

# **PHUMULA**

## **RETIREMENT FUND**

Registration Number: 12/8/390

### **PRIVACY NOTICE**

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## 1. Definitions

We have tried to keep this Privacy Notice as simple as possible, but if you're not familiar with terms, such as personal information, processing or special personal information, then you can read about these terms below.

In this Privacy Notice, the following words or phrases have the following meanings:

<b>Biometric information</b>	- means any information from any personal identification technique based on a person's physical, physiological, or behavioural characteristics, such as their fingerprint, retina, voice, blood type, or DNA
<b>Board</b>	- means the group of persons appointed or elected as board members in terms of the Rules of the Fund and the PFA
<b>Breach</b>	- means an incident of failing to protect Personal Information where a person gets unauthorised access to it. For example, through hacking, theft, or a leak. This includes a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information
<b>Child/Children</b>	- means a natural person younger than 18 years of age who is legally incompetent to take legal action or make decisions about themselves without assistance from a competent person, such as their parent or guardian
<b>Consent</b>	- means any voluntary, specific, and informed expression of will in terms of which permission is given for the Processing of Personal Information
<b>Data Subject</b>	- means the people or organisations that the Personal Information is about. For example, members of the Fund
<b>Direct marketing</b>	- means to approach a Data Subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:  (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject; or (b) requesting the Data Subject to make a donation of any kind for any reason
<b>Fund</b>	- means the Phumula Retirement Fund, which is a stand-alone, closed defined benefit pension fund duly registered with the Financial Sector Conduct Authority (Registration Number: 12/8/390)
<b>Information Regulator</b>	- means the public body whose role it is to enforce compliance with POPIA
<b>PAIA</b>	- means the Promotion of Access to Information Act, No. 2 of 2000

<b>Personal Information</b>	- means any information about a living human being or an existing company, close corporation, or other juristic person, provided that the human being or juristic person is capable of being identified. It includes both public and private information. It includes Special Personal Information. It excludes purely statistical information and de-identified information
<b>PFA</b>	- means the Pension Funds Act, No. 24 of 1956, or its successor
<b>POPIA</b>	- means the Protection of Personal Information Act, No. 4 of 2013
<b>Processing/ Processed</b>	- means doing some action with Personal Information, including collecting it, disclosing it, or combining it with other information
<b>Record</b>	- means any recorded information, no matter its form or medium (including written, electronic, labelled, illustrative, or visual records) that the Responsible Party possesses or controls, regardless of whether the Responsible Party created them or when they came into existence
<b>Responsible Party</b>	- means a responsible party in terms of POPIA. The Fund is the Responsible Party in terms of this Privacy Notice and is the party who is mainly involved in the Processing or determines why and how the Personal Information is being Processed
<b>Rules</b>	- means the rules and amendments to the Rules of the Fund, as registered by the Financial Sector Conduct Authority from time to time
<b>Special Personal Information</b>	- means specific types of Personal Information which are set out in POPIA and that have general and special Processing grounds. Special Personal Information includes religious or philosophical beliefs, race or ethnicity, trade union membership or political persuasion, health or sex life (relationship status), biometric information and criminal or objectionable behaviour.

## 2. Who is the Fund?

The Fund is a registered retirement fund under the PFA.

The Fund is governed by a Board and has a Principal Officer. The Board and the Principal Officer change from time to time.

This Privacy Notice applies to Personal Information collected by the Fund.

## 3. What is this Privacy Notice for?

The Fund knows that you care about your Personal Information and how it is used, and we want you to trust that the Fund uses your Personal Information carefully. Protection of Personal Information by the Fund is part of our overall protection of you as a member, beneficiary or other person interacting with the Fund.

This Privacy Notice will help you understand what Personal Information the Fund collects, why we collect it and what we do with it.

#### 4. Why do we Process your Personal Information?

The Fund uses Personal Information of members, beneficiaries and other parties interacting with the Fund for the following purposes:

- a) Mainly to provide benefits in terms of its Rules for its members and former members as well as the dependants of such persons upon the death of a member. These benefits are provided on withdrawal or retirement from the Fund or upon the death of a member.
- b) To process divorce orders.
- c) To pay pensions to Fund pensioners.
- d) To manage and oversee the Fund's fidelity insurance.
- e) To investigate and then exercise its discretion concerning the allocation of lump sum death benefits.
- f) To manage historical housing loans.
- g) To comply with information requests by the Fund's regulators and to provide information and reporting as required by law and regulators.
- h) To manage or oversee member transfers into and out of the Fund.
- i) To manage registration, liquidation and rule amendments of the Fund.
- j) To manage Fund officials and Fund employees, potential Fund officials and Fund employees, service providers, operators and the officials and employees of service providers and operators so as to facilitate or manage their appointment, removal, assessment, monitoring, fitness for office, service capability, delivery, performance and other relevant factors.
- k) To direct, control and oversee the operations, administration and investments of the Fund and to comply with duties set out in the Act (and its successors), including Section 7D of this Act and other relevant law.
- l) To ensure the Fund's Board and committees meet regularly, prepares agendas, minutes, resolutions and other Fund documentation and administration.
- m) To provide relevant and appropriate communication to members of the Fund and other stakeholders.
- n) To manage requests for information and complaints related to the Fund.
- o) To maintain, amend, consolidate or otherwise manage the Rules and other documentation of the Fund.

## 5. What sort of Personal Information do we Process?

Category of data subject	Category of personal information we hold for them
Members of the Fund	<p>Membership records with details and dates of joining and leaving the Fund, identity or other numbers, dates of birth, age, nationality, retirement age, employee numbers, employer details, any member information prescribed to be held by the FSCA, members' contact details, including cell phone numbers and addresses, tax numbers, transfers received from other funds for the member, minimum individual reserves or accounts, employment status and reasons for leaving employment, health and disability information, divorce and maintenance information and orders (including information contained therein about ex-spouses, partners, ex-partners, living arrangements, spouses, family and children), unclaimed benefits and housing loans. Elections regarding payment of benefits, investment of benefits when the member leaves the fund, Members financial advisor details.</p> <p>Tax payable with respect to member, tax directives and applications, PAYE, knowledge of members' tax affair e.g. if they are not in order.</p> <p>Bank account details.</p> <p>In the case of pensioners, in addition to the above, postal address, pension, medical scheme or medical scheme subsidy information, insurance deduction information, subscription/pension deduction information and spouse information. In the case of child pensions in payment, child information.</p>
Beneficiaries and potential beneficiaries of the Fund, children of member, spouse of member, other family members and life partners of member (For example, dependants as defined in the Act or nominees as contemplated in Section 37C of the Act and actually nominated by members, including persons nominated on nomination of beneficiary forms.)	<p>Identity number, age, percentage nomination, relationship to member, sex-life (relationship status) information.</p> <p>Address and other contact information, banking records, employment status, occupation, financial (assets and income statements), children, family members, living arrangements, account numbers and details, criminal behaviour, divorce and maintenance information, partner, spouse and ex-partner and spouse information, caregiver, health, medical records, life expectancy information, education, training, paternity. Other information required to determine dependency.</p>
Ex-spouses or spouses of members	<p>Their representatives, contact details, identity or other numbers, age, marital status, membership of a fund, bank account information, tax information.</p>
Former members of the Fund	<p>Unclaimed benefit information</p> <p>Member records.</p>

Category of data subject	Category of personal information we hold for them
Trustees and other Fund officials, including the Principal Officer	Full names, identity or other number, date of birth, nationality, occupation, contact details, and date of appointment, conflicts and declarations of interest, board memberships, in some cases other employment or provisions of services information and remuneration information, training, education, qualifications, experience, fit and proper requirements information, criminal record, professional body membership and disciplinary information, Name of employer, directorships, prescribed personal information, FICA information, reasons for removal from office. Bank account details.
Service provider companies and persons within those companies. Contractors and agents of the Fund as well as their directors and management	Company name, company registration number, FICA information, any due diligence or tender information, including previous criminal behaviour or other forms of misconduct, fit and proper information. Contractual arrangements, errors and omissions, information about claims or litigation, conflicts and declarations of interest, qualifications, licenses, professional body membership, prescribed information. Bank account details. Directors and management identity or other number, contact details, fit and proper requirements information, legal, compliance and regulatory information.

## 6. Who do we collect your Personal Information from?

Sometimes we collect your Personal Information from you, with your consent, but we do not always collect your Personal Information directly from you. For example, we collect Personal Information about members who are still employed by the City from the City of Johannesburg Pension Fund, who in many cases has received it from the member's employer. All members who are still employed by the City are dual members of the Fund and the City of Johannesburg Pension Fund.

We rely on the following justifications not to collect Personal Information directly from you (a Data Subject):

- It is necessary to carry out actions for a contract with the Data Subject
- It complies with an obligation imposed by law on the Fund
- It protects the legitimate interest of the Data Subject; or
- It is necessary to pursue the legitimate interests of the Fund or a third party to whom the information is supplied.

For more information about the specific Fund activities where we collect Personal Information from persons other than the persons themselves and the justifications we rely on to do so, please look at the Fund's Data Protection Policy.

## 7. Who do we give your Personal Information to?

We try to be very careful about who we give your Personal Information to. To achieve the Fund's purposes (for example, administering the Fund and paying benefits to members) the Fund does provide your Personal Information to other persons. (The Fund's purposes are set out in Section 4.)

For example, we might provide your Personal Information to the following persons:

- the Fund's administrator
- the Fund's actuary and valuator
- the Fund's auditor
- the Fund's consultant, including benefit and investment consultants
- the Fund's insurers and insurance brokers
- the Fund's legal provider/s
- the Fund's tracing agent/s
- the Fund's death benefit investigation service provider
- the FSCA, Prudential Authority, South African Reserve Bank, the Information Regulator and relevant Authorities and Regulators
- the South African Revenue Services, the Financial Intelligence Centre and other government entities
- Ombud (for example, the Pension Funds Adjudicator) as well as the Financial Services Tribunal
- basic lump sum death benefit related personal information of beneficiaries to other beneficiaries
- court appointees
- the Board, other Fund officials and Fund employees
- other persons lawfully entitled to receive Fund personal information.

## 8. Sensitive Personal Information

The Fund Processes Special Personal Information, children's Personal Information and account numbers as part of its normal activities.

Special Personal Information collected and used by the Fund includes race, health or sex life (relationship status), biometric information and information regarding criminal or objectionable behaviour.

For more specific information about how we collect and use Special Personal Information, children's Personal Information and account numbers as well as the justifications we rely on to do so, please look at the Fund's Data Protection Policy.

## 9. Transferring your Personal Information outside of South Africa

The Fund, and its service providers, may transfer your Personal Information outside of South Africa. For example, cloud storage (servers outside of an office) is used for data and this involves Processing Personal Information in other countries. However, we will always make sure that we protect your Personal Information as required by POPIA even if your Personal Information leaves the country.



## 10. Security measures for your Personal Information

The Fund, and its service providers, employ appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of Personal Information and unlawful access to or Processing of Personal Information.

These measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the information technology infrastructure
- Passwords and encryption.

## 11. How long will we keep your Personal Information?

We will keep your Personal Information for as long as is necessary to achieve the Fund's purposes. After that, we will destroy it if the Fund is no longer authorised or required to keep it in terms of law, agreements, consent or its Data Protection Policy.

Funds often need to keep information for long periods, even long after the person has left the Fund or stopped being paid. It is often the case that former members come forward when they retire (which may be long after their employment terminated and they left the Fund) to make claims for payment of their pension entitlements. (In addition, when a former or retired member dies, this type of claim may be made by the former or retired member's beneficiaries.) Therefore, it is important for the Fund to have sufficient documentation to be able to verify the payment status of former members' entitlements. This will avoid duplication of payments and ensure that payments are made to those who are entitled to receive them.

The Fund has determined that it has not been possible for all historical information, including Personal Information, to be maintained from the registration date of the Fund due to various reasons. However, the Fund will attempt to maintain member information, including Personal Information, until the Fund is closed.

Where the Fund's service providers destroy or delete Personal Information, they will do so in a manner that ensures your Personal information remains secure.

## 12. Do you have any questions?

If you have any questions or requests about how your Personal Information is treated, please contact the Fund's Information Officer.

**Information Officer/** - **Mr Graham Luden**  
**Principal Officer**

Email address - [grahaml@phumulafund.co.za](mailto:grahaml@phumulafund.co.za)

Contact number - 011 511 9540

Address	- Physical address	Postal address
	Second Floor, North Wing Oakhurst Office Park 11-13 St. Andrews Road Parktown 2193	PO Box 2611 Johannesburg 2001

The Fund's Information Officer can provide copies of the Fund's Data Protection Policy and Promotion of Access to Information Manual. These are usually sent by email.

These documents are also available on the Fund's website [www.phumulafund.co.za](http://www.phumulafund.co.za).

If you have another query, then you can contact the Fund's offices.

### **Pension Fund Office**

Email address - [info@phumulafund.co.za](mailto:info@phumulafund.co.za)

Contact number - 011 551 9540

Address	- Physical address	Postal address
	Second Floor, North Wing Oakhurst Office Park 11-13 St. Andrews Road Parktown 2193	P.O. Box 2611 Johannesburg 2001

### 13. Complaining about how we used your Personal Information

Please contact the Fund's Information Officer.

You can also complain to the Information Regulator.

#### Information Regulator

Email address – Complaints	-	<a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a> <a href="mailto:POPIAComplaints@inforegulator.org.za">POPIAComplaints@inforegulator.org.za</a>	
Email address – General queries	-	<a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>	
Address	-	Physical address JD House 27 Stiemens Street Braamfontein Johannesburg 2001	Postal address P.O. Box 31533 Braamfontein Johannesburg 2017

### 14. You have the right to ask us about your Personal Information

You have the following rights under POPIA:

To request confirmation of whether we hold Personal Information about you and a description or record of it
To request information about which third parties have access to your Personal Information
To request us to correct or delete your Personal Information if it is inaccurate, irrelevant, excessive, out-of-date, incomplete, misleading or unlawfully obtained (Form 2, Regulations to POPIA)
To request us to delete or destroy your information if we are no longer authorised to keep it
To object to us processing your Personal Information (Form 1, Regulations to POPIA)

Please see the Fund's Promotion of Access to Information Manual for the forms and for more information about what information and requests you can make from the Fund and how to do it.

If you do not use the prescribed form or do not complete it properly, your request may be rejected, refused (if sufficient information is not provided or otherwise) or delayed.