

## Personal Information Protection Notice

(issued in accordance with Section 5 (a) (i) and 18 of the Protection of Personal Information Act, 4 of 2013 (POPI) and Article 13 of the General Data Protection Regulation (EU) 2016/679 (GDPR))

### Aim and Purpose of this Notice

We value your privacy and want to be transparent about the personal information we process when interacting with you. With this Personal Information Protection Notice, we inform you and provide you with an overview of how we process your personal information and by doing so we are fulfilling our notification obligation.

We are committed to manage and process your personal information in accordance to the applicable privacy and information protection law provisions, which specifically provides for the lawful, fair and transparent processing of your personal information for specified, explicit and legitimate purposes in a reasonable manner that does not infringe on your right to privacy. Please refer to [our General Data Protection and Retention Policy, and Privacy Policy](#).

We recognise and are committed to protect your fundamental rights and freedoms, more specifically your right to privacy which includes the right to the protection against the unlawful collection, retention, dissemination and use of personal information.

### A. About Us and How to Contact Us

Responsible Party: [SAICA Enterprise Development](#)

Address: 17 Fricker Road, Illovo, Sandton, Johannesburg, 2106

### B. Why do we Collect and Process Personal Information?

Our reason for collecting your personal information changes depending on the activity we need it for. We collect and process personal information for the below purposes including but not limited to:

- delivering entrepreneurial programmes, interventions and services;
- managing our supplier, beneficiary and service provider relationships;
- managing transactions relating to our regulated, assured, registered, licensed, and authorised individuals;
- managing transactions and documentation between beneficiaries and service providers;
- managing our relationship with corporate clients, B-BBEE agencies, funders and other similar entities;
- B-BBEE documentation for verification purposes;

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- recruitment and selection procedures;
- managing of our relationship with our employees; and
- managing our other stakeholder relationships, including associated entities, partners, complainants etc.

**C. Personal Information Collected and Processed**

‘Personal information’ is information which relates to an identified or identifiable natural person or a juristic person, by means of an identifying factor and subject to the applicable data protection laws. The personal information we collect, and process may differ depending on our purpose of collecting and processing your personal information. We may collect and process your personal information subject to the purpose above, which include but are not limited to:

<b>General Personal Information:</b>	Full name and identifying details (including identity or passport numbers)
	Contact details, including telephone numbers, email addresses etc.
	Gender
	Details of membership or other professional bodies
	Employment details, history, qualifications, and designations
	Educational details, including student number, educational establishment, dates of study, subject studied, exam results, student training records, awards etc.
	Complaints and disciplinary records
	High resolution jpeg. Images
	Contact Details, including but not limited to telephone number, email address, fax number, physical address, postal address etc.
	Video- and voice recordings
	Member portal queries
	Income tax numbers, PAYE and Company Tax information
	VAT numbers
	Company details
Management Accounts and Annual Financial Statements	

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	CIPC documentations, B-BBEE documentation
	Bank account details (high risk)
<p><b>Special Personal Information:</b></p> <p><i>(We will collect and process special personal information only for specific purposes and only with your consent. We collect and process such to monitor equality and diversity and/or in order to support any special exam requirements you have and/or to consider an appeal that you make or that is made on your behalf, or for the purpose of evaluating your eligibility as a student or qualifications you apply for but only if you</i></p>	Race or ethnic origin
	Health
	Criminal behaviour
	Biometric
	Personal information of children

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<i>provide your consent.)</i>	
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#### D. Lawful Processing of Personal Information

We only process your personal information if such:

- Processing is necessary to carry out actions for the conclusion or performance of a contract to which you are a party e.g. applications for entrepreneurial programmes and interventions, recruitment, subscriptions, services etc.;
- Processing complies with an obligation imposed by law on us e.g. providing information to regulators, professional bodies, supervisory authorities, statutory bodies, law enforcement;
- Processing protects your legitimate interest;
- Processing is necessary for pursuing our or a third parties to whom the information is supplied legitimate; and/or
- Processing was agreed to by You (or a competent person where you are a child) in the form of a consent.

#### E. Consequences of Your Refusal to Provide Personal Information

In the event in which you refuse to provide or allow us to collect your personal information, where our purpose for such collection is based on a contractual requirement, legal obligation and/or our legitimate interest, it could hinder our ability to perform our duties and responsibilities in both your and our best interest, which could be to your detriment.

#### F. Working in public interest

Our principle purpose and objective is to contribute to economic and social advancement of the Republic and grow South Africa's entrepreneurial ecosystem through advancing the sustainable growth of small Black businesses, which in turn will create employment opportunities. The Institute's Members and Associates act in the public interest and support the relevant United Nations Sustainable Development Goals where relevant. SAICA Enterprise Development (SAICA ED) offers Financial Excellence to SMMEs through all designations of the South African Institute of Chartered Accountants (SAICA). SAICA ED thus partners with the SAICA associated Small and Medium Practices (SMPs) and other groupings within SAICA to achieve Financial Excellence in both Small, Medium and Micro Enterprises (SMME) and entrepreneurial incubators nationwide. Our key strategic intent is to enhance the value of the Chartered Accountancy profession by mobilising its contribution to SMME development through developing Financial Excellence in entrepreneurs through: Financial boot-camps, financial coaching, affordable accounting services (using unemployed Accounting graduates), and developing

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Financial Excellence reporting standards. enhance the relevance, values, competence and influence of our Members and Associates in South Africa and abroad, and to contribute to the economic and social development in South Africa.

To achieve these purposes we have a fundamental, enduring, and long-term ancillary objective for us and our partners to act in the public interest and to safeguard the values of the Accounting Profession. We therefore work in public interest and through doing so collect and process personal information to meet our legal and regulatory obligations. We further work together with regulators, statutory bodies, professional bodies, law enforcement, government departments and other organisations to maintain and improve standards and to protect members of the public and the Profession.

#### **G. Persons who will Access your Personal Information**

Our employees will have access to your personal information to administer and manage our inclusive services and our various stakeholder relationships. Your personal information will further be shared with third parties, subject to the purpose of us collecting and processing your information, including but not limited to:

- Operators, who process personal information for us in terms of a contract or mandate, without coming under our direct authority e.g. service providers etc.;
- Oversight and other regulators, professional bodies and statutory bodies;
- Our Board and sub-Board Committee;
- Other Committee members;
- Small Medium Practices;
- Funders;
- Research Partners;
- Universities, colleges or similar entities;
- Reciprocal entities;
- Publishing of awards;
- Potential clients, should you be registered on our directory; and
- Government agencies and law enforcement.

#### **H. Transfers to Third Countries**

Transfer of Personal Information Outside of the European Economic Area (“EEA”) in terms of the GDPR or Outside of the Republic of South Africa (“RSA”) in terms of the POPI. We may transfer your

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personal information to recipients who may carry out services on our behalf (including our entities) located in countries outside of the EEA or RSA, we aim to only transfer your personal information under such circumstances if the relevant third country or international organisation provide a similar level of protection of personal information as POPI and GDPR.

In the event in which we transfer your personal information to a country where the data privacy laws are not equivalent to those in the EEA or RSA, we will take all necessary steps to protect your personal information in accordance with applicable data privacy laws.

#### **I. Protection and Retention of your Personal Information**

We will take the necessary steps to secure the integrity and confidentiality of personal information in its possession and under its control by taking appropriate, reasonable technical and organisation measures to prevent loss of, damage to or unauthorised destruction of your personal information and unlawful access to or processing of personal information, regardless of the format in which it is held.

We will retain your personal information for a period as required to achieve the purpose of which the personal information was collected initially or subsequently processed, unless retention is required or authorised by applicable law, or we reasonably require the records for lawful purposes related to our functions or activities, or is required by a contract or you (or a competent person where you are a child) has consented to the retention of the record.

We may retain your personal information for periods longer than these periods for historical, statistical or research purposes based on us maintaining appropriate safeguards against the records being used for any other purposes.

In the event in which we used your personal information record to make a decision about you, we shall retain the record for such a period that may be required or prescribed by law or code of conduct or if there is no law of code of conduct, retain the record for a period sufficient to afford you a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.

#### **J. Marketing Activities**

We may contact you periodically to provide information regarding our events, seminars, products, services and content that may be of interest to you and to invite you to participate in research, creation of new Works etc. If applicable law requires that we receive your consent before we send you certain types of marketing communications, we will only send such communications after receiving your consent.

If you do not wish to receive further marketing and research communications from us you can click on the unsubscribe link in the marketing communication or contact us via [Anniemc@saicaed.co.za](mailto:Anniemc@saicaed.co.za) and/or [GDPRCompliance@saica.co.za](mailto:GDPRCompliance@saica.co.za) to withdraw your consent. Note that all withdrawal of your

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consent will not affect the lawfulness of processing based on the consent prior to its withdrawal. Upon withdrawal of your consent we will no longer be able to inform you of our products, services, publishing topics etc.

**K. Use of your Personal Information to make Automated Decision Making**

We do not make use of automatic decision making that would affect you to a significant degree or have legal consequences for you. We make use of real-time fraud detection systems to safeguard your rights and freedoms. It is necessary for us to make use of automated decisions to perform these detection processes, which would require us to make use of your personal information. This assists in the detection of fraudulent activities suspected where there is unusual activity on your profile. Should you wish to object against such an automated decision, you may request that such an automated decision be reviewed.

**L. Receipt of Your Information from a Third Party**

In some instances we may receive your personal information (including your name and contact details) from a third party and we will notify you of us collecting your personal information as soon as reasonably practicable after it has been collected.

**M. Laws Authorising or Requiring the Collection of Personal Information**

Under certain circumstances we are authorised or required by laws to collect your personal information. These laws include but are not limited to the below and includes their applicable Regulations and Directives etc.:

<b>Companies Act, 71 of 2008</b>	<b>Tax Administration Act, 28 of 2011</b>
<b>Disaster Management Act, 57 of 2002</b>	<b>Value Added Tax Act, 89 of 1991</b>
<b>Employment Equity Act, 55 of 1999</b>	<b>Income Tax Act, 58 of 1962</b>
<b>Basic Conditions of Employment Act, 75 of 1997</b>	<b>Occupational Health and Safety Act, 85 of 1993</b>
<b>Compensation of Occupational Injuries and Diseases Act, 130 of 1993</b>	<b>Broad-Based Black Economic Empowerment Act, 53 of 2003</b>
<b>Labour Relations Act, No 66 of 1995</b>	<b>Skills Development Act, 97 of 1998</b>

**N. Your Rights**

POPI and GDPR guarantees you, as a data subject, certain rights which you may exercise against us where applicable. For more information on these rights refer to our [General Data Protection and Retention Policy and Privacy Policy](#) available on our website. You have the right to:

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- have your personal information to be **processed** in accordance with the **conditions of lawful processing**;
- be **notified** that your personal information is being **collected**;
- be **notified** that your personal information has been **accessed or acquired by an unauthorised person**;
- request **confirmation** of whether we **hold personal information about you**;
- request the **record or a description** of the personal information we hold about you, including information about the identity of all the third parties or categories of third parties who have or have had access to your information;
- request us to **correct or delete** your personal information in our possession or under our control that is **inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, or destroy or delete a record** of your personal information the we are **no longer authorised to retain**;
- **object to the processing** of your personal information, subject to the relevant lawful purpose of processing, on reasonable grounds relating to your particular situation;
- **object to the processing** of personal information for the purposes of **direct marketing**;
- request that the **processing** of your personal information is **restricted** under certain circumstances, subject to applicable law; and
- request that personal information held by us be transferred to another Responsible Party, subject to applicable law.

Should you wish to **exercise any of the above rights** you may contact the [Information Officer](#).

#### O. Information Officer and Deputy Information Officer

Information Officer: Annie McWalter – Chief Executive Officer

Deputy Information Officer: Khanyisa Tengisile

Email address: [Anniemc@saicaed.co.za](mailto:Anniemc@saicaed.co.za) ; [khanyisat@saicaed.co.za](mailto:khanyisat@saicaed.co.za) and/or [GDPRcompliance@saica.co.za](mailto:GDPRcompliance@saica.co.za)

#### P. Information Regulator and Other Personal Information Supervisory Authorities:

Should you believe that the processing of your personal information is in contravention with applicable data protection laws, you can lodge a complaint with:

- South Africa:

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#### **The Information Regulator (South Africa)**

Follow link for contact details: <https://www.justice.gov.za/infoereg/contact.html>

- European Union:

#### **European Data Protection Supervisor (EDPS)**

Follow the link for contact details: [https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en)

#### **Q. Changes to Data Protection Notice**

We will review this Personal Information Protection Notice and may amend or supplement this Notice from time to time, in accordance with regulatory changes, business strategies and new technology introduced into our operations.

We will publish an updated version of this Notice, as and when amendments or supplements have been made on our website.

In some instances we may receive your personal information (including your name and contact details) from a third party and we will notify you of us collecting your personal information as soon as reasonably practicable after it has been collected.

Should we have previously issued a Personal Information Protection Notice to you in relation to the collection of your personal information including similar categories of personal information or for a similar purpose of collection, we would not have to issue a new Personal Information Protection Notice and will be compliant with Section 5 (a) (i) and 18 of POPI and Article 13 of the GDPR.

#### **R. Enquiries, Requests and/or Concerns**

You may address all your enquiries, requests and/or concerns regarding this Notice or relating to the processing of personal information to our [Information Officer](#).

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