

## METAL INDUSTRIES BENEFIT FUND ADMINISTRATORS PRIVACY POLICY

### 1. PRIVACY NOTICE

- 1.1 We, the Metal Industries Benefit Fund Administrators NPC (**MIBFA, 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 collect and process personal information using our 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 website, email system, call centre, Whatsapp or SMSs, post or other hard copy reception facilities or other infrastructure (**Infrastructure**).

#### 2.1 INFORMATION RELATING TO OUR SERVICES

- 2.1.1 We process personal information in relation to our services (**Service Information**) administering retirement and other benefit funds (**Funds**), providing investment administration services for the Funds, providing payroll administration services for certain clients and collecting levies for Steel and Engineering Industries Federation of South Africa (**SEIFSA**) and the Metal and Engineering Industries Bargaining Council (**Council**). While these services are provided as an operator in terms of POPIA, we process personal information as a responsible party in relation to our contracts with the Funds, our payroll clients, SEIFSA and the Council (**Clients**) including their names, registration and VAT numbers, the names, identity or passport numbers of their representatives including Fund trustees or board members or principal officers or other Client representatives, contact information (phone numbers, email and other addresses), information in communications with our Clients and others relating to our contracts with them and other information required to enable us to invoice and recover payment for our services.
- 2.1.2 We source the Service Information from our Clients or their representatives.
- 2.1.3 We process Service Information to negotiate, conclude and perform our contracts with our Clients, to communicate and manage our relationships and contracts with our Clients, to invoice and recover payment for our services, to ensure the security of our business and Infrastructure, to effect all required registrations and to apply for, obtain and maintain all applicable licences and other authorisations required to enable us to lawfully provide our services and operate our business, to comply with the law including the Pension Funds Act, 1956, tax laws, any applicable collective agreements and employment laws, occupational health and safety laws and the requirements of the Pension Funds Administrator (**PFA**), Financial Sector Conduct Authority (**FSCA**), South African Revenue Service (**SARS**) and other regulators (collectively **Applicable Laws**), to keep records including backups of our IT systems and securely and properly administering our business.
- 2.1.4 The legal bases on which we process Service Information are consent or compliance with the law including Applicable Laws or concluding and performing contracts for our services or our legitimate interests in properly and securely administering our business.

## 2.2 INFORMATION VIA THE INFRASTRUCTURE

### OUR WEBSITE

- 2.2.1 You don't have to provide personal information to us when you visit our website but you can do so by sending an enquiry to us.
- 2.2.2 If you provide us with personal information using our website, we source that information from you, with your consent and we only use it for the purpose for which you provide it.
- 2.2.3 Any email enquiries you send us via our website or other email Infrastructure are held on our email server, by the addressee and by anyone in our business to whom the addressee refers your email for response.
- 2.2.4 We use the personal information that you provide to us through our website:
- 2.2.4.1 for the purposes for which you provided it;
  - 2.2.4.2 to administer and improve our website;
  - 2.2.4.3 to improve our services; and
  - 2.2.4.4 to communicate with you.
- 2.2.5 When you use our website, we process personal information about how you do so including your IP address and information about your use of the website (eg the search terms you use, what pages you access, the links you click, when you visited and the web browser you use) (**Analytics Information**). We don't collect any of your other personal information when you use our website and we don't use the Analytics Information to identify any person. We collect the Analytics Information from our website analytics service providers, Media ETC and its service providers, Microsoft, Profitbricks Inc and Trininty Interactive and Google Analytics. The legal basis on which we use the Analytics Information is our legitimate interest in analyzing use of, and improving, our website for the benefit of anyone who uses it.

### COOKIES

We use **cookies** on our website. 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 website may be affected if you block cookies.** We use first party cookies on our website to learn how you use it, to improve it, to identify language and location preferences and for basic website functionality. The cookies we use don't contain personal information and we don't combine them with other data so that we can identify you.

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

## SOCIAL MEDIA

- 2.2.7 Someone has opened a Facebook page which purports to be a MIBFA Facebook page but please note that this page is **not a MIBFA Facebook account**. We will not communicate with you or post to the Facebook account opened in our name.
- 2.2.8 We have a page on the **social media platform**, LinkedIn but we don't use this to communicate with the public about our business and services.
- 2.2.9 You don't have to provide us with any personal information when communicating with us on our social media accounts but if you do, we may store and use that information to respond to you or otherwise deal with your communication. The legal basis on which we process information which you provide to us on our social media accounts is our legitimate interest in marketing our business and responding to enquiries.
- 2.2.10 When you communicate with us using our social media accounts, please remember that that social media platform may collect your personal information for its own purposes including tracking your use of our website on the pages on which links to the social media platform are displayed. If you are logged in to a social media platform (including any Google service) while you visit our website or our social media accounts, the social media platform's tracking will be associated with your profile with that social media platform. These social media platforms are beyond our control. They have their own independent privacy policies which you can find on their websites.

## WHATSAPPS AND SMS'S

- 2.2.11 We may use the SMSs and **WhatsApp** to communicate with our employees, our Clients and their representatives and suppliers. 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 in relation to our services (**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 concluding and performing a contract for our services or our legitimate interests in properly and securely administering our business, providing services to our Clients and marketing our services. Telecommunications companies and WhatsApp may collect your personal information for their own purposes. The telecommunications companies and WhatsApp are beyond our control. They have their own independent privacy policies which you can find on their websites.
- 2.2.12 We may have **links** to other websites, social media accounts and platforms on our website or social media pages. These linked websites, accounts and platforms are beyond our control. If you click on links on our website or social media pages, the linked website, account or platform may send its own cookies to your device, collect data or process your personal information. You access other websites, accounts and platforms through links on our website or social media pages at your own risk. Please check the privacy policies of websites, accounts and platforms which are linked to our website. You don't have any recourse against us if you access a third party website, account or platform, even if you do so using a link on our website or social media page.
- 2.2.13 If you post information on our website or our social media accounts, we may process the personal information in your posts (**Published Information**). We may process the Published Information to enable publication of your posts and in administering our website and our social media accounts and marketing our services. The legal basis on which we process Published Information is your consent or our legitimate interests in properly administering our business including our website and our social media accounts and marketing our services.

## VOICE RECORDINGS

- 2.2.14 We may make voice recordings using the Infrastructure when you communicate with us via our 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 and those of our Clients by verifying the identities of callers, communicating with callers, dealing with questions and complaints and properly and securely managing our business.
- 2.2.15 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 by, against 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 Clients, employees, suppliers and others or dealing with claims against, by or involving us, including legal proceedings in any forum.

## HARD COPIES

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

## 2.3 INFORMATION OF OUR PEOPLE, THEIR DEPENDANTS AND BENEFICIARIES

- 2.3.1 We process personal information in relation to our employees and their dependants and beneficiaries (**Employee Information**) including names, identity or passport numbers, contact information (phone numbers, email and other addresses) information in communications, bank account details, remuneration and payroll information, tax number, financial, education and employment information, health information, trade union membership, information about marital status and dependants including children, race, gender and credit and criminal history.
- 2.3.2 Our employees are the main source of the Employee Information but we also source it from recruitment agents and websites, references, public records, qualification checks, credit and fraud checks, criminal history checks and licensed databases. We may also source Employee Information from competency, psychometric and other appropriate assessments.
- 2.3.3 We process Employee Information in recruiting employees, concluding and managing our contracts with our employees, in relation to benefits such as medical scheme and retirement fund membership and group life and other insurance cover, to comply with the law including Applicable Laws, determining our employment equity compliance in respect of diversity categories including age, gender, ethnicity, nationality, religion, disability, and marital or family status, so we know who to contact in an emergency involving an employee, in implementing, monitoring and applying access and security controls for our offices, remote work access and our IT systems, providing training and skills development, in dealing with disputes and claims by, against or involving us, including legal proceedings in any forum, to list the names of employees dismissed for serious misconduct with the South African Fraud Prevention Service or any similar service and for internal recruitment screening against the names of employees dismissed for serious misconduct.
- 2.3.4 The legal bases on which we process Employee Information are consent or compliance with the law including Applicable Laws or concluding and performing a contract with

our employees or our legitimate interests in providing our services, managing, securing and administering our business, offices, remote work access, IT systems and our other Infrastructure, ensuring a proper standard of service to the Funds and our other Clients, communicating with and managing our employees and discouraging the re-employment of employees associated with serious misconduct by us or others within the financial services sector to reduce fraud and dishonesty.

## 2.4 INFORMATION RELATING TO JOB APPLICATIONS

2.4.1 We process personal information relating to job applicants including names, contact details (including phone numbers, email and other addresses), education and employment history, race, gender and any other personal information included in the job application (**Applicant Information**).

2.4.2 We source most of the Applicant Information from the job applicant in person or by email. We may also source Applicant Information from competency, psychometric and other assessments. We may also source Applicant Information from recruitment agents and websites, from references, public records, qualification checks, credit and fraud checks, criminal history checks and licensed databases.

2.4.3 We process Applicant Information to consider, verify and deal with the job applications and so that we can contact applicants about possible job opportunities.

2.4.4 The legal basis on which we process the Applicant Information is consent or our legitimate interests in recruiting suitable employees for our business.

## 2.5 SUPPLIER INFORMATION

2.5.1 We process personal information relating to potential and actual suppliers of goods and services including 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 relevant and required registrations, licences, authorisations and accreditation and bank account details (**Supplier Information**).

2.5.2 We usually source the Supplier Information directly from our potential or actual suppliers but we may source it 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 in the proper management of our business. 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, dealing with disputes and claims by, against or involving us, including legal proceedings in any forum and complying with the law including Applicable Laws.

## 2.6 OTHER TYPES OF INFORMATION

2.6.1 If you enquire about our services, 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.

2.6.2 We process information when you communicate with us or when we communicate with you in performing our services (**Communication Information**). The Communication Information may include your name and contact details, the content of the communication and if you use our 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 is the performance of contracts or compliance with the law including the Applicable Laws or our legitimate interest in properly providing our services or the legitimate interests of our Clients, employees, suppliers' and others in communicating with us and receiving responses.

- 2.6.3 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 our business.
- 2.6.4 We process any of the personal information identified in this policy when necessary for audits, 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 identifying, managing and protecting our business against risk and dealing with any related disputes or claims by, against or involving us, including legal proceedings in any forum.
- 2.6.5 We process any of the personal information described in this policy when required to do so by law such as to comply with court orders or orders of other tribunals or bodies and as necessary to cooperate with any investigation by any regulatory authority or law enforcement agency.
- 2.6.6 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 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 as necessary to perform our services and manage our business.
- 3.4 We disclose personal information to underwriters, auditors, investment advisors and other professional advisors when necessary so that we can obtain or maintain insurance cover, manage risk, manage our assets, get advice or 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 use the following service providers to process personal information: hosting provider, web analysis service provider, IT programming and maintenance service providers (including website), email exchange, online platform service providers, archiving and document storage service providers (electronic and hard copy), payroll and data destruction service provider (physical files).
- 3.6 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, our rights, property, safety or interests or those of anyone else. We disclose personal information when required to comply with a legally binding order or directive of a court, tribunal or other entity.

- 3.7 We share Employee Information with medical schemes, retirement funds and insurers for purposes of providing benefits to our employees.

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

- 4.1 Where you publish information on our website or on any of our social media accounts 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.
- 4.2 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.
- 4.3 Our website is backed up in the United States of America and any personal information which you provide to us using our website is also backed up there.
- 4.4 Our 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.
- 4.5 If a Microsoft Teams meeting with us 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.
- 4.6 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 in relation to our services, we can't provide our services unless you provide that information.
- 5.2 Except where providing personal information to us is required by law, our Clients, employees, suppliers and others 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 provide our services, this may restrict or prevent us from providing those services.

#### **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.

The steps we take include ensuring that the Infrastructure (and our 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 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 MIBFA's head office is 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).