to the appointment of suppliers, concluding and managing contracts with them, compliance with laws including the Applicable Laws and our legitimate interest and that of the members in the proper management of the Fund. The legal bases on which we process Supplier Information include consent or concluding and performing contracts with suppliers or our legitimate interests in managing relationships and communicating with our suppliers, receiving, processing

and paying supplier invoices, complying with the law including Applicable Laws, dealing with disputes and claims by, against or involving us, including legal proceedings in any forum

## 2.6 OTHER TYPES OF INFORMATION

- 2.6.1 We also share personal information as necessary to open accounts and receive and process payments through banks (**Bank Information**). We share Bank Information with banks where necessary to comply with money laundering and terrorist financing laws including the Financial Intelligence Centre Act, 2001, to receive and make payments, pay refunds and communicate with you and the bank in relation to such payments or refunds. The source of the Bank Information is usually the account holder but sometimes we source Bank Information from the banks themselves and from people (not the account holder) for whom, to whom or from whom the payment is made or received. The legal basis on which we process Bank Information is consent or compliance with the law or performance of a contract such as paying a supplier or members or their dependants or our legitimate interest in paying our suppliers. Every bank has a privacy policy which you can find on its website.
- 2.6.2 If you send an enquiry to the Fund, we may process your personal information (**Enquiry Information**). We process Enquiry Information for the purposes of responding to your enquiry. Consent is the legal basis on which we process your Enquiry Information.
- 2.6.3 We process information when you communicate with us or when we communicate with Stakeholders in relation to the Fund (**Communication Information**). The Communication Information may include your name and contact details, the content of the communication and if you use the Administrator's website for the communication, related metadata. We process Communication Information to communicate with you, to comply with the law including Applicable Laws and to keep records. The legal bases on which we process Communication Information are compliance with the law including the Applicable Laws, our legitimate interest in properly managing the Fund and our Stakeholders' legitimate interests in communicating with the Fund and receiving responses.
- 2.6.4 We process any of the personal information identified in this policy to investigate, assess, establish, exercise or defend legal claims in any forum (**Claims Information**). The legal basis on which we process Claims Information is our legitimate interests in protecting and enforcing our rights or the rights of others and the proper administration and protection of the Fund.
- 2.6.5 We process any of the personal information identified in this policy when necessary for audits, for asset valuations including statutory valuations, to prepare annual financial statements, to obtain expert advice, to identify, mitigate and manage risks and to obtain, maintain and claim under insurance cover (**Audit and Risk Information**). The legal basis on which we process Audit and Risk Information is compliance with the law, including Applicable Laws or in our legitimate interest in properly managing the Fund, identifying, managing and protecting the Fund against risk and dealing with any related disputes or claims by or against us, including legal proceedings in any forum.
- 2.6.6 We process any of the personal information described in this policy when required to do so by law and as necessary to cooperate with any investigation by any regulatory authority or law enforcement agency.
- 2.6.7 We process any of the personal information described in this policy when necessary to protect your life or other vital interests or those of any other person.

## 3. SHARING YOUR PERSONAL INFORMATION WITH OTHERS

- 3.1 We won't sell personal information to anyone.

- 3.2 When necessary, our trusted third-party operators, including our Administrator, process personal information for us. We contract with our operators binding them to comply with applicable data privacy laws including POPIA. Our contracts oblige our operators to process information only for the purposes, and using means of processing, we determine.
- 3.3 We disclose personal information to our suppliers (including our Administrator) as necessary to manage the Fund. We also disclose personal information to regulators and law enforcement agencies where required by law and where we reasonably believe disclosure is necessary to identify, contact or stop someone who may breach our privacy policy or who may cause harm to, or interfere with, the Fund's rights, property, safety or interests or those of anyone else.
- 3.4 We disclose personal information to underwriters, auditors, actuaries, investment managers and other professional advisors when necessary, so that we can obtain or maintain insurance cover, manage risk, manage the Fund's assets, get their advice or to establish, exercise or defend our rights including in relation to claims by, against or involving us in any legal proceedings in any forum and in any negotiation.
- 3.5 We share Member Information with banks when paying benefits.
- 3.6 We share Member Information with participating employers as necessary to verify a member's employment status.

#### **4. OFFSHORE TRANSFERS**

- 4.1 We may send Trustee Information to service providers situate outside South Africa including investment managers, asset managers and brokers as necessary to facilitate offshore investments.
- 4.2 Where you publish information on our Administrator's website or where you require us to use an online platform when communicating with you and that online platform transfers personal information offshore, you consent to the transfer of your personal information to third parties in foreign countries and you acknowledge that that personal information may be available through the Internet around the world. We cannot prevent unauthorized access to, misuse of, damage to, or destruction of, that personal information.
- 4.3 If we are obliged by law to use an online platform which may transfer personal information offshore, we do not control that online platform and we cannot prevent unauthorized access to, misuse of, damage to, or destruction of, that personal information.
- 4.4 Our Administrator's website is backed up in the United States of America and this means that your contribution returns are also backed up there.
- 4.5 Our Administrator's email servers and file servers are hosted on Microsoft Office 365 including One Drive or SharePoint online in Ireland and backups of these servers are held in Europe. The European Union has data protection laws which provide an adequate level of protection that upholds principles for reasonable processing of personal information substantially similar to the conditions for lawful processing applied by POPIA.
- 4.6 If a Microsoft Teams meeting with us on our Administrator's platform is recorded, that recording may be stored on Microsoft OneDrive which is backed up in the European Union. The European Union has data protection laws which provide an adequate level of protection that upholds principles for reasonable processing of personal information substantially similar to the conditions for lawful processing applied by POPIA.
- 4.7 Where we transfer personal information to countries which don't have an adequate level of data protection similar to POPIA's conditions for lawful processing and the transfer is not covered by section 72 (1) (b) (consent to transfer), (c) (transfer needed to perform a contract with the data subject or take pre-contract steps), (d) (transfer needed to conclude or perform a contract in the data subject's interests) or (e) (the transfer is for the data

subject's benefit and it's not reasonably practicable to obtain the data subject's consent) of POPIA, we will conclude contracts with the third parties to whom the information is transferred binding them to process your information to the standards required by POPIA and not transfer your information to any other country without similar protection.

## **5. MANDATORY AND VOLUNTARY DISCLOSURE**

- 5.1 Where we have to collect and process personal information to comply with the law, we may not be able to enable you to participate in the Fund or appoint you or retain you as a trustee/board member or supplier unless you provide that information.
- 5.2 Except where providing personal information to us is required by law, our Stakeholders are free to volunteer personal information to us. We may ask you for personal information to verify your identity when communicating with you. If you don't provide us with that personal information, we will not be able to assist or further communicate with you. Please don't send us personal information unless we ask you for it or you need to provide it to us. If a person chooses not to provide personal information which we request so that we can properly manage the affairs of the Fund, this may restrict or prevent the proper management of the Fund including preventing or restricting participation in, or benefit or exit from, the Fund.

## **6. PROTECTING PERSONAL INFORMATION**

- 6.1 We take appropriate and reasonable technical and organisational steps to protect your personal information against unauthorised access or disclosure.
- 6.2 The steps we take include ensuring that the Infrastructure (and our other operators' infrastructure on which your personal information is processed) is protected by physical and electronic access control, encryption, appropriate firewalls and malware and virus protection.

## **7. SUMMARY OF DATA SUBJECT RIGHTS OF ACCESS, RECTIFICATION, OBJECTION AND COMPLAINT**

- 7.1 Every data subject has the rights of access, correction, objection and complaint which are summarised in this paragraph. This is only a summary of those rights and to get a proper understanding of them, please read the relevant provisions in POPIA.
- 7.2 Subject to POPIA and other laws, by completing and sending us the request form available on request from [popia.officer@mibfa.co.za](mailto:popia.officer@mibfa.co.za), you may:
  - 7.2.1 ask us to confirm, free of charge, if we hold personal information about you;
  - 7.2.2 for the prescribed fee, obtain a record or description of the personal information we hold and a list of third parties or the categories of third parties who hold it;
  - 7.2.3 where the legal basis on which we process your personal information is consent, you may withdraw your consent but this will not affect the lawfulness of our processing before your withdrawal and even if you do withdraw your consent, we can continue processing your personal information where there is another legal basis for that processing such as compliance with applicable laws;
  - 7.2.4 if any of your personal information that we have processed is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or if we are no longer authorised to retain that personal information, you may ask us to correct, destroy or delete the personal information but we emphasize that, despite your request, we may not destroy or delete personal information where we are entitled to continue processing it;

- 7.2.5 at any time, on reasonable grounds and except where legislation provides for such processing, object to the processing of your personal information for the proper performance of a public law duty by a public body or to pursue your legitimate interests or to pursue our legitimate interests or those of a third party to whom the personal information is supplied;
- 7.2.6 at any time, object to the processing of personal information for direct marketing (other than direct marketing by means of unsolicited electronic communications);
- 7.2.7 if you feel that we have processed your personal information unlawfully, complain to the Information Regulator who can be contacted at:
- 7.2.7.1 JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001;
- 7.2.7.2 P.O Box 31533, Braamfontein, Johannesburg, 2017; or
- 7.2.7.3 Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za).

## **8. AMENDING THIS POLICY**

- 8.1 We may update this policy from time to time by publishing a new version on our Administrator's website.
- 8.2 We may email you to tell you about important changes to this policy.
- 8.3 You can also obtain the current version of this policy at any time by emailing a request to [popia.officer@mibfa.co.za](mailto:popia.officer@mibfa.co.za).

## **9. OUR ADDRESS AND OUR INFORMATION OFFICER'S DETAILS**

- 9.1 You can contact us at our Administrator's offices at Metal Industries House (5<sup>th</sup> floor), 42 Anderson Street, Johannesburg, 2001, South Africa.
- 9.2 Our Information Officer can be contacted on [popia.officer@mibfa.co.za](mailto:popia.officer@mibfa.co.za).