	PROTECTION OF PERSONAL INFORMATION ACT NO.4 OF 2013 (SOUTH AFRICA) (POPIA) POLICY			
	Author:	SAMWUMED INFORMATION OFFICER	Issue Date:	JULY 2024
	Approver:	SAMWUMED INFORMATION OFFICER	Review Date:	JULY 2025
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PART A

Process Owners


SAMWUMED INFORMATION OFFICER
SAMWUMED EXCO

Intent of this Policy

- i. SAMWUMED will: –
 - Comply with both the law and good practice.
 - Respect individuals’ rights.
 - Be open and honest with individuals whose data is held.
 - Provide training and support for staff who handle personal data, so that they can act confidently and consistently.
- ii. SAMWUMED recognises that its first priority under the POPI Act is to avoid causing harm to individuals. This means: –
 - Keeping information securely in the right hands; and
 - Holding good quality information.
- iii. Secondly, the Act aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken into account. In addition to being open and transparent, SAMWUMED will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.

Responsibilities

Area	Responsibility
Information Officer	Annual Review
SAMWUMED EXCO	Annual Review

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Related Documents

- SAMWUMED Manual Prepared in terms of Section 51 of the Promotion of Access to Information Act No.2 of 2000.
- SAMWUMED Customer Privacy Notice

Abbreviations and Definitions

Abbreviation / Term	Description / Definition
Data Subject	Any person who can be identified through name, online identifier, identity factor or similarly as a natural person.
EXCO	Executive Committee
IO	Information Officer
PO	Principal Officer
Personal Information	Information relating to an identifiable, living, natural person and, where applicable, an identifiable, existing juristic person.
SAMWUMED	South African Municipal Workers’ Union National Medical Scheme.
The Scheme	South African Municipal Workers’ Union National Medical Scheme.


PART B

1 Introduction

1.1. Policy Purpose

1.1.1. The purpose of this Policy is to enable SAMWUMED to: –

- 1.1.1.1. Comply with the law in respect of the data it holds about individuals.
- 1.1.1.2. Follow good practice.
- 1.1.1.3. Protect SAMWUMED’s staff and other individuals.
- 1.1.1.4. Protect the organisation from the consequences of a breach of its responsibilities.

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1.2. Personal Information

1.2.1. This Policy applies to the business of SAMWUMED, wherever it is conducted, but based at the registered office. It applies to paid staff.

1.3. Definitions

1.3.1. Refer to the “Abbreviations and Definitions” section above.

1.4. Policy Statement

1.4.1. Refer to the “Intent of this Policy” section above.

1.5. Key Risks

1.5.1. SAMWUMED has identified the following potential key risks, which this Policy is designed to address: –

- 1.5.1.1. Breach of confidentiality (information being given out inappropriately).
- 1.5.1.2. Insufficient clarity about the range of uses to which data will be put – leading to Data Subjects being insufficiently informed.
- 1.5.1.3. Failure to offer choice about data use when appropriate.
- 1.5.1.4. Breach of security by allowing unauthorised access.
- 1.5.1.5. Harm to individuals if personal data is not up to date.
- 1.5.1.6. Data Operator contracts.

2 Information Officer Responsibilities


2.1. Scope

2.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 1, and Chapter 5, Part B.

2.2. Information Officer Responsibilities

2.2.1. The Information Officer has the following responsibilities: –

- 2.2.1.1. Developing, publishing, and maintaining a POPI Policy which addresses all relevant provisions of the POPI Act, including but not limited to the following: –
- 2.2.1.2. Reviewing the POPI Act and periodic updates as published.

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- 2.2.1.3. Ensuring that POPI Act induction training takes place for all staff.
- 2.2.1.4. Ensuring that periodic communication awareness on POPI Act responsibilities takes place.
- 2.2.1.5. Ensuring that Privacy Notices for internal and external purposes are developed and published.
- 2.2.1.6. Handling data subject access requests.
- 2.2.1.7. Approving unusual or controversial disclosures of personal data.
- 2.2.1.8. Approving contracts with Data Operators.
- 2.2.1.9. Ensuring that appropriate policies and controls are in place for ensuring the Information Quality of personal information.
- 2.2.1.10. Ensuring that appropriate Security Safeguards in line with the POPI Act for personal information are in place.
- 2.2.1.11. Handling all aspects of relationship with the Regulator as foreseen in the POPI Act.
- 2.2.1.12. Provide directions to any Deputy Information Officer if/ when appointed.


2.3. Appointment

- 2.3.1. The appointment of the SAMWUMED Information Officer will be authorized by the Designated Head.
- 2.3.2. Consideration will be given on an annual basis of the reappointment or replacement of the Information Officer; the need for any Deputy to assist the Information Officer.

3 Processing Limitation

3.1. Scope

- 3.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 2.

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3.2. Processing Limitation

3.2.1. SAMWUMED undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, Sections 9 to 12, subject to the following stipulation (Forms of Consent).

3.3. Forms of Consent

3.3.1. SAMWUMED undertakes to gain written consent where appropriate; alternatively, a recording must be kept of verbal consent.

3.4. Nature of Personal Information

3.4.1. SAMWUMED has used the POPI-Personal Information Diagnostic tool to identify all instances of personal information in the organisation.

4 Purpose Specification

4.1. Scope

4.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 3.

4.2. Purpose Specification

4.2.1. SAMWUMED undertakes to comply with the POPI Act, Conditions 3 in terms of processing limitation, Sections 13 and 14, subject to the following stipulation (Retention Periods).

4.3. Retention Periods

4.3.1. SAMWUMED will establish retention periods for at least the following categories of data: –


4.3.1.1. Trustees

4.3.1.2. Staff

4.3.1.3. Members

4.3.1.4. Suppliers

4.3.2. Detailed coverage of the relevant retention periods has been documented in the Personal Information Diagnostic tool.

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5 Further Processing Limitation

5.1. Scope

5.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 4.

5.2. Further Processing Limitation

5.2.1. SAMWUMED undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, Section 15.

6 Information Quality

6.1. Scope

6.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 5.

6.1.2. SAMWUMED will comply with all of the aspects of Condition 5, Section 16.

6.2. Accuracy

6.2.1. SAMWUMED will regularly review its procedure for ensuring that its records remain accurate and consistent and, in particular: –

6.2.1.1. ICT systems will be designed, where possible, to encourage and facilitate the entry of accurate data.

6.2.1.2. Data on any individual will be held in as few places as necessary, and all staff will be discouraged from establishing unnecessary additional data sets.


6.2.1.3. Effective procedures will be in place so that all relevant systems are updated when information about any individual changes.

6.2.1.4. Staff who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.

6.3. Updating

6.3.1. SAMWUMED will review all personal information on an annual basis in October/ November of each year.

6.4. Archiving

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- 6.4.1. Archived electronic records of SAMWUMED are stored securely off site with Iron Mountain South Africa (Pty) LTD.
- 6.4.2. Paper record archiving takes place through the services of Metrofile (Pty) LTD.

7 Openness

7.1. Scope

- 7.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 6.

7.2. Openness

- 7.2.1. In line with Conditions 6 and 8 of the Act, SAMWUMED is committed to ensuring that in principle Data Subjects are aware that their data is being processed and: –
 - 7.2.1.1. for what purpose it is being processed; and
 - 7.2.1.2. what types of disclosure are likely; and
 - 7.2.1.3. how to exercise their rights in relation to the data.

7.3. Procedure


- 7.3.1. Data Subjects will generally be informed in the following ways: –
 - 7.3.1.1. Staff: through this Policy.
 - 7.3.1.2. Members, Suppliers, and other interested parties: through the SAMWUMED Privacy Notice.
- 7.3.2. Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.

8 Security Safeguards

8.1. Scope

- 8.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 7, Section 19 to 22.
- 8.1.2. This Section of the Policy only addresses security issues relating to personal information. It does not cover security of the building, business continuity or any other aspect of security.

8.2. Specific Risks

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8.2.1. SAMWUMED has identified the following risks: –

8.2.1.1. Staff with access to personal information could misuse it.

8.2.1.2. Staff may be tricked into giving away information, either about Members/ suppliers or colleagues, especially over the phone, through “social engineering”.

8.3. Setting Security Levels

8.3.1. Access to information on the main SAMWUMED computer system will be controlled by function.

8.3.2. SAMWUMED has used the POPI-Personal Information Diagnostic tool to identify security levels required for each record held which contains Personal Information.

8.4. Security Measures

8.4.1. SAMWUMED will ensure that all necessary controls are in place in terms of access to personal information.

8.5. Business Continuity

8.5.1. SAMWUMED will ensure that adequate steps are taken to provide business continuity in the event of an emergency.

8.6. Related Policy

8.6.1. Please see the SAMWUMED Information Technology Policy for further guidance.

9 Data Subject Participation

9.1. Scope


9.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Condition 8, Sections 23 to 25.

9.2. Responsibility

9.1.2. Any subject access requests will be handled by the POPI Act Information Officer in terms of Condition 8.

9.3. Procedure for making a request.

9.3.1. Subject access requests must be in writing. All staff are required to pass on anything which might be a subject access request to the POPI Act Information Officer without delay.

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9.3.2. Requests for access to personal information will be handled in compliance with the POPI Act and in compliance with the Promotion of Access to Information Act (PAIA), as defined in the SAMWUMED PAIA Manual.

10 Processing of Special Personal Information

10.1. Scope

10.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Part B, Sections 26 to 33.

10.2. Processing of Special Personal Information

10.2.1. SAMWUMED has the policy of adhering to the process of Special Personal Information which relates to 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.

10.2.2. Special personal information includes criminal behaviour relating to alleged offences or proceedings dealing with alleged offences.

10.2.3. Unless a general authorisation, alternatively a specific authorisation relating to the different types of special personal information applies, a responsible party is prohibited from processing special personal information.

11 Processing of Personal Information of Children

11.1. Scope


11.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Part C, Sections 34 and 35.

11.2. Processing of Personal Information of Children

11.2.1. SAMWUMED has the policy of adhering to the process of Special Personal Information of children only applies for under-18 individuals, so an age check is required for all personal information records.

11.2.2. General authorisation concerning personal information of children only applies where persons under-18 is involved.

11.2.3. SAMWUMED has used the POPI-Personal Information Diagnostic tool to identify any records held which contain the Personal Information of children.

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12 Prior Authorisation

12.1. Scope

12.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Chapter 6.

12.2. Prior Authorisation

12.2.1. SAMWUMED has the policy of adhering to the process of Prior Authorisation in terms of Sections 57 to 59.

13 Direct Marketing, Directories and Automated Decision Making

13.1. Scope

13.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Chapter 8.

13.2. Direct Marketing, Directories and Automated Decision Making

13.2.1. SAMWUMED undertakes to comply with the POPI Act Chapter 8, Sections 69 to 71.

13.3. Opting in

13.3.1. Whenever data is first collected which might be used for any marketing purpose, this purpose will be made clear, and the Data Subject will be given a clear opportunity to opt in.

13.4. Sharing lists

13.4.1. SAMWUMED has the policy of sharing lists (or carrying out joint or reciprocal mailings) only on an occasional and tightly controlled basis. Details will only be used for any of these purposes where the Data Subject has been informed of this possibility, along with an option to opt out, and has not exercised this option.

13.4.2. SAMWUMED undertakes to obtain external lists only where it can be guaranteed that the list is up to date and those on the list have been given an opportunity to opt out.


13.5. Electronic Contract

13.5.1. Whenever e-mail addresses are collected, any future use for marketing will be identified, and the provision of the address made optional.

14 Transborder Information Flows

14.1. Scope

14.1.1. The scope of this aspect of the Policy is defined by the provisions of the POPI Act, Chapter 9.

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14.2. Transborder Information Flows

- 14.2.1. SAMWUMED will ensure that the POPI Act Chapter 9, Section 72 is fully complied with.
- 14.2.2. SAMWUMED has used the POPI-Personal Information Diagnostic tool to identify Transborder flows which contain Personal Information.
- 14.2.3. Compliance with Section 72 will be achieved through the use of the necessary contractual commitments from the relevant parties.

15 Staff Training & Acceptance of Responsibilities

15.1. Scope

- 15.1.1. The scope of this aspect of the Policy is written in support of the provisions of the POPI Act, Chapter 5, Part B.

15.2. Documentation

- 15.2.1. Information for staff is contained in this Policy Document and other materials made available by the Information Officer.

15.3. Induction

- 15.3.1. The SAMWUMED Information Officer will ensure that all staff who have access to any kind of personal information will have their responsibilities outlined during their induction procedures.

15.4. Continuing Training

- 15.4.1. SAMWUMED will provide opportunities for staff to explore POPI Act issues through training, team meetings, and supervision.


15.5. Procedure for staff signifying acceptance of the Policy.

- 15.5.1. SAMWUMED will ensure that staff sign acceptance of this Policy once they have had a chance to understand the Policy and their responsibilities in terms of the Policy and the POPI Act.

16 Policy Review

16.1. Responsibility

- 16.1.1. The SAMWUMED Information Officer is responsible for an annual review to be completed prior to the Policy anniversary date.

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16.1.2. The SAMWUMED Information Officer will ensure relevant stakeholders are consulted as part of the annual review to be completed prior to the Policy anniversary date, or as and when such review may be required.

PART C

Document History

Version	Date	Change description	Accepted	Total no. of pages
1	June 2021	Approved by IO.	IO	10
2	June 2022	Approved by IO.	IO	10
3	July 2023	Approved by IO.	IO	14
4	July 2024	Approved by IO.	IO	14

Approval of Policy:

Principal Officer: SAMWUMED.

The Policy becomes effective on the date of Approval.

DocuSigned by:


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Ms. F Mosoeu

8/23/2024 | 9:49 AM PDT

Date

Principal Officer | SAMWUMED