PAIA & POPIA MANUAL

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PAIA & POPIA MANUAL

1. INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("PAIA") gives effect to section 32 of the Constitution, that provides for access to Information if a person wants to exercise a right or to protect a right, subject to the procedural requirements laid down by PAIA. For this purpose, PAIA requires that **JM BUSHA Life (Pty) Ltd [JMBL]** must implement a Manual in terms of section 51 of PAIA setting out the procedures to be followed to have access to Information which procedures are set out in this Manual.

The Protection of Personal Information Act, 4 of 2013 ("POPIA") on the other hand provides for 8 Protection Principles that **JM BUSHA Life** must comply with to protect the Personal Information of all Data Subjects. **JM BUSHA Life** must implement a Manual that must comply with sections 14 and 51 of PAIA and is required to make it available to persons who want to access Personal Information. Should a person having a right to the Personal Information, require access to this Personal Information, then access is allowed by following the procedures laid down by PAIA and as set out in this Manual.

2. PURPOSE

The purpose of the Manual is to:

- provide details on Records and Information of **JM BUSHA Life** that are available and accessible once the requirements for access have been met; and
- sets out the procedures to be followed by a person that wants access to Information, (including POPIA Personal Information) that are subject to protection and non-disclosure, if such person wants to exercise or to protect a right; and
- provide a Guide on POPIA legislation how **JM BUSHA Life** processes Personal Information.

3. AVAILABILITY OF THE MANUAL

This Manual is made available in terms of PAIA and in terms of section 4 of the Regulations to POPIA and can be obtained:

- from **JM BUSHA Life 's** website
- by contacting the Information Officer at the contact details provided below. A fee will be levied if copies of the Manual are required and as provided for in terms of **Appendix 3**;
- at the offices of **JMBL** for inspection during normal business hours at no cost.

4. INTRODUCTION TO THE COMPANY AND TYPE OF BUSINESS

Note that reference to JM BUSHA Life in terms of this Manual shall also include reference to its associated companies indicated below.

- **Name:** JM BUSHA LIFE (Pty) Ltd ("**JM BUSHA Life** ") **Registration No. 2014/01561746** together with its associated companies namely:
  a) JM BUSHA Investment Group (Pty) Ltd – registration No. 200001597907 .

- **Type of business and type of clients:** JM BUSHA Life does form part of a group of companies and is authorised in South Africa as a financial services provider, license 45776, with the Financial Sector Conduct Authority ("FSCA") in terms of the Financial Advisory & Intermediary Services Act 37 of 2002 ("FAIS"). It is authorised to provide financial services to the following types of clients: Category I in terms of FAIS.

5. COMPANY CONTACT DETAILS (PAIA section 51(1)(a))

Designated and authorised persons:

- **CEO:** Mr Joseph Makamba Busha
- **Directors:** Mr Joseph Busha, Mr Terry C. Musiyambiri, Mr. Richard M. Lekgau, Ms. Lewann Abrahams, Mr. Shahied Allie

Contact details:

- **Postal address:** 28 Bompas Road, Dunkeld West, 2196
- **Business address:** 28 Bompas Road, Dunkeld West, 2196
- **Telephone Number:** 011 325 2027
- **Website:** www.jmbusha.com

Information and Deputy Information Officers:

- **Information Officer:Mr Joseph M Busha and email address: joseph@jmbusha.com:**
- **Deputy Information Officer: Ms Lewann Abrahams and email address: lewann@jmbusha.com**

6. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION ("SAHRC") GUIDE ("PAIA GUIDE") (PAIA Section 51(1)(b))

- PAIA grants a Requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- Requests in terms of PAIA shall be made in accordance with the prescribed procedures and at the rates provided for in in terms of the PAIA Regulations.
- Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission. It contains information on how to use and apply PAIA for the purposes of exercising Constitutional Rights.
- The PAIA Guide is available in all 11 official languages and can be obtained by contacting the Information Regulator (South Africa).

- Contact details for the Information Regulator:
  - **Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg , 2001**
  - **P O Box: 31533, Braamfontein, Johannesburg, 2017**
  - **E-mail: inforeg@justice.gov.za**
  - **Website: https://www.justice.gov.za/inforeg/doJMBL.html**

7. PUBLICATION AND AVAILABILITY OF INFORMATION AND RECORDS

7.1 Applicable Legislation:

The legislation applicable to JMBL is contained in **Appendix 1** of this Manual. JMBL may be required to obtain Information and keep Records in terms of this legislation and depending on the relevant legislation requirements, JM BUSHA Life may also be required to make certain Information or Records publicly available, allow disclosure of Information or Records subject to certain conditions or may be prevented from disclosing Information or Records. The Requester's right of access to Information or a Record must be dealt with taking into consideration the applicable legislative requirements.

7.2 Available Records (PAIA section 51(1)(d))

Examples of available Record Categories are contained in **Appendix 2** of this Manual and the inclusion of a category

or examples of Records, does not mean that the Information and Records falling within those categories will automatically be made available to a Requester

Records may be available as follows:

- Freely and if publicly available e.g. Information and Records available on JM BUSHA Life 's public website;
- Made available but subject to Copyright;
- Made available but subject to limited disclosure.

Note that a person may only request Information from **JM BUSHA Life** as a Private Body if the requested Information is required for the exercise or protection of a right. Certain grounds of refusal may also apply as indicated below in paragraph 8.4 to a Request for such Record.

8. FORM OF REQUEST TO ACCESS INFORMATION AND RECORDS (PAIA section 51(1)(e))

8.1 Requester

- Personal Requester:
  A Personal Requester is a Requester who is seeking access to a Record containing Personal Information about the Requester itself. Access will be granted by JM BUSHA Life subject to applicable legislation.

- Other Requester:
  If a person other than the Personal Requester is seeking access to a Record containing Personal Information, then JM BUSHA Life is not obliged to grant access to such Record, unless such person fulfils the requirements for access as provided for in terms of PAIA.

8.2 Request for Access to Record Procedures

The procedures to follow are as follows:

- Requester must complete and sign the prescribed form enclosed herewith in Appendix 3 together with payment of the required fee (only if it is an Other Requester).
- The completed and signed form together with proof of payment must either be posted, submitted per hand or be emailed to the Information Officer at the email address stated above.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.
- If a request is made on behalf of another person, the Requester must then submit proof of the capacity in which the Requester is making the request on behalf of the other person to the satisfaction of the Information Officer.
- All required information must be provided on the Appendix 3 form and the information must be true complete and correct with enough particularity to enable the Information Officer to identify:
  - the Requester's identity;
  - contact details of the Requester;
  - the requested record/s, and
  - the form of access required by the Requester.
- A Requester may only request access to a record in order to exercise or protect a right and must clearly state what the nature of the right is so to be exercised or protected. The requester is further required to provide an explanation of why the requested record is required for the exercise or protection of that right.
- JM BUSHA LIFE will process a request to access a record within 30 (thirty) days of receipt of the completed Appendix 3 form together with proof of payment, if applicable, unless the Requestor has stated exceptional reasons and circumstances together with proof, if applicable, that would satisfy the Information Officer that the time period not be complied with.
- JM BUSHA LIFE shall inform the Requester in writing whether access has been granted or denied together with reasons thereof.
- If the Requester requires access to the records in another manner, the Requester must state the manner and the particulars so required.

8.3 Fees Payable

The applicable fees that are prescribed in terms of the PAIA Regulations are as follows:

- A non-refundable prescribed request fee is payable up on submission of any request for access to any record before a

request will be processed.

- The fees above do not apply if the request is for personal records of the person requesting – in this instance no fee is payable.
- If the preparation of the record requested requires more than the prescribed hours (currently 6 hours), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid by the Requester.
- Fees are subject to confirmation by the Regulator in the Government Gazette and any applicable fees or changes will be upfront disclosed to Requesters.
- A list of the current Fees payable is set out in Appendix 4.

8.4 Grounds for refusal of a Request

Chapter 4 of PAIA provides for several grounds on which a Request for access to Personal Information must be refused.

These grounds may include where:

- it is commercial Information of a Private Body;
- the public interests are not served;
- the privacy and interests of other individuals are protected, where disclosure would be unreasonable;
- the mandatory protection of commercial Information of a third party/company which include trade secrets, financial, commercial or technical Information that may cause harm if disclosed and Information that could put a third party/company at a disadvantage in contractual/other negotiations or commercial competition or computer programs owned by a company protected by copyright and intellectual property laws;
- the mandatory protection of certain confidential Information of a third party would breach a duty of confidence;
- the mandatory protection of confidential Information of third parties is protected in terms of an agreement;
- there is mandatory protection of the safety of individuals and protection of property;
- after the commencement of legal proceedings, the mandatory protection of Records are privileged in such legal proceedings;
- there is mandatory protection of legal privileged documents;
- research Information of a third party/company would put the research or researcher at a disadvantage if disclosed;
- Requests for Records are clearly frivolous or vexatious, or involve an unreasonable diversion of resources.

8.5 Information or Records not found

If Information or Records cannot be found despite reasonable and diligent searches by JM BUSHA Life , then the Information Officer must provide the Requester with a notice in the form of an affidavit setting out the measures taken to locate the document and the inability to locate it.

8.6 Remedies available to a Requester if access is refused

The decision made by the Information Officer is final and Requesters must exercise external remedies if the Request for access to Information or Records is refused. A Requester may however apply to a court for relief within 180 days of notification of the decision for appropriate relief as provided for in terms of sections 56(3)(c) and 78 of PAIA.

9. POPIA GUIDE AND PROCESSING OF PERSONAL INFORMATION BY JM BUSHA LIFE

POPIA provides for minimum Protection Principles for the lawful processing of Personal Information by JMBL. A POPIA Guide setting out how Personal Information will be processed by JMBL is contained in **Appendix 5** of this Manual.

9.1 Objection to process Personal Information

- A person who wants to object to the processing of Personal Information in terms of section 11(1)(d) to (f) of POPIA, must complete, sign and submit to the Information Officer the Form contained **Appendix 6** of this Manual.
- Affidavits or other documentary proof may be submitted with the Form in support of the objection.

9.2 Request for a) correction or deletion of Personal Information; or for b) destruction or deletion in possession of unauthorised person of Personal Information

- A person who wants to submit a Request to rectify, delete or destroy Personal Information in terms of section 24 of POPIA, must complete, sign and submit to the Information Officer the Form contained in **Appendix 7** of this Manual.
- A Request for the correction or deletion of the Personal Information of a Data Subject can be addressed to the Responsible Party in possession or control of the Personal Information.
- A Request for the destruction or deletion of a Record of Personal Information about the Data Subject can be addressed to a Responsible Party in possession or control of the Record who is no longer authorised to retain such Record.
- Affidavits or other documentary proof may be submitted with the Form in support of the Request.

9.3 Complaints in terms of POPIA

- A Person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the Personal Information of a Data Subject.
- A Responsible Party or Data Subject may, in terms of section 63(3), further submit a complaint to the Regulator in the prescribed manner and form if he/she/it is aggrieved by the determination of an adjudicator.
- The contact details of the Information Regulator are as follows:
    - **Business address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
    - **Postal address:** P.O. Box 31533, Braamfontein, Johannesburg, 2017
    - **Email:** complaints.IR@justice.gov.za
    - **Website:** www.justice.gov.za

APPENDIX 1
APPLICABLE LEGISLATION

***THE LEGISLATION APPLICABLE TO JM BUSHA LIFE INCLUDES:**

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Collective Investment Schemes Control Act 45 of 2002
- Credit Rating Services Act 24 of 2012
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediaries Services Act 37 of 2002
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Intelligence Centre Act 38 of 2001
- Financial Markets Act 19 of 2012
- Financial Sector Regulation Act 9 of 2017
- Financial Services Board Act 97 of 1990
- Financial Services Ombud Schemes Act 37 of 2004
- Financial Supervision of the Road Accident Fund Act 8 of 1993
- Friendly Societies Act 25 of 1956
- Income Tax Act 95 of 1967
- Insurance Act 18 of 2017
- Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24of 1956
- Protection of Personal Information Act 4 of 2013
- Short-term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 63 of 2001
- Value Added Tax Act 89 of 1991

*Note that although **JM BUSHA Life** used its best endeavours to provide a list of the latest applicable legislation, it may not be a complete or updated list due to constant changes in legislation. Kindly contact the Information Officer if you have any queries about Applicable Legislation.

APPENDIX 2
AVAILABILITY OF RECORDS

Except for public Records that may be available on JMBL's website, the following types of Records are available on Request in terms of PAIA. Kindly note the grounds of refusal may apply as referred to in paragraph 8.4 of this Manual.

*RECORD CATEGORIES	*EXAMPLES OF RECORDS	AVAILABILITY
Public Affairs	• Media Releases • Brochures • Public Company Information • Website Information • Public policies and manuals • Publications • Articles	Freely available: • Publicly accessible • On JM BUSHA Life 's website
Secretarial, Corporate Governance, Legal and Compliance	• Statutory Company Records • Shareholder Agreements and certificates • Corporate structure and associations Documents of Incorporation • Shareholder/Board/Executive decisions • Meeting minutes • Business Agreements • Intellectual Property • Management Information • Statutory Returns • Company policies and manuals • Compliance strategies • Market Information and strategies • Business development strategies	May not be disclosed: • Request after the commencement of criminal or civil procedure • Legal privileged documents • Likely to harm commercial and financial interests of parties • Likely to breach confidentiality protection in terms of an agreement • Commercial Information of Private Body
Financial	• Financial Statements and returns • Client invoices and statements • PAYE Records • Tax Records • Assets and liabilities • Bank details and Records	May not be disclosed: • Commercial Information of Private Body
Human Resources/Employment	• Employment Records • Staff agreements • Training Records • Performance appraisals	May not be disclosed: • Commercial Information of Private Body
Operations and Marketing	• Client database • Communications and correspondence • Access control and security Records • Research documents • Intellectual Property documents • Fees structures • Service providers • Services agreements	May not be disclosed • Commercial Information of Private Body
Services	• Compliance templates • Compliance training • Compliance advice and opinions • Compliance reviews • Compliance updates and notices • Client compliance reports • Compliance Records • Emails and communications	Limited disclosure to clients: • Record format containing Information • Subject to copyright • Subject to client agreement terms
Information Technology	• IT services agreements • IT licences • IT systems and facilities • IT record-keeping • Back-up and restore Records • Compliance system	May not be disclosed: • Commercial Information of Private Body

*Note that although **JM BUSHA Life** used its best endeavours to provide a list of Records, it may not be a complete or updated list due to constant changes in legislation or business operations. Kindly contact the Information Officer if you have any queries about Records.

APPENDIX 3
REQUEST FOR INFORMATION FORM

The following proof must be submitted together with the completed and signed Request for Information Form below to the Information Officer:

1. Proof of payment of fees (if applicable);
2. Certified copy of the Requester's identity document;
3. Supporting documentation (only if applicable).

1. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION			
Full Names & Surname:			
Identification Number:		**Cellphone no:**	
Other contact no:		**Fax no:**	
Email address:			
Postal address:		**Postal code**	

2. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE	
*Only complete this section if a Request for Information is made on behalf of another person.	
Full Names & Surname: **Legal entity name:**	
Identification/Registration no:	

3. PARTICULARS OF REQUESTED INFORMATION
*Provide full particulars of the Information to which access is requested. If the Provided space is not sufficient, please continue on a separate page and attach it to the form. Any additional pages submitted must be signed.

4. FORMAT IN WHICH INFORMATION IS REQUESTED
*Indicate the format in which the Information requested is required. Please note that the Request for access in the specified format may depend on the format in which the Record is available and access in the requested format may be refused under certain circumstances.

5. RIGHT TO BE EXERCISED OR PROTECTED	
*Indicate: 1. What right is to be exercised and/or protected and 2. Why the Information is required to protect and/or to exercise this right.	
What right is to be protected	
Why the Information is required	

6. NOTICE OF APPROVAL/REJECTION OF REQUEST
Please note: You will be notified via email and/or post whether your Request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:

7. PAYMENT DETAILS (Only applicable to Other Requesters and not to Personal Requesters)
Kindly make payment of the amount of R_____-- into the following bank account and attach proof of payment to this form.
Account name for direct deposits (EFT) only **Bank: FNB Account name:** JM BUSHA Life (Pty) Ltd **Account no:** **Branch code:**

8. SIGNATURE
Signed at:_____on this_____day of_____20_____
_____ _____ Name of person submitting the Request Signature of person submitting the Request

APPENDIX 4
LIST OF FEES PAYABLE

The following Fees are payable in respect of Private Bodies (other than personal requests) in terms of Part III of the PAIA Regulations published in the Government Gazette:

"Public Body" means- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or (b) any other functionary or institution when exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or ii. exercising a public power or performing a public function in terms of any legislation.

FEES IN RESPECT OF PUBLIC BODIES		
1.	**The request fee payable by every requester**	R100.00
2.	**Photocopy of A4-size page**	R1.50 per page or part thereof
3.	**Printed copy of A4-size page**	R1.50 per page or part thereof
4.	**For a copy in a computer-readable form on:** **4.1 Flash drive (to be provided by requestor)** **4.2 Compact disc** - **If provided by requestor** - **If provided to requestor**	 R40.00 R40.00 R60.00
5.	**For a transcription on visual images per A4-size page**	Service to be outsourced.
6.	**Copy of visual images**	Will depend on quotation from Service Provider.
7.	**Transcription of an audio record, per A4-size page**	R24.00
8.	**Copy of an audio record on:** **8.1 Flash drive (to be provided by requestor)** **8.2 Compact disc** - **If provided by requestor** - **If provided to requestor**	 R40.00 R40.00 R60.00
9.	**To search for and prepare the record for disclosure for each hour or part of an hour, excluding the 1st hour, reasonably required for such search and preparation. To not exceed a total cost of**	R300.00
10.	**Deposit: If search exceeds 6 hours**	1/3rd of amount per request calculated inn terms of items 2 to 8.
11.	**Postage, e-mail or any other electronic transfer**	Actual expense, if any.

Private Body" means- (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity. (b) a partnership which carries or has carried on any trade, business or profession; or (c) any former or existing juristic person, but excludes a public body.

FEES IN RESPECT OF PRIVATE BODIES		
1.	**The request fee payable by every requester**	R140.00
2.	**Photocopy/ printed black & white copy of A4-size page**	R2.00 per page or part thereof

3.	**Printed copy of A4-size page**	R2.00 per page or part thereof
4.	**For a copy in a computer-readable form on:** **4.3 Flash drive (to be provided by requestor)** **4.4 Compact disc** - **If provided by requestor** - **If provided to requestor**	 R40.00 R40.00 R60.00
5.	**For a transcription on visual images per A4-size page**	Service to be outsourced.
6.	**Copy of visual images**	Will depend on quotation from Service Provider.
7.	**Transcription of an audio record, per A4-size page**	R24.00
8.	**Copy of an audio record on:** **8.3 Flash drive (to be provided by requestor)** **8.4 Compact disc** - **If provided by requestor** - **If provided to requestor**	 R40.00 R40.00 R60.00
9.	**To search for and prepare the record for disclosure for each hour or part of an hour, excluding the 1st hour, reasonably required for such search and preparation. To not exceed a total cost of**	R145.00 R435.00
10.	**Deposit: If search exceeds 6 hours**	1/3rd of amount per request calculated in terms of items 2 to 8.
11.	**Postage, e-mail or any other electronic transfer**	Actual expense, if any.

APPENDIX 5
POPIA GUIDE AND PROCESSING OF PERSONAL INFORMATION BY JMBL

1. DEFINITIONS

- **Data Subject:** means the person to whom the Personal Information relates.
- **Responsible Party:** means the entity which determines the purpose of and means for processing Personal Information.
- **Operator:** means the company or a person who processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of the Responsible Party.
- **Personal Information:** means Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
  - 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;
  - Information relating to the education or the medical, financial, criminal or employment history of the person;
  - any identifying number, symbol, email address, physical address, telephone number, location Information, online identifier or other particular assignment to the person;
  - the biometric Information of the person;
  - the personal opinions, views or preferences of the person;
  - 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;
  - the views or opinions of another individual about the person; and
  - 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.
  - Special Personal Information includes:
    - religious or political beliefs
    - race or ethnic origin
    - trade union membership
    - political opinions
    - health, sexual life
    - criminal behaviour.
- **Processing:** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
  - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - dissemination by means of transmission, distribution or making available in any other form; or
  - merging, linking, as well as restriction, degradation, erasure or destruction of Information.
- **Direct Marketing:** means the use of Personal Information for the purposes of direct marketing by means of any form of electronic communication.

2. THE 8 PROTECTION PRINCIPLES APPLICABLE TO RESPONSIBLE PARTIES

JM BUSHA Life is a Responsible Party in terms of POPIA and has Data Protection Policies and procedures in place for the protection of all Personal Information. **JM BUSHA Life** implemented the required controls and employs up-to-date technology to ensure the protection, confidentiality, integrity and availability of the Personal Information that it processes.

The application of the 8 Protection Principles within JM BUSHA Life as Responsible Party to ensure the protection of Personal Information are set out below:

2.1. Accountability:

This Principle contemplates the assigning of responsibility by the Responsible Party to oversee and ensure compliance with the POPIA requirements.

- The Board appointed an Information Officer ("IO") and a Deputy Information Officer ("DIO") who must register with the Information Regulator who is responsible for implementing and overseeing POPIA within the Responsible Party.

- The Responsible Party is responsible for auditing the processes used to collect, record, store, disseminate and destroy Personal Information: in particular, ensuring the integrity and safekeeping of Personal Information in possession or under control.
- The Responsible Party must take steps to prevent the Information from being lost or damaged, or unlawfully processed or accessed.
- The Responsible Party must ensure that staff is properly trained on a regular basis to ensure that they understand their responsibilities and the consequences of non-compliance with POPIA.

2.2. Processing Limitation:

Personal Information may only be processed by the Responsible Party:

- if it is done lawfully
- in a manner that does not infringe the privacy of the Data Subject
- if adequate, relevant and not excessive given the purpose
- if consent was obtained or it was necessary. If consent was obtained from the Data Subject, then such consent must be voluntary and specific.

2.3. Purpose Specification:

- Purpose Specification is important to determine the scope within which Personal Information may be processed by a Responsible Party.
- The Responsible Party is required to:
  - define the purpose of the Personal Information gathering and processing clearly;
  - collect only the necessary Information;
  - indicate that it is collected for a specific, explicitly defined and lawful purpose; and
  - be clear to whom the Information is transferred.
- Personal Information must be destroyed, deleted or 'de-identified' as soon as the purpose for collecting the Information has been achieved. This requirement may be subject to other legislation such as FAIS and FICA with 5-year record-keeping requirements applicable to the financial services industry.
- There are further restrictions on the transfer of Personal Information out of South Africa and the transfer of Personal Information back into South Africa. The applicable restrictions will depend on the laws of the country to whom the Data is transferred or from where the Data is returned. The Responsible Party is required to assess the applicable laws.

2.4. Further Processing limitation:

Once the Responsible Party has identified and obtained consent for specific, legitimate and explicitly defined purposes, then Personal Information cannot be processed contrary to the purpose for which it was collected. The processing of such Personal Information may only occur insofar as it is necessary for the fulfilment of the purpose. If Information is received via a third party for further processing, then this further processing must be compatible with the purpose for which the Data was initially collected, otherwise further consent must be obtained.

2.5. Information quality:

The Responsible Party must ensure and maintain the quality of the Personal Information that it processes. It must therefore:

- take reasonably practicable steps to ensure that the Personal Information is complete, accurate and updated
- consider obtaining a warranty from Data Subjects to ensure that the Personal Information is correct and updated.

2.6. Openness required:

The Responsible Party is required to notify the Information Regulator of the applicable Data Subject groups that the Information is used for e.g. financial services category. The Responsible Party has a duty to process Personal Information in a fair and transparent manner and must take steps to notify the Data Subject whose Personal Information is being processed that this is being done together with reasons.

The Data Subject must be informed about the purpose and from what source his Personal Information was obtained:

- the name and address of the company processing the Personal Information
- whether the provisioning of the Personal Information is voluntary or mandatory

2.7. Security safeguards:

Personal Information should be kept secure against the risk of loss, unauthorised access, interference, modification, destruction or disclosure. The Responsible Party is required to secure the integrity of Personal Information by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised access and unlawful access or processing of Personal Information.

The Responsible Party must take all reasonable measures to:

- Identify all reasonably foreseeable internal and external risks
- Establish and maintain appropriate safeguards against the risks
- Regularly verify that the safeguards are adequately implemented
- Ensure the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

The Responsible Party must oversee an Operator who processes Data on his/her behalf. The Responsible Party must be aware of the following:

- The Operator must treat Information confidentially
- The Responsible Party must ensure that the operator establishes and maintains appropriate security safeguards
- ALL processing by an operator must be governed by a written contract
- In the event of security breaches, the Responsible Party must notify the Regulator and the Data Subject

2.8. Participation:

POPIA allows for Data Subjects to make certain Requests, free of charge, to organisations that hold their Personal Information. Data Subjects may request access to or Records of their Personal Information and/or request the correction or deletion of any Personal Information held by it. Data Subjects may also request that inaccurate, misleading or outdated Personal Information be updated and have the right to know the identity of all third parties that have had access to their Information.

3. EXCLUSIONS

POPIA protection does not apply to the following Information:

3.1. The processing of Personal Information:

- in the course of a purely personal or household activity;
- that has been de-identified to the extent that it cannot be re-identified again;
- by or on behalf of a public body—
  - which involves national security, including activities that are aimed at assisting in the identification of the financing of terrorist and related activities, defence or public safety; or
  - the purpose of which is the prevention, detection, including assistance in the identification of the proceeds of unlawful activities and the combating of money-laundering activities, investigation or proof of offences, the prosecution of offenders or the execution of sentences or security measures, to the extent that adequate safeguards have been established in legislation for the protection of such Personal Information;
- by the Cabinet and its committees or the Executive Council of a province; or
- relating to the judicial functions of a court referred to in section 166 of the Constitution of the Republic of South Africa, 1996.

3.2. ''Terrorist and related activities'' for purposes of subsection (1)(c), means those activities referred to in section 4 of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act No. 33 of 2004).

3.3. Data Subject consent is not required, in instances where it would prejudice a **lawful purpose or the Information is publicly available.**

4. PROCESSING OF PERSONAL INFORMATION WITHIN JMBL

JM BUSHA Life is Processing the Personal Information of its Data Subjects as follows:

Purpose of processing:	• Rendering of financial services to clients • Provisioning of value-added services to clients • Marketing of services to potential clients • Proposals to clients on service offerings • Maintain accounts and Records • Support and manage employees • Crime detection, prevention, investigation and prosecution • Assessment and processing of claims	• Fraud prevention & detection • Market research and statistical analysis • Compliance with regulatory requirements • Due diligence assessments • Client relationship management • Purposes expressly agreed or authorised by the client or employees • Purposes notified to the client or employees
Data Subject categories: **Includes Natural and Juristic**	Includes Natural persons and Legal entities: • Clients and their clients • Shareholders • Board members • Directors • Employees • Consultants • Complainants • Enquirers • Trustees • Employers and employees of other organisations	• Associated companies • Holding companies and subsidiary companies in the group • External companies/contractors • Suppliers and service providers • Clients and their members/policyholders/subscribers • Individuals captured by CCTV images/video • Individuals who have indicated an interest in financial products • Regulators
Types/classes of Information processed	• Personal details • Business activities • Financial Products • Compliance Records • Business operations • Compliance assessment outcomes • Opinions • Communications • Personal views/preferences	• Education & employment details • Visual images of individuals captured on CCTV • Financial details • Racial/ethnic origin • Offences/alleged offences • Criminal proceedings, outcomes & sentences
Who the Information may be shared with	It is sometimes necessary to share Personal Information with individuals and/or with other organisations. Where this is necessary, JMBL is required to comply with all aspects of POPIA. The following are the types of organisations that **JM BUSHA Life** may need to share some of the Personal Information that it processes with. Only where it is necessary or required Personal Information may be shared with: • Associates/Representatives of the person whose Personal Information we are processing • Financial organisations • Credit reference agencies • Regulatory authorities • Police/courts where necessary • Business associates	• Claims' investigators • Suppliers and service providers • Industry bodies • Ombudsman • Legal Advisors, Compliance Officers, advocates, or attorneys • Auditors • Tax Consultants • IT Services Providers • Debt collection and tracing agencies • Other companies associated with JMBL • Holding companies or subsidiary companies in the group • Persons making an enquiry/complaint • Private investigators • Educators and examining bodies • Security organisations
Cross border flows of Personal Information	It may be necessary to share Personal Information of Data Subjects with third parties in other countries subject to compliance with POPIA. This will only be done if one of the	• the Data Subject consents to the transfer; • the transfer is necessary for the performance of a contract between the Data Subject and the company in question, or for the

	following requirements are met:	implementation of pre-contractual measures
	• the third party who is the recipient of the Information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that— • 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, as set out in POPIA; and • includes provisions, that are substantially similar to this section, relatingto the further transfer of Personal Information from the recipient to thirdparties who are in a foreign country;	taken in response to the Data Subject's Request; • the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between the company in questionand a third party; or • the transfer is for the benefit of the Data Subject, and— • it is not reasonably practicable to obtain the consent of the Data Subject to that transfer; and • if it were reasonably practicable to obtain such consent, the Data Subject would be likely to give it.
Information Security measures in respect of Data	• Access control to Data to prevent unauthorised access by individuals • Media control to prevent unauthorised manipulation by Media • Data memory control to prevent unauthorised alteration of Data • User control to ensure measures to prevent unauthorised disclosure and access by unauthorised persons • Access control to only allow certain authorised individuals access to Data	• Transmission control to enable the verification and tracing of locations with required permissions/authorisation to which Data are transferred • Transport control to prevent Data from being read, altered or intercepted by unauthorised persons • Organisation control to ensure compliance with POPIA and this Manual

5. OPERATOR RESPONSIBILITIES WHEN PROCESSING PERSONAL INFORMATION FOR A RESPONSIBLE PARTY

5.1. Duties of an Operator:

- <u>All Information processed by an operator must be treated in the following manner:</u>
  - The Responsible party must be aware of the Operator's processing.
  - The Operator must treat Information confidentially.
  - The Responsible party must ensure that the Operator establishes and maintains appropriate security safeguards.
  - In the event of security breaches, the Operator via the Responsible party must notify the Regulator and the Data Subject.
  - The processing by an operator must be governed by a written contract between the Responsible party and the Operator.

- <u>The contents of the contract between Operator and Responsible Party must detail at least the following:</u>
  - the legitimate grounds for collecting and using personal Data collected,
  - the lawful purpose for which Data are being collected,
  - the limit of processing and prohibiting of further processing,
  - the extent of Information that is required to prevent any excessive Information collection,
  - the Information retention periods and requirements applicable together with destruction processes and procedures,
  - The right of individuals to request such Information and query the use thereof,
  - The security measures required to prevent the unauthorised or unlawful processing of personal Data or access to personal Data, including accidental loss or destruction or damage to personal Data.

6. DEALING WITH SPECIAL PERSONAL INFORMATION

If an objection is received from a Data Subject to process the Special Information, then this Information may not be supplied to 3rd parties without the Data Subject's consent.

- **Religious or Philosophical Beliefs processing** may take place by Spiritual or religious organisations & institutions, provided that the Information concerns Data Subjects belonging to such organisations; if it is necessary to achieve their aims and Principles; or to protect the spiritual welfare of the Data Subjects.

- **Race processing** may be carried out to Identify Data Subjects when this is essential and to comply with laws or measures designed to protect or advance persons disadvantaged by unfair discrimination.

- **Trade Union Membership processing** may take place by a trade union to which the Data Subject belongs, or the trade union federation to which the trade union belongs, if the processing is necessary to achieve the aims of the trade union/trade union federation.

- **Political Persuasion processing** may take place by an institution founded on political Principles if such processing is necessary to achieve the aims or Principles of the institution.

- **Health or Sexual Life processing** must be confidential and may take place by:
  - Medical practitioners, healthcare institutions
  - Insurance companies, medical aid scheme providers
  - Schools
  - Institutions of probation, child protection or guardianship
  - Pension funds and employers if processing is necessary for:
    - Implementation of laws/pension regulations
    - Reintegration/support for workers or persons entitled to benefit in connection with sickness/work incapacity

- **Criminal behaviour processing** may take place by:
  - Bodies charged by law with applying criminal law
  - Responsible parties who have obtained the Information in accordance with the law
  - Responsible parties who process the Information for their own lawful purposes to assess an application by a Data Subject in order to take a decision about or provide a service to that Data Subject to protect their legitimate interests in relation to criminal offences.

- **General Exemptions**
  The Regulator may authorise processing of any Information, which will not be in breach of POPIA, if the public interest includes:
  - the legitimate interests of State security
  - the prevention, detection and prosecution of offences
  - important economic and financial interests of the State or a public body
  - historical, statistical or research activity.

7. DIRECT MARKETING OR ADVERTISING BY MEANS OF UNSOLICITED ELECTRONIC COMMUNICATIONS

Direct marketing or advertising is prohibited unless you have consent, or the target is already a customer. You may only approach a person for consent once and if they have not previously withheld such consent and may only use the Information for the initial purpose that it was obtained for.

Any communication for the purpose of direct marketing must contain:

- Details of the identity of the sender,
- The address or other contact details to which the recipient may send a Request to opt-out.

APPENDIX 6
OBJECTION TO PROCESS PERSONAL INFORMATION FORM

The following proof must be submitted together with the completed and signed Objection to Process Personal Information Form to the Information Officer:

- Certified copy of the Requester's identity document;
- Affidavit and supporting documentation (only if applicable).

1. DETAILS OF DATA SUBJECT	
Name(s) and surname/registered name of Data Subject:	
Unique Identifier/Identity Number:	
Residential, postal or business address:	
Contact number(s):	
Fax number/Email address:	
2. DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/registered name of Data Subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number/Email address:	
3. PROVIDE DETAILED REASONS FOR: THE OBJECTION TO PROCESS PERSONAL INFORMATION IN TERMS OF SECTION 11(1)(d) to (f) OF POPIA	

Signed at:_____on this_____day of_____20_____

Signature of Data Subject/Designated Person _____

APPENDIX 7
REQUEST FOR A) CORRECTION OR DELETION OF PERSONAL INFORMATION OR B) DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION FORM

The following proof must be submitted together with the completed and signed Form to the Information Officer:

- Certified copy of the Requester's identity document;
- Affidavit and supporting documentation (only if applicable)

Mark the applicable Request below with an "X":	
1. REQUEST FOR CORRECTION OR DELETION OF PERSOINAL INFORMATION	
2. REQUEST FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION	

1. DETAILS OF DATA SUBJECT	
Name(s) and surname/registered name of Data Subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number/Email address:	
2. DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/registered name of Data Subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number/Email address:	

3. PROVIDE DETAILED REASONS FOR:

1. **CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) OF POPIA, THAT IS IN POSSESSION OR UNDER CONTROL OF THE RESPONSIBLE PARTY;**
   OR
2. **DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) OF POPIA, WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.**

Signed at:_____on this_____day of_____20_____

_____

Signature of Data Subject/Designated Person