

# POPI PRIVACY POLICY

of



**South African Institute of Auctioneers**

**“the Private Body”**

<b>Compiled by</b>	Sonja Styger
<b>Version</b>	1
<b>Effective date</b>	
<b>Signature</b>	

## Table of Contents

1. Introduction.....	3
2. The Scope of the Policy .....	3
3. Definitions.....	4
4. POPI Conditions.....	5
4.1.1. Accountability and Openness.....	5
4.1.2. Processing limitation and Further processing limitation.....	5
4.1.3. Specific Purpose.....	5
4.1.4. Information quality.....	5
4.1.5. Security safeguards.....	5
4.1.6. Data subject participation.....	5
5. Personal Information Collected.....	6
6. The Usage of the Personal Information.....	6
7. Disclosure of Personal Information.....	8
8. Security Safeguards.....	8
9. Access and Correction of Personal Information.....	10
10. Amendments to this Policy.....	12
11. PAIA & POPI Manual Availability.....	12
12. Records that cannot be Found.....	12
13. The Prescribed Fees.....	12

## **1. Introduction**

The Private Body is a non-profit company that sets industry standards to promote ethical auctioneering practices and represents auctioneers and stakeholders in South Africa. It aims to uphold a professional and ethical auction industry through member education and support, while also protecting and informing the public about auctioneering. The Private Body is mandated to comply with the Protection of Personal Information Act 4 of 2013 (POPI).

POPI requires the Private Body to inform their Data Subjects about the way their personal information is used, disclosed, and destroyed.

This POPI Privacy Policy describes the way the Private Body intends to meet its legal obligations and requirements in respect of the lawful processing of personal information as set out in POPI.

POPI further requires the Private Body to make the Data Subject (in this case "You") aware of how your personal information will be processed lawfully. By signing this POPI Privacy Policy and by providing your Personal Information, You are acknowledging that You have been made aware of the specific purpose/s for processing your Personal Information. You further agree with the contents contained herein and hereby authorise the Private Body to process your personal information for the specific purpose/s and in the manner as set out herein below. This Policy is subject to change, whenever it is required.

## **2. The Scope of the Policy**

This Policy applies to Data Subjects whose personal information is being processed by the Private Body in accordance with the requirements set out in POPI

### 3. Definitions

- 3.1. **“Consent”** means any voluntary, specific, and informed expression of will, granting permission for the processing of personal information.
- 3.2. **“Data Subject”** means any individual or legal entity to whom personal information pertains. This includes, but is not limited to, current and future employees, independent contractors, members, service providers, subcontractors, and other stakeholders, collectively referred to as "You" herein.
- 3.3. **“Information Officer”** means the person who is responsible for encouraging POPI compliance, within the Private Body by practically implementing the conditions for the lawful processing of personal information and creating the necessary awareness. The information Officer is also responsible to handle requests made by a Data Subject in relation to access to records or the correction, destroying or deletion of his/her/its personal information.
- 3.4. **“Personal information”** means information relating to an identifiable, individual, or legal entity as defined by the POPI Act.
- 3.5. **“Private Body”** means the South African Institute of Auctioneers with registration number, 89/05903/08 with business address 10 Evelyn Road, Retreat, Cape Town.
- 3.6. **“Processing”** means any operation or set of operations, whether manual or automated, that involves the collection, receipt, recording, organization, collation, storage, updating, modification, retrieval, alteration, consultation, use, dissemination, transmission, distribution, or any other form of making available, merging, linking, restriction, degradation, erasure, or destruction of personal information.
- 3.7. **“POPI”** means the Protection of Personal Information Act 4 of 2021.

## 4. POPI Conditions

The Private Body is committed to Processing personal information lawfully and to comply with the following conditions as set in POPI:

4.1.1. **Accountability and Openness:** The Private Body commits to comply with the requirements as set out in the POPI legislation and it further agrees to be transparent in its approach to adhering to the requirements of POPI. This includes but is not limited to keeping adequate documentation of all processing operations and making Data Subjects (like You) aware of all the details regarding the processing of your personal information.

4.1.2. **Processing limitation and Further processing limitation:** The Private Body commits to only processing personal information for the specific purpose for which it was obtained in the first place. No personal information will be further processed, if it is for a purpose that is different from the original purpose of collection, unless You as the Data Subject provided further consent.

4.1.3. **Specific Purpose:** The Private Body is required to keep accurate records and undertakes to not keep personal information for a period longer than specified or required. In cases where the specific purpose for the retaining of the personal information has expired or where the retention period has lapsed, the Private Body shall dispose of the personal information at the end of the retention period accordingly.

4.1.4. **Information quality:** The Private Body shall ensure that accurate, clear, and relevant records be always kept of the Data Subjects and undertakes to implement a procedure where Data Subject may request for their records to be corrected, updated, deleted, or destroyed upon submitting an appropriate request form as set out in the Private Body's PAIA & POPI manual.

4.1.5. **Security safeguards:** The Private Body will provide the necessary security measures to ensure that personal information is kept safe and to minimise the risks of data breaches like for example data loss, destruction, and unauthorised access.

4.1.6. **Data subject participation:** The Data Subjects can request access to his/ her personal information records and may also request that their personal information records be corrected or deleted as set out in the POPI Act.

## 5. Personal Information Collected

The Private Body collects and processes Your personal information in relation to its goods and service offering. The type of personal information will depend on the need for which it is collected and will be processed for that specific purpose only. The Private Body shall inform You as to the personal information required and the information will be deemed optional. Examples of the personal information we collect include, but is not limited to:

- Full Name and identity number for Individuals
- Entity Name and registration number for legal entities
- Contact details
- Physical and Postal address
- Billing Information
- Tax related information
- Director/ Management details
- Fidelity fund certificate information
- Credit record information
- BEE information
- Educational information
- Banking information
- Curriculum Vitae information
- Confidential correspondence
- Usernames and Passwords
- Certification copies
- Bank clearance documents
- Insurance information

The Private Body also collects and processes your personal information of the Data Subjects for marketing purposes to ensure that its goods and services remain relevant.

The Private Body aims to have agreements in place with all its suppliers, third party service providers and processors to ensure compliance with POPI.

## 6. The Usage of the Personal Information

Your personal information will only be used for the specific purpose/s for which it was collected and as agreed to by You.

This may include:

### **Education and Training:**

- To enroll individuals in various auctioneering courses and programs.
- To track progress and provide certifications upon completion.
- To tailor educational content and support to the needs of individual students.
- To provide continuous professional development for employees and contractors.

**Membership and Compliance:**

- To process membership applications and verify credentials.
- To ensure members meet specific legal requirements and comply with industry standards.
- To maintain accurate records of members for communication and regulatory purposes.

**Professional Development:**

- To offer ongoing professional development opportunities and resources.
- To notify members and employees of upcoming workshops, seminars, and training sessions.

**Communication and Support:**

- To provide members, employees, and contractors with updates, newsletters, and relevant industry information.
- To respond to inquiries and offer customer support.
- To maintain effective communication channels with all stakeholders.

**Networking and Collaboration:**

- To facilitate networking opportunities among members and stakeholders.
- To promote collaboration and sharing of best practices within the auctioneering community.

**Marketing and Promotions:**

- To inform members, employees, contractors, and the public about events, auctions, and other promotional activities.
- To highlight success stories and achievements of members and staff.

**Human Resources Management:**

- To manage recruitment, hiring, and onboarding processes for current and future employees and contractors.
- To maintain employment records, administer payroll, and manage benefits.
- To conduct performance evaluations and support career development.

**Service Provision and Contract Management:**

- To engage and manage relationships with service providers and subcontractors.
- To ensure the effective delivery of services and compliance with contractual obligations.

**Regulatory and Legal Compliance:**

- To comply with legal obligations and regulatory requirements.
- To maintain records necessary for audits, investigations, and other legal processes.

#### **Public Awareness and Education:**

- To educate the public about the auctioneering industry and its benefits.
- To protect public interests by promoting transparency and ethical practices in auction

### **7. Disclosure of Personal Information**

The Private Body may share Your personal information with any subsidiary, joint venture company, affiliate, and third-party service provider. The Private Body has agreements in place to ensure compliance with POPI and the protection of Your confidential and personal information.

The Private Body may also disclose Your personal information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary to protect the Private Body's rights.

### **8. Security Safeguards**

POPI requires that personal information must be adequately protected to prevent the personal information from being lost, destroyed, or illegally accessed by an unauthorised person.

The Private Body will continuously review its security controls and processes to ensure that personal information is secure.

The following procedures are in place to protect the personal information collected:

#### **Appointment of Information Officer:**

- An Information Officer has been appointed who is responsible for ensuring compliance with the conditions for the lawful processing of personal information and other provisions of the Protection of Personal Information Act (POPIA).

#### **Employee Contracts and Consent:**

- New employees are required to sign an Employment Contract that includes relevant consent clauses for the use, storage, and processing of their personal information in accordance with POPIA.
- Current employees must sign an addendum to their existing Employment Contracts that includes these consent clauses to ensure compliance with POPIA.



**Secure Storage of Hard Copy Information:**

- Archived hard copy personal information is stored in locked cabinets at the main offices. Access to these cabinets is restricted to authorized employees only, and the storage practices comply with POPIA.

**Service Level Agreements with Suppliers:**

- All suppliers and third-party service providers are required to sign a Service Level Agreement (SLA) that confirms their commitment to protecting personal information. These agreements are monitored and reviewed regularly to ensure ongoing compliance.

**Secure Electronic Storage:**

- All electronic files containing personal information are securely stored and regularly backed up to prevent unauthorized access, data breaches, and other threats.

**Access Control:**

- Only authorized personnel can access personal information. Regularly review and update access permissions to reflect changes in roles and responsibilities.

**Encryption:**

- Encrypt sensitive personal information both in transit and at rest to protect it from unauthorized access and interception.

**Firewall and Antivirus Protection:**

- Utilize firewall and antivirus solutions to protect the network and systems from unauthorized access, malware, and other cyber threats. Regularly update these solutions to address new vulnerabilities.

**Regular Security Audits:**

- Conduct regular security audits and assessments to identify potential vulnerabilities and ensure that security measures are effective and up to date.

### **Employee Training and Awareness:**

- Provide ongoing training and awareness programs for employees about data protection, security best practices, and their responsibilities under POPIA.

### **Incident Response Plan:**

- Develop and maintain an incident response plan to quickly and effectively address any data breaches or security incidents, minimizing potential damage and ensuring compliance with legal requirements.

### **Data Minimization:**

- Implement data minimization principles by only collecting personal information that is necessary for specific purposes and securely disposing of information that is no longer needed.

### **Physical Security Measures:**

- Ensure that physical security measures, such as access control systems, and secure entry points, are in place to protect areas where personal information is stored.

## **9. Cross border transfers**

Section 72 of POPI provides that Personal information may only be transferred outside of South Africa on the following grounds:

- If the recipient country can offer an adequate level of protection. This means that the recipient country's data privacy laws must be substantially like the conditions for lawful processing as set out in POPI.
- If the data subject consents to the transfer of their personal information.
- If the transfer is necessary for the performance of a contractual obligation between the responsible party and third party, or
- If the transfer is necessary for the performance of a contractual obligation between responsible party and a third party, in the interests of the data subject.
- If the transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject, and if it were, the data subject, would likely provide such consent.

By consenting to this clause, you acknowledge and accept that:

- **Cross-Border Transfers:**

Your personal information may be transferred to and processed in the United Kingdom to fulfil contractual obligations and administrative functions of the Private Body.

- **Data Storage:**

Your personal information will be stored on servers in the United Kingdom, managed by a third-party service provider.

- **Data Protection Compliance:**

The third-party service provider is obligated to adhere to strict data protection regulations to ensure the protection of your personal information.

- **Security Measures:**

Appropriate technical and organizational measures are in place to safeguard your personal information during transfer and storage, minimizing the risk of unauthorized access or data breaches.

## 10. Access and Correction of Personal Information

You have the right to access your personal information held by the Private Body. You also have the right to ask that the Private Body update, correct or delete your personal information on reasonable grounds. Once You object to the processing of your personal information the Private Body may no longer process the said personal information. The Private Body will take all reasonable steps to confirm Your identity before providing details of Your personal information or making changes to Your personal information.

The details of the Private Body's Information Officer are as follows:

**Name:** Sonja Styger  
**Telephone:** 021 944 6455  
**Email:** [sonja.styger@auctioneering.co.za](mailto:sonja.styger@auctioneering.co.za)  
**Physical address:** 10 Evelyn Road, Retreat, Cape Town.  
**Postal address:** 10 Evelyn Road, Retreat, Cape Town.

## **11. Amendments to this Policy**

This Policy will be reviewed and amended, when required or at least once a year. You will be notified of any material changes to this Policy.

## **12. PAIA & POPI Manual Availability**

You can obtain access to the Private body's PAIA & POPI manual at its physical offices, via its website or by requesting a copy from the Information Officer.

## **13. Records that cannot be Found**

If the Private Body searches for a record and it is believed that the record either does not exist or can not be found, the requester will be notified by way of an affidavit. This will include the steps that were taken to attempt to locate the record.

## **14. The Prescribed Fees in respect of access to records**

Should You require access or copies of your requested records, the prescribed fees are available on the Department of Justice and Constitutional Development's website at [www.doj.gov.za](http://www.doj.gov.za) under the regulations section.