



Protection of Personal Information Policy

Company Policy

May 2021

as prescribed by the provisions of the Protection of Personal Information Act, 2013

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1. INTERPRETATION

1.1. FSP Solutions (Pty) Ltd is defined as a private body in terms of the Act.

1.2. In this policy document, unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them and cognate words and expressions shall bear corresponding meanings:

1.2.1 **“the Act”** the Protection of Personal Information Act No 4 of 2013 and the Regulations to the Act;

1.2.2 **“Biometrics”** a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;

1.2.3 **“Clients”** refer to any natural or juristic person including insurers, brokers and others, to whom the Services are rendered and a reference to “you” / “your” is a reference to the Clients or Data Subject as the case may be;

1.2.4 **“Consent”** any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of Personal Information;

1.2.5 **“Constitution”** the Constitution of the Republic of South Africa, 1996;

1.2.6 **“Data Subject”** means the Person to whom Personal Information relates, includes the Clients and

a reference to “you” / “your” is a reference to such Data Subject;

1.2.7 “De-Identify”

to delete any information that identifies a Data Subject, can be used or manipulated, or can be linked by a reasonably foreseeable method to other information that identifies the Data Subject;

1.2.8 “Electronic Communication”

any text, voice, sound, or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;

1.2.9 “Filing System”

any structured set of Personal Information, whether centralised, decentralised, or dispersed on a functional or geographical basis, which is accessible according to specific criteria;

1.2.10 “FSP Solutions”

FSP Solutions (Pty) Ltd, registration number 2003/000619/07 referred to in the policy document as FSP Solutions or “we” / “us” / “our” and includes FSP Commercial and Sales4CE;

1.2.11 “FSP Commercial”

refers to FSP Commercial Online (Pty) Ltd, registration no: 2006/018037/07;

1.2.12 “Information Officer”

the individual appointed in terms of the Act and includes the Deputy Information Officer;

1.2.13 “Operator”

a person who processes Personal Information for FSP Solutions in terms of a contract or mandate, without coming under the direct authority of FSP Solutions;

1.2.14 “PAIA”	the Promotion of Access to Information Act No 2 of 2000 and the Regulations;
1.2.15 “Person”	a natural or juristic person as the case may be;
1.2.16 “Personal Information”	the information set out in paragraph 7 below and includes Special Personal Information;
1.2.17 “PIIA”	a Personal Information Impact Assessment for purposes of establishing a record of the manner in which Personal Information is being processed and to evaluate the impact thereof on the privacy rights of Persons;
1.2.18 “Policy”	this policy and the annexures thereto;
1.2.19 “Processing”	includes anything that is done with Personal Information and includes any operation or activity, whether or not by automated means concerning Personal Information including: <ul style="list-style-type: none"> - 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;
1.2.20 “Record”	any recorded information regardless of form or medium in the possession or under the control of FSP Solutions whether or not it was created by FSP Solutions and regardless of when it came into existence;

1.2.21 “Regulator”	the Information Regulator as established in terms of section 39 of the Act;
1.2.22 “Re-identify”	in relation to personal information of a Data Subject, means to resurrect any information that has been De-identified, that identifies the Data Subject, can be used or manipulated by a reasonably foreseeable method to identify the Data Subject, or can be linked by a reasonably foreseeable method to other information that identifies the Data Subject;
1.2.23 “Sales4CE”	refers to Sales4CE Outsourcing (Pty) Ltd, registration no: 2002/021983/07;
1.2.24 “Special Personal Information”	Personal information as referred to in section 26, relating to race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be sensitive under applicable law, including the personal information of children;
1.2.25 “Service providers”	third party providers of various services that FSP Solutions engage with, including but not limited to, providers of information technology, communication, file storage, data storage, copying, printing, accounting, or auditing services, legal advisors, insurers and other professional advisors;
1.2.26 “the Services”	Intermediary services by FSP Solutions in terms of the Short Term Insurance Act,

1998, Binder functions in terms of Binder agreements between FSP Solutions and insurers and any ancillary services;

1.2.27 **“Unique Identifier”**

any identifier that is assigned to a Data Subject and is used by FSP Solutions for the purposes of the operations of FSP Solutions and that uniquely identifies that Data Subject in relation to FSP Solutions, i.e., an identity number;

1.2.28 **“Website”**

any website operated or maintained by FSP Solutions or on our behalf.

2. INTRODUCTION

- 2.1 FSP Solutions is the leading independent insurance quotations aggregator for car, home and business insurance, facilitating the products of most of South Africa’s leading insurers. FSP Solutions offers an extensive and comprehensive range of intermediary services and binding functions in terms of binder agreements.
- 2.2 We promote the responsible use of Personal Information which is critical to our business objectives and reputation.
- 2.3 For this purpose, we have adopted an internal compliance framework *inter alia* to ensure the lawful processing of Personal Information and that adequate measures are developed, implemented, maintained, and monitored to protect Personal Information and Special Personal Information.

3. PURPOSE

- 3.1 The purpose of this Policy is to establish the compliance framework referred to above.
- 3.2 This Policy aims to ensure the exercise of effective control over the processing of Personal Information in the course and scope of rendering the Services.

- 3.3 By providing us with Personal Information and Consent, you have consented to the processing of your Personal Information subject to the terms of this Policy.

4. AVAILABILITY OF THE POLICY

- 4.1 This Policy is made available in terms of section 4(1)(c) of the Regulations to the Act.
- 4.2 Copies of the Policy can be obtained from the Information Officer or from our Website.

5. COMPANY DETAILS

Physical address:	Porta Nova Building, Corporate Park South, Gazelle Close, Midrand, South Africa
Postal address:	P.O. Box 50030, Randjiesfontein, 1683
Telephone number:	+27 10 001 2602
E-mail address:	info@fspsolutions.com
Website:	http://fspsolutionstowers.com

6. INFORMATION OFFICER

- 6.1 The Act prescribes the appointment of an Information Officer where such Information Officer is responsible to, *inter alia*, encourage compliance with the conditions for the lawful processing of Personal Information, to ensure that PIIA's are done, to ensure internal measures are developed together with adequate systems to process requests for information or access thereto and to ensure internal awareness is created within FSP Solutions through training and other awareness measures.
- 6.2 FSP Solutions has opted to appoint an Information Officer and Deputy Information Officer to ensure compliance as well as to oversee the required functions in terms of the Act.
- 6.3 The contact details of the Information Officer and Deputy Information Officer are as follows:

Information Officer:	Lucas Bothma
Physical address:	Porta Nova Building, Corporate Park South, Gazelle Close, Midrand, South Africa
Postal address:	P.O. Box 50030, Randjiesfontein, 1683

Telephone number:	+27 10 001 2602 or +27 82 498 5544
E-mail address:	lucas@fspsolutions.com

Deputy Information Officer:	Retha Botha
Physical address:	Porta Nova Building, Corporate Park South, Gazelle Close, Midrand, South Africa
Postal address:	P.O. Box 50030, Randjiesfontein, 1683
Telephone number:	+27 10 001 2602 or +27 82 379 0321
E-mail address:	retha@fspsolutions.com

7. CATEGORIES OF PERSONAL INFORMATION

- 7.1. We may collect or obtain Personal Information about you, and other parties such as policy holders and their representatives:
- 7.1.1 directly from you;
 - 7.1.2 in the course of our relationship with you;
 - 7.1.3 in the course of providing the Services to you;
 - 7.1.4 when you make your Personal Information public; and
 - 7.1.5 when you visit and/or interact with our Website.
- 7.2. We may also receive Personal Information about you from third parties.
- 7.3. The Personal Information in the context of the Act can relate to any of the below identifiable characteristics in respect of a Person:
- 7.3.1 Personal details: race, pregnancy, marital status, ethnic, or social origin, colour, sexual orientation, physical or mental health, well-being, disability;
 - 7.3.2 Demographic information: gender, age, nationality, salutation, title, and language preferences;
 - 7.3.3 Unique Identifier information: passport or national identity number, utility provider details, bank statements, tenancy agreements;
 - 7.3.4 Contact detail: e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
 - 7.3.5 Contract details: details of individuals entering into service or other agreements with FSP Solutions, Personal Information included in correspondence, documents, evidence, or other materials that FSP Solutions processes in the course of providing the Services;
 - 7.3.6 Attendance records: details of meetings and other events organised by or on behalf of FSP Solutions that you have attended;

- 7.3.7 Consent records: records of any consents given, together with the date and time, means of consent and any related information;
 - 7.3.8 Payment details: billing address, payment method, bank account number or credit card number, invoice records, payment records, SWIFT details, IBAN details, payment amount, payment date, and records of cheques;
 - 7.3.9 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;
 - 7.3.10 Data relating to visits to our Website: the device type, operating system, browser type, browser settings, IP address, language settings, dates and times of connecting to the Website, and other technical communications information;
 - 7.3.11 Content and advertising data: records of interactions with our online advertising platform, records of advertising and content displayed on pages displayed to you, and any interaction individuals may have had with such content or advertising (including, but not limited to, mouse hover, mouse clicks and any forms completed).
 - 7.3.12 Information relating to the education or the medical, financial, criminal or employment history of the person;
 - 7.3.13 Biometrics; and
 - 7.3.14 The personal opinions, views, or preferences; religion, conscience, belief, or culture.
- 7.4. Where we need to process Special Personal Information, we will do so in the course and scope of rendering the Services, for a legitimate purpose, and in accordance with applicable law.

8. **LAWFUL PROCESSING OF PERSONAL INFORMATION**

- 8.1 Personal Information will either be processed directly by FSP Solutions or may be processed by an Operator.
- 8.2 The following conditions as set out in Chapter 3 of the Act are applicable for the lawful processing of Personal Information:

Accountability	We are accountable for complying with the measures as prescribed in the Act;
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	<p>To enable FSP Solutions to exercise the control over personal information required by this condition two critical control measures need to be established and maintained:</p> <ul style="list-style-type: none"> - the personal information being processed by us needs to be identified; and - We must identify and appoint a person (or persons) (the Information Officer) charged with the safeguarding of personal information.
Processing Limitation	<p>Personal Information may only be processed lawfully and in a reasonable manner that does not infringe on your right to privacy.</p> <p>Processing is lawful and justifiable if it is carried out in terms of the provisions of paragraphs 11(1)(b) to (f) of the Act.</p> <p>FSP Solutions will restrict its processing of Personal Information to data which is sufficient for the fulfilment of the primary and legitimate purpose for which it was collected. Your consent is required, and you may object to the processing of Personal Information. You will be required to complete Annexure 1 if you object to the processing of your Personal Information.</p>
Purpose Specification	<p>This condition entails three separate elements, the collection for a specific purpose, that the data subject is aware of the purpose of collection and the retention of personal information for no longer than it may be required.</p> <p>Personal Information will be collected for a specific and explicitly defined purpose related to a function or activity of FSP Solutions. We shall only retain and store Personal Information in the Filing System for the period for which the data is required to serve its primary purpose or a legitimate interest or for the period required to comply with applicable legislation, whichever is longer. Records containing Personal Information will be destroyed or deleted as soon as reasonably practicable. This will be done in a manner that will prevent the reconstruction of the document.</p>
Further Processing Limitation	<p>The further processing of any Personal Information must be compatible with the purpose for which it was initially collected.</p> <p>Further processing of Personal Information must be in accordance with the purpose for which it was initially collected as indicated above and may include the De-identification and Re-identification of Personal Information.</p>

Information Quality	The Personal Information provided to FSP Solutions should be accurate, complete, and up to date and we must be informed of any changes.
Openness	<p>All documentation related to processing operations will be maintained by FSP Solutions in its Filing System in accordance with section 51 of PAIA. We will inform you of the information being collected, the purpose for which the information is being collected and whether the information will be transferred to third parties.</p> <p>FSP Solutions is obliged to ensure that the data subject is aware of:</p> <ul style="list-style-type: none"> - the information being collected and if not from a data subject, the source from which it is collected; - The name and address of the responsible party; - The purpose of collection; - Whether the supply of information by the data subject is voluntary or mandatory; - The consequences of failure to provide information; - Law authorising or requiring the collection of information; - If to be transferred to a third country or international organisation, the level of protection afforded to the information; and - Any further relevant information
Security Safeguards:	<p>FSP Solutions implements appropriate technical and organisational security measures to protect your Personal Information against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law. Where there are reasonable grounds to believe that your Personal Information has been accessed or acquired by any unauthorised person you will be notified in writing. Because the internet is an open system, the transmission of information via the internet is not completely secure. Although we implement all reasonable measures to protect your Personal Information, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during such transmission.</p>
Your Participation	You are entitled to request FSP Solutions to confirm whether we hold Personal Information about you or to request the record from us including details of any third parties who have or had access to the

	information. You may request FSP Solutions to correct or delete Personal Information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully; or destroy or delete a record of Personal Information about you that FSP Solutions is no longer authorised to retain. Please refer to Appendix 2 .
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9. ADDITIONAL RIGHTS

In addition to the rights as contemplated above, the following rights are afforded to you:

- 9.1 You have the right not to have your Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications from third parties unknown to you.
- 9.2 FSP Solutions is not permitted to provide your Personal Information to any third party for direct marketing purposes without your consent.

10. THE PROCESSING OF PERSONAL INFORMATION AND RELATED MATTERS

- 10.1 FSP Solutions will process your Personal Information in the ordinary course of its business and for purposes of rendering the Services.
- 10.2 Your Personal Information may be subject to processing during the course of various activities, including, without limitation, to the following:
 - 10.2.1 providing the Services;
 - 10.2.2 analysis, evaluation, review, and collation of information in order to determine legal and contractual compliance, prepare or comment on opinions, memoranda, agreements, correspondence, reports, publications, documents relating to legal proceedings and other documents and records (whether in electronic or any other medium whatsoever);
 - 10.2.3 compliance with applicable laws and fraud prevention;
 - 10.2.4 transfer of information to our Service Providers, Clients and other third parties for legitimate purposes;
 - 10.2.5 recruitment;
 - 10.2.6 training;
 - 10.2.7 risk assessments, PIIA's, information security management, statistical purposes, trend analysis and planning purposes;

- 10.2.8 corruption detection, prevention, investigation, and prosecution;
 - 10.2.9 monitoring and recording calls and electronic communications with you for quality, training, investigation, and fraud prevention purposes;
 - 10.2.10 to enforce or defend our rights; and
 - 10.2.11 to manage our relationship with you to establish, maintain and/or improve our relationship with you and with our Service Providers.
- 10.3 Your Personal Information may be processed for internal management and management reporting purposes, including but not limited to, conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and for management reporting analysis and for safety and security purposes.
- 10.4 To the extent required, we will apply to the Regulator for the prior authorisation in respect of the processing of Personal Information as prescribed in section 57 and 58 of the Act.

11. INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

Personal Information may only be transferred out of the Republic of South Africa to a third party in a foreign country under limited circumstances, namely:

- 11.1 if the third party to which the data is transferred to is subject to law, binding corporate rules or a legitimate agreement that provides for an adequate level of protection substantially similar to the Act;
- 11.2 if the operator or third party undertakes to protect the Personal Information in line with applicable data protection legislation;
- 11.3 if you consent to the transfer thereof;
- 11.4 if the transfer is necessary for the performance of a contractual obligation between you and FSP Solutions or between FSP Solutions and a third party; or
- 11.5 if the transfer is for your benefit, and it is not reasonably practicable to obtain your consent, and if it were, you would in all likelihood provide such consent.

12. INCIDENT MANAGEMENT PLAN

- 12.1. In ensuring the safety of all information processed by FSP Solutions, it is vital to anticipate any potential breaches. As such we have compiled a Risk Assessment thereby identifying potential risks we are exposed to.
- 12.2. Although FSP Solutions take every reasonable precaution to protect Personal Information from theft, unauthorised access, and disruption of services we cannot guarantee that the processing of Personal Information would never be subject to theft or unauthorised access.
- 12.3. Our security controls are designed to an appropriate level of data confidentiality, integrity, and availability.
- 12.4. Steps FSP Solutions implement following a data breach:
 - 12.4.1 If any employee of FSP Solutions becomes aware of a data breach of any kind, they are required to report it **immediately** to their direct supervisor alternatively someone in a management position.
 - 12.4.2 The appropriate supervisor and / or manager will then inform the Information Officer of the breach and the IT Security team will be advised accordingly as well.
 - 12.4.3 The IT Security team will take the following appropriate measures:
 - 12.4.3.1 Identify the type of breach that has occurred and identify the affected systems or applications, thereby establishing the appropriate steps to take.
 - 12.4.3.2 Containment of the compromised system or application. For example: should a ransomware attack occur, the immediate action involved would be to shut the entire network down to prevent any further damage;
 - 12.4.3.3 Determine the point of origin of the breach. Network administrators are to comb through archived traffic for anomalies and signs of problems to determine the point of origin and contact;
 - 12.4.3.4 Assess the extent of the damage and further possible vulnerabilities, and act accordingly;

- 12.4.3.5 Change all network access credentials;
 - 12.4.3.6 Restore services, for example, if the network has been shut down the due to a ransomware attack, they would need to reinstate the network, re-establish access to the network and ensure it is safe to restore the network again.
- 12.4.4 In the event of a breach, we will notify the relevant / affected parties, such as clients, suppliers and all other stakeholders involved, immediately when becoming aware of the breach.
- 12.4.5 FSP Solutions will ensure that all details pertaining to the incident will be accurately recorded and investigated in order to ascertain what lead to the incident and in order to improve on its security control measures thereby prohibiting such occurrence in the future.
- 12.4.6 The matter will be investigated in detail and adequate feedback will be provided to all parties involved.
- 12.4.7 Appropriate action will be taken against the faulting party involved, if required, i.e., disciplinary action if FSP Solutions staff members have breached confidentiality, or criminal charges will be brought against theft etc.
- 12.5. We regularly test our website, data centres, systems, and other assets for security vulnerabilities. We are committed to safeguarding all information we process and strive to improve our security control systems whenever we can.

13. REMEDIES

- 12.1 FSP Solutions has adopted an internal complaints procedure. As such, if you are of the opinion that your right to privacy has been infringed, you can follow the below complaints procedure:
 - 12.1.1 You can lodge your complaint in writing to the Information Officer or Deputy Information Officer by completing the attached Complaints form (**Appendix 3**).
 - 12.1.2 When the complaint is received, it will be validated and logged as a new complaint.

- 12.1.3 We will acknowledge receipt of the complaint in writing within 5 working days of receipt thereof and take the necessary action and advise the complainant of the expected date of resolution.
 - 12.1.4 The Information Officer or Deputy Information Officer will investigate the complaint to ascertain whether it can be resolved immediately or whether further time is required to resolve the matter.
 - 12.1.5 A thorough investigation into the complaint will be conducted and adequate steps will be taken to address the complaint, which may include appropriate disciplinary action against FSP employees.
 - 12.1.6 We will inform the complainant in writing of the resolution of the complaint and the outcome thereof withing 6 weeks.
- 12.2 Should you not be satisfied in the manner in which your complaint was dealt with, you may exercise such external remedies that are available to you such as submitting a complaint to the Regulator or seek legal redress.

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE ACT

Note:

1. Affidavits or other documentary evidence, as applicable in support of the objection, may be attached.
2. If the space provided for in this Form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

A: YOUR DETAILS	
Name(s) and surname:	
Identity Number:	
Residential and postal address:	
Contact number(s):	
E-mail address:	
B: DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of employee:	
Business address:	
Contact number(s):	
E-mail address:	
C: REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) AS SET OUT BELOW	
<p>Personal Information may only be processed if:</p> <ol style="list-style-type: none"> a. processing protects a legitimate interest of the Data Subject; b. processing is necessary for the proper performance of a public law duty by a public body; or c. processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied. 	

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE ACT

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

Mark the appropriate box with an "X".

☐

Correction or deletion of the Personal Information which is in possession or under the control of FSP Solutions.

☐

Destroying or deletion of a record of Personal Information which is in possession or under the control of FSP Solutions and who is no longer authorised to retain the record of information.

A: YOUR DETAILS	
Name(s) and surname:	
Identity Number:	
Residential and postal address:	
Contact number(s):	
E-mail address:	
B: DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of employee:	
Business address:	
Contact number(s):	
E-mail address:	

C: INFORMATION TO BE CORRECTED/DELETED/ DESTRUCTED/ DESTROYED
D: REASONS FOR CORRECTION OR DELETION OF THE PERSONAL INFORMATION WHICH IS IN POSSESSION OR UNDER THE CONTROL OF FSP SOLUTIONS; AND OR REASONS FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION WHICH FSP SOLUTIONS IS NO LONGER AUTHORISED TO RETAIN

Signed at _____ on this _____ day of _____ 20____

SIGNATURE

COMPLAINT FORM**Note:**

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

Mark the appropriate box with an "X".

☐

Right to privacy has been breached.

☐

Your Personal Information has been mishandled.

A: YOUR DETAILS	
Name(s) and surname:	
Identity Number:	
Residential and postal address:	
Contact number(s):	
E-mail address:	
B: DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of employee:	
Business address:	
Contact number(s):	
E-mail address:	

C: DETAILED INFORMATION REGARDING COMPLAINT:

Signed at _____ on this _____ day of _____ 20__

SIGNATURE