
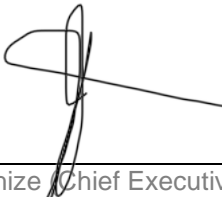
	<b>POPI POLICY</b>	
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<b>POLICY NUMBER POPI-POL-001</b>		

	
F. Safa (Executive Manager: Risk Management)	G. Mkhize (Chief Executive Officer)
Date: 22 May 2024	Date: 22 May 2024

<p><b>Related documents</b></p> <p>This policy should be read in conjunction with INSETA's:</p> <ol style="list-style-type: none"> <li>1. PAIA Manual.</li> <li>2. Acceptable Information Usage and Handling Policy.</li> <li>3. Documents Management Policy</li> <li>4. ETQA Records Management Policy</li> <li>5. ICT Security Policy</li> <li>6. Back Up and Recovery Policy</li> </ol>
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## 1. INTRODUCTION

- 1.1 The Insurance Sector Education and Training Authority (“INSETA”) is a statutory body established through the Skills Development Act (“SDA”), Act No. 97 of 1998, as amended, to enable its stakeholders to advance the national and global position of the industry for education, training and skills development requirements of the insurance and financial sectors. INSETA is classified as a Schedule 3A public entity in terms of the Public Finance Management Act (“PFMA”), Act No. 1 of 1999. The mandate of INSETA includes facilitating the implementation and delivery of programmes that will provide access to and increase the skills base in the sector.
- 1.2 As a schedule 3A public entity, INSETA is required to *inter alia* comply with the provisions of the PFMA and with any Treasury Regulations. This places the organisation under a burden of compliance with the requirements of the above legislation as well as any related regulations, rules and any standards applicable to a schedule 3A public entity.
- 1.3 As a Sector Education and Training Authority (“SETA”), the collection and processing of Personal Information is directly aligned to the execution of INSETA’s mandate. The collection, processing and safeguarding of Personal Information by INSETA is however not only limited to the prescripts of the Protection of Personal Information Act, Act 4 of 2013 (“POPIA”).
- 1.4 It is therefore *inter alia* necessary to regulate and set standards pertaining to the processing of Personal Information in the possession of or under the control of INSETA.
- 1.5 There are a number of other pieces of legislation and regulations that govern the INSETA environment and are related to the implementation of POPIA, including the Promotion of Access to Information Act, Act 2 of 2000 (“PAIA”). INSETA’s implementation of POPIA considers all applicable legislation and regulations and their relationship to POPIA, and properly aligns itself accordingly.

## 2. OBJECTIVES

- 2.1 The purpose of this Protection of Personal Information Policy (“this Policy”) is to *inter alia* establish the requirements and conditions for the collection, distribution and retention of Personal Information, in line with the prescripts of both POPIA and PAIA, thereby establishing a compliance framework for INSETA with POPIA.
- 2.2 This Policy articulates the parameters in the collection, processing, storage, distribution, and destruction of Personal Information by INSETA, as aligned to POPIA.
- 2.3 This Policy further sets out how INSETA deals with a Data Subject’s Personal Information as well as the purposes for which Personal Information will be used.
- 2.4 This Policy, read with INSETA’s PAIA Manual, informs Data Subjects / requestors of the procedural and other requirements which a request must meet, as prescribed by both POPIA and PAIA.

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### 3. SCOPE

This policy applies to all INSETA stakeholders including but not limited to:

- 3.1. INSETA Management and staff
- 3.2. Accounting Authority
- 3.3. Consultants, Suppliers, Service Providers, Contractors
- 3.4. Any other third party in a business transaction with INSETA.

### 4. DEFINITIONS AND ABBREVIATIONS

<b>Biometric</b>	the measurement and analysis of distinctive physical or biological features (such as fingerprints or voice patterns), particularly as a way of establishing personal identity.
<b>Consent</b>	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>	the person to whom Personal Information relates – for INSETA purposes this <i>inter alia</i> relates to e.g. SDPs, Learners, Employers etc.
<b>Operator</b>	a person who processes Personal Information for a INSETA in terms of a contract or mandate.
<b>PAIA</b>	Promotion of Access to Information Act, Act 2 of 2000
<b>Personal Information</b>	<i>inter alia</i> refers to information relating to an identifiable, living, natural persona and, where applicable, an identifiable, existing juristic person. Personal Information can include, but is not limited to, information relating to race, gender, a Data Subject's education, biometric information, identity numbers, telephone numbers, etc.
<b>POPIA</b>	Protection of Personal Information Act, Act 4 of 2013
<b>Processing</b>	any operation or activity, automated or manual, concerning Personal Information, and may include, but is not limited to, collection, receipt, recording, organisation, storage, collation, retrieval, alteration, updating, distribution, dissemination by means of transmission, erasure or destruction of Personal Information.
<b>INSETA</b>	Insurance Sector Education and Training Authority
<b>Special Personal Information</b>	Personal Information that, in terms of section 26 of POPI, are of a very sensitive nature and that requires additional stringent protection. Special Personal Information includes, but is not limited to, religious beliefs, political affiliations, race and ethnic origin, health, sex life and biometric information.

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<b>Third (3<sup>rd</sup>) party/parties</b>	A person or group with whom Personal Information may be shared for further processing.
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## 5. REFERENCES

5.1 This Policy embraces the provisions of the following legislation and regulations:

- 5.1.1. Constitution of the Republic of South Africa;
- 5.1.2. Skills Development Act, Act 97 of 1998;
- 5.1.3. Protection of Personal Information Act, Act 4 of 2013;
- 5.1.4. Promotion of Access to Information Act, Act 2 of 2000;
- 5.1.5. Promotion of Administrative Justice Act, Act 3 of 2000;
- 5.1.6. National Skills Development Plan;
- 5.1.7. National Treasury Regulations;
- 5.1.8. All other applicable legislation and frameworks.

## 6. POLICY PRINCIPLES - LAWFUL PROCESSING OF PERSONAL INFORMATION:

The conditions for the lawful processing of Personal Information by or for INSETA are:

### 6.1. ACCOUNTABILITY

- 6.1.1. This condition works towards protecting the legitimate interest of the Data Subject, by providing a standard as to the security of their Personal Information.
- 6.1.2. INSETA is accountable for all the Personal Information collected and stored by it and determines how that Personal Information must be processed.
- 6.1.3. INSETA will be responsible and liable from the time that the information is processed until the time of its deletion and this obligation to lawfully process Personal Information lawfully cannot be contracted out.
- 6.1.4. INSETA will highlight and provide support, where appropriate, to all third parties provided with Personal Information on the POPI requirement for compliance and privacy policies that safeguard Personal Information.
- 6.1.5. INSETA's Information Officer and Deputy Information Officer are tasked to ensure compliance with POPIA and this Policy.

### 6.2. PROCESSING LIMITATIONS

- 6.2.1. The use and / or processing of Personal Information will also be limited to the purpose which will be stipulated upon collection thereof and the purpose for which written consent was granted. Therefore, INSETA may not process a Data Subject's Personal Information in any other manner other than that for which written consent has been given, unless required / permitted by law.
- 6.2.2. INSETA is allowed to collect the minimum required Personal Information for the purpose that it is needed for.

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- 6.2.3. Information will be collected directly from the Data Subject by INSETA, or from third parties authorised by INSETA, after approval from the Data Subject to collect such Personal Information was obtained.
- 6.2.4. In order to obtain the minimum required Personal Information, consent must be obtained from the Data Subject who must be informed what Personal Information and the type of information will be processed.
- 6.2.5. INSETA should not collect or process more Personal Information than it needs in order to achieve the purpose for which it is being collected and may therefore only collect information that is relevant.
- 6.2.6. POPI sets out a general obligation to obtain consent from a Data Subject in order to process its Personal Information and sets out certain justifications or instances where consent to process will not be required.

**6.3. PURPOSE SPECIFICATION**

- 6.3.1. The purpose for the processing of the Personal Information must be identified and INSETA must ensure that the Data Subject is made aware of that purpose. Personal Information must be collected for a legitimate and lawful purpose. Personal Information must not be retained for longer than the required period unless it is lawful to do so.
- 6.3.2. The purposes for which INSETA collects Personal Information from Data Subjects include but not limited to:
  - 6.3.2.1. Reporting skills development initiatives to the Department of Higher Education and Training;
  - 6.3.2.2. Reporting enrolments and achievements of programmes to the South African Qualifications Authority;
  - 6.3.2.3. Reporting on quality assurance functions to the Quality Council of Trades and Occupations;
  - 6.3.2.4. Evaluating and processing applications for access to financial and other benefits;
  - 6.3.2.5. Compiling statistics and other research reports;
  - 6.3.2.6. Providing personalised communications;
  - 6.3.2.7. Complying with the law; and/or
  - 6.3.2.8. For a purpose that is ancillary to the above and for any other purpose for which consent is provided by the Data Subject.
- 6.3.3. INSETA will only retain Personal Information for as long as is needed to carry out the purposes for which it was collected. Once the purpose for collection has been fulfilled, the Personal Information will be destroyed in accordance with POPI and / or INSETA’s Document Management Policy and ETQA Records Management Policy, unless:
  - 6.3.3.1. retention thereof is required or authorised by law;

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6.3.3.2. INSETA reasonably requires the record for lawful purposes related to its functions or activities;

6.3.3.3. retention thereof is required in terms of a contract between the parties;

6.3.3.4. the Data Subject has consented to such longer retention; or

6.3.3.5. the information is kept for purely historical, statistical or research purposes, to the extent that INSETA has established appropriate safeguards against these records being used for any other purposes.

6.3.4. Where INSETA is required or permitted to retain Personal Information post its use for a specified period of time, such Personal Information will be kept securely in hardcopy and / or electronic format for the duration specified by such law or agreed on.

6.3.5. The destruction and / or de-identifying of Personal Information will be conducted as soon as reasonable practical after INSETA is no longer entitled to retain same, and at a secure facility and no unauthorised personnel will be permitted access to such information.

#### **6.4. FURTHER PROCESSING LIMITATION**

6.4.1. Personal Information may only be processed for the purpose that it has been collected for, and for no other reasons / purposes. This includes preventing the disclosure or transfer of Personal Information to third parties unless consent has been obtained from the data subject .

#### **6.5. INFORMATION QUALITY**

6.5.1. INSETA must take reasonably practical steps to ensure that Personal Information records are complete, accurate, updated and not misleading, where necessary.

#### **6.6. OPENNESS**

6.6.1. INSETA is required to be open with the Data Subject as to why they require their Personal Information and how they intend using and processing it.

6.6.2. Section 18 of the POPIA sets out that Data Subjects must be made aware of who is collecting their personal data (specific details such as name, address and contact details) as well as the purpose for collecting the information, whether the information as requested is voluntary or mandatory and the consequences of failing to provide the information requested.

6.6.3. A Data Subject must also be made aware of its right to access its Personal Information, to object to the processing thereof, to withdraw any earlier consent, to request that Personal Information be updated or corrected and to its right to lodge a complaint with the Information Regulator.

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**6.7. SECURITY SAFEGUARDS**

- 6.7.1. INSETA has implemented and continues to implement security safeguards so that all Personal Information that is held by it remains strictly confidential and protected against loss or theft, unauthorised access, disclosure and / or use.
- 6.7.2. The following methods of protection are in place to ensure that Personal Information disclosed to and / or in the possession of INSETA is protected:
  - 6.7.2.1. Password protection is active on computers that may contain Personal Information thereby limiting access to authorised INSETA personnel only;
  - 6.7.2.2. INSETA's IT infrastructure are secured by way of firewalls and antivirus protection;
  - 6.7.2.3. Physical security measures are in place such as the limitation of access to INSETA buildings
  - 6.7.2.4. Access control will be implemented for employees to ensure that no one enters the premises without authorisation;
  - 6.7.2.5. Each manager is responsible for ensuring that the employees under his or her authority take note of the policies on the implementation and maintenance of document management;
  - 6.7.2.6. Personal Information can only be accessed by INSETA employees and management who deals with that record;
  - 6.7.2.7. INSETA has off site back-up and archiving facilities. Third parties who provide these services are obligated to respect the confidentiality of any Personal Information and are bound to non-disclosure agreements. INSETA has agreements in place with these third parties to ensure that they comply with the necessary security and confidentiality conditions;
  - 6.7.2.8. Technological measures are in place to monitor the transmission and inspection of electronic data, including IT audit trails and encryption;
  - 6.7.2.9. Personnel files are kept in secure, locked cupboards and access is restricted. Access is only granted to personnel who require it for operation reasons.
- 6.7.3. INSETA has a number of policies and procedures in place that detail the protocols around security breaches, disaster recovery and incident management. These include the ICT Security Policy, Back Up and Recovery Policy and Business Continuity Plan all of which are available to the public on request.
- 6.7.4. The measures outlined in 6.7.2 will be reviewed regularly, including through audit reports to ensure their continued adequacy and effectiveness in safeguarding personal information.
- 6.7.5. INSETA will notify the Information Regulator, as well as the person or persons whose data has been compromised ("data subjects"), as soon as practically possible once the breach is detected. INSETA will also conduct investigations

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to identify the extent and scope of the breach, as well as the potential impact, and will take actions to mitigate any adverse consequences.

**6.8. DATA SUBJECT PARTICIPATION**

- 6.8.1. Data Subjects have the right to be informed whether INSETA holds their Personal Information and to view any Personal Information that INSETA may hold. Furthermore, Data Subjects have the right to be informed as to how that information was collected and to whom their Personal Information has been disclosed.
- 6.8.2. Data Subjects may, at any time, request disclosed information in line with this Policy and / or INSETA's PAIA Manual, which are available for download on the INSETA website.
- 6.8.3. Information requested will be provided to a Data Subject within a reasonable time. A reasonable fee may be charged in order to process the request and provide copies of the information requested. This will only happen in exceptional circumstances.
- 6.8.4. Data Subjects have the right to ask INSETA to update, amend or delete their Personal Information on reasonable grounds. INSETA relies largely on Data Subjects to ensure that their Personal Information is up to date and correct.
- 6.8.5. Data Subjects may be prompted periodically by an INSETA representative to update their Personal Information. Failure to reply to these prompts will result in the assumption that all information that is on INSETA's systems is accurate.
- 6.8.6. Data Subjects are entitled, at any time, to inform INSETA of any changes to their Personal Information that is in the possession of INSETA. Upon receipt of any advises to changes to Personal Information, INSETA will, within a reasonable period, update the Personal Information accordingly.
- 6.8.7. Any request made in terms of this paragraph 13, must be addressed to the Information Officer using the contact detail set out in paragraph 19 below.

**7. PROCESSING OF SPECIAL INFORMATION**

- 7.1 INSETA will only process special information to which the data subject has already consented to and this information will be used primarily for statistical reporting purposes. As a policy, INSETA will not collect or process personal information relating to the data subject's:
  - 7.1.1. Political beliefs
  - 7.1.2. trade union membership,
  - 7.1.3. Religious or philosophical beliefs
  - 7.1.4. Health or sex life
- 7.2 INSETA may collect information relating to criminal or biometric information as part of its Human Resources recruitment processes with the consent of the data subject.

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**8. PROCESSING OF PERSONAL INFORMATION OF CHILDREN**

8.1 INSETA, as part of the implementation of its mandate, may undertake activities that include interaction with high school learners and where these activities include collection of personal information, consent forms are attached for completion by parents/guardians of learners under the age of 18.

**9. TRANS BORDER FLOW OF PERSONAL INFORMATION**

9.1 INSETA will not transfer Personal Information of a Data Subject to a third party who is in a foreign country unless-

- 9.1.1. that third party receiving the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that similar to those provided for in POPIA and this Policy;
- 9.1.2. the Data Subject consents to the transfer;
- 9.1.3. the transfer is necessary for the performance of a contract between the Data Subject and INSETA, or for the implementation of pre-contractual measures taken in response to the Data Subject's request;
- 9.1.4. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between INSETA and a third party;  
or
- 9.1.5. the transfer is for the benefit of the Data Subject, and-
  - 9.1.5.1. it is not reasonably practicable to obtain the consent of the Data Subject to that transfer; and
  - 9.1.5.2. if it were reasonably practicable to obtain such consent, the Data Subject would be likely to give it.
- 9.1.6. INSETA may transfer Personal Information trans-border in order to store data with third party cloud storage providers.

**10. POLICY PRINCIPLES - EXCLUSIONS**

10.1 This Policy does not include the following information gathered by INSETA in terms of its various functions:

- 10.1.1. attendance registers at events/workshops and tender briefing sessions;
- 10.1.2. prospective provider list;
- 10.1.3. tender submission registers;
- 10.1.4. visitor registers;
- 10.1.5. stakeholder communication;
- 10.1.6. records of employment as well as those relating to Board and Committee members records and suppliers.

10.2 The ~~above~~ information in 10.1 is collected for internal operational purposes only.

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## 11. MONITORING AND EVALUATION

- 11.1. The Information Officer will be responsible to monitor and evaluate the implementation of and compliance with this Policy.
- 11.2. The Information Officer may from time-to-time delegate certain of the responsibilities hereof to a third party, in writing and on such terms and conditions as may be stipulated by the CEO.
- 11.3. All questions, queries and / or objections relating to this Policy and / or Personal Information must be directed the Information Officer using the contact information listed below:

### Information Officer

Contact number: 011 381 8900

Postal address:

PO Box 32035

Braamfontein

2017

Physical address:

18 Fricker Road, Illovo

Sandton

Gauteng

2196

Email address: [informationofficer@inseta.org.za](mailto:informationofficer@inseta.org.za)

Website: [www.inseta.org.za](http://www.inseta.org.za)

## 12. ROLES AND RESPONSIBILITIES

Role	Responsibility
<b>Chief Executive Officer</b>	<p>The CEO acts as the Policy Owner and Custodian of all policies within the INSETA.</p> <p>The CEO has the delegated authority from the INSETA Board to ensure the INSETA adheres to the laws of the Country and the impact it has on the organisation and its employees.</p> <p>This mandate authorises the CEO to command required resources, internal and external, to ensure that the spirit of the law and policies are managed effectively within INSETA.</p>

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<b>Role</b>	<b>Responsibility</b>
<b>Management</b>	The Managers of Divisions and Sections are appointed by the CEO to ensure all policies and procedures are adhered to and monitored in the execution thereof.
<b>Specialist Forum</b>	The Specialist Forum is responsible for reviewing and recommending policies and procedures to the PDC
<b>Policy Development Committee</b>	<p>The Policy Development committee is responsible for setting standards, providing templates and ensuring that Policies and/or Procedures are developed in accordance with the approved standards.</p> <p>The committee facilitates the Policy/ Procedure development until the CEO and Board approval, respectively.</p>
<b>Employees</b>	Employees shall comply with the provisions of this Policy.
<b>Board committees and the Board</b>	The Board Committees shall recommend the policies to the Board for approval. The Board approves the policies.
<b>Information Officer and Deputy Information Officer</b>	<p>Responsible for the implementation of the POPI Policy and procedure within INSETA.</p> <p>Encourage compliance with the conditions of lawful processing of personal information.</p> <p>Deal with requests made to INSETA in terms of POPIA.</p> <p>Work with the information regulator in relation to investigations conducted in relation to chapter 6 of POPIA.</p>

### **13. COMMUNICATION**

- 13.1 The content of this Policy shall be communicated to all relevant staff members within the INSETA;
- 13.2 The latest version of this Policy will be made available on the INSETA policy repository;
- 13.3 Workshops shall be held with all employees to ensure they are trained on the Policy.
- 13.4 INSETA will endeavour to effectively communicate with Data Subjects and third parties on the impact and implications of POPIA. Data Subjects and third parties will be informed of their rights and responsibilities in terms of POPIA.

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**14. POLICY REVIEW**

14.1. This Policy shall be reviewed every three (3) years unless legislation requires otherwise to ensure that it remains updated and relevant.

**15. POLICY DISCLAIMERS**

15.1. The INSETA reserves the right to interpret, change, suspend, cancel or dispute, with notice, all or any part of this policy. Approved policies will be communicated to employees prior to implementation. If and when the policy or any provision thereof is amended, the amended policy or provision thereof will supersede the previous one.

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16. **VERSION CONTROL**

<b>VERSION#</b>	<b>PURPOSE/CHANGE</b>	<b>AUTHOR</b>	<b>DATE</b>
1.0	Review Replaced 'Responsible Party' with INSETA. Deletion of 2.1 and 2.2 under section 2: Objectives. Addition of PAIA and POPIA under Definitions and Abbreviations. Merging of sections within the Policy	Salome Machaka	28 November 2023
1.1	Information Officer and Deputy Information Officer inputs	Salome Machaka	05 December 2023
1.2	Specialist Forum Inputs	Salome Machaka	14 December 2023
1.3	PDC Inputs	Salome Machaka	18 January 2024
1.4	ARC Inputs	Farzana Safila	22 February 2024
1.5	EXCO Inputs	Farzana Safila	20 March 2024

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