

TBN AFRICA

PRIVACY POLICY



TBN Africa is committed to adhering to the standards of professionalism, ethics, and service delivery. We subscribe to the constitutional right to privacy ensuring that any personal information we process is done in a lawful and transparent manner.

Any information processed by TBN Africa will be in accordance with the provisions of the Protection of Personal Information Act 4 of 2013 ("POPI"), and where applicable, the General Data Protection Regulation 2016/679 ("GDPR").

Personal Information is defined in section 1 of POPI to mean: "information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person.
- (b) information relating to the education or the medical, financial, criminal or employment history of the person.
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- (d) the biometric information of the person.
- (e) the personal opinions, views or preferences of the person.
- (f) 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.
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

PRIVACY AND DATA PROTECTION RESPONSIBILITIES

TBN Africa acknowledges its privacy and data protection obligations and adheres to the highest standards that ensure safe processing of data, including personal information. TBN Africa remains accountable to ensure compliance with POPI and/or GDPR.

PROCESSING LIMITATION

Personal information must be processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject.

Personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant, and not excessive.

Personal information may only be processed if:

- The data subject or a competent person where the data subject is a child consent to the processing.
- Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party.
- Processing protects a legitimate interest of the data subject.

The data subject or competent person may withdraw his, her or its consent, provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information will not be affected.

A data subject may object, at any time, to the processing of personal information:

- On reasonable grounds relating to his, her or its particular situation, unless legislation provides for such processing; or
- For purposes of direct marketing by means of unsolicited electronic communications.

If data subject has objected to the processing of personal information, TBN Africa may no longer process the personal information.

Personal Information must be collected directly from the data subject, except if:

- The information is contained in derived from public record or has deliberately been made public by the data subject;
- The data subject or competent person where the data subject is a child has consented to the collection of the information from another source.

PURPOSE SPECIFICATIONS

Personal information must be collected for a specific, explicitly defined, and lawful purpose related to a function or activity of TBN Africa.

Records of personal information must not be retained any longer than necessary for achieving the purpose for which the information was collected or subsequently processed, unless:

- Retention of the record is required or authorised by law;
- TBN Africa reasonably requires the record for lawful purposes to its functions or activities.
- Retention of the record is required by contract between the parties thereto; or the data subject or a competent person where the data subject is a child has consented to the retention of the record.

TBN Africa must destroy or delete a record or personal information or de-identify it as soon as reasonably practicable after TBN Africa is no longer authorised to retain the record.

Records or personal information may be retained for historical, statistical or research purposes if TBN Africa has established appropriate safeguards against the records being used for any purposes.

FURTHER PROCESSING

Further processing of personal information must be in accordance or compatible with the purpose for which it was collected.

INFORMATION QUALITY

TBN Africa must take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.

TRANSPARENCY

TBN Africa must maintain the documentation of all processing operations under its responsibility.

If personal information is collected, TBN Africa must take reasonably practicable steps to ensure that the data subject is aware of:

- the information being collected and where the information is not collected from the data subject, the source from which it is collected.
- The name and address of TBN Africa.

- The purpose for which the information is being collected for.
- Whether or not the supply of information by the data subject is voluntary or mandatory.
- The consequences of failure to provide the information.
- Any particular law authorising or requiring the collection of the information.
- The fact that, where applicable, TBN Africa intends to transfer the information to a third country or international organization.
- Any further information such as the:
 1. Receipt or category or recipients of the information.
 2. Nature or category of the information.
 3. Existence of the right of access to and right to rectify the information collected.
 4. Existence of the right to the object to the processing of personal information and
 5. Right to lodge complaint to the Information Regulator and the contact details of the Information Regulator, which is necessary, having regard to the specific circumstances in which the information is not or is not to be processed, to enable processing in respect of the data subject to be reasonable.

SECURITY SAFEGUARDS

TBN Africa must secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organizational measures to prevent:

- Loss of, damage to or unauthorised destruction of personal information and;
- unlawful access to or processing of personal information.

TBN Africa takes reasonable measures to:

- Identify all reasonably foreseeable internal and external risks to personal information in its possession or under control.
- Establish and maintain appropriate safeguard are effectively implemented and
- Ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

The responsibility party must have due regard to generally accept information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.

ACTING OPERATOR

Where TBN Africa acts as an operator, it must:

- Process such information only with knowledge or authorisation of responsible party; and
- Treat personal information which comes to their knowledge as confidential and must not disclose it.

SECURITY COMPROMISES

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by an unauthorised person, TBN Africa must notify:

- the Regulator and
- the data subject unless the identity of such a data subject cannot be established.

The notification to a data subject must be in writing and communicated to the data subject in at least one of the following ways:

- mailed to the data subject's last known physical address.
- sent by e-mail to the data subject's last known e-mail address.
- placed in a prominent position on TBN Africa website.
- published in news media or
- as may be directed by the Regulator

The notification must provide sufficient information to allow the data subject to take proactive measures against the potential consequences of the compromise, including:

- A description of the possible consequences of the security compromise.
- A description of the measures that TBN Africa intends to take or has taken to address the security compromise.
- A recommendation regarding the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and
- If known to TBN Africa, the identity of the authorised person who may have access or acquired the personal information.

DATA SUBJECT PARTICIPATION

A data subject, having provided adequate proof of identity, has the right to:

- Request TBN Africa to confirm, free of charge, whether TBN Africa holds personal information about the data subject; and
- Request from TBN Africa the record or description of the personal information about the data subject held by TBN Africa, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

If, in response to request, personal information is communicated to a data subject, the data subject must be advised of the right to request the correction of information.

TBN Africa may or must refuse, as the case may be, to disclose any information requested to which the grounds for refusal access to records set out in the applicable sections of Chapter 4 or Part 2 and Chapter 4 of Part 3 of the Promotion of Access to Information Act.

A data subject may, in the prescribed manner, request TBN Africa to:

- Correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or
- Destroy or delete a record of personal information about the data subject that TBN Africa is no longer authorised to retain.

On receipt of the request, TBN Africa must, as soon as reasonably practicable:

- Correct the information.
- Destroy or delete the information;
- Provide the data subject, to his or her satisfaction, with credible evidence in support of the information; or
- Where agreement cannot be reached between TBN Africa and data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that will always be read with the information, an indication that a correct of the information has been requested but has not been made.

If TBN Africa has taken steps that result in a change to the information and the changed information has an impact on decision that must be or will be taken in respect of the data subject in question, TBN Africa must, if reasonably practicable, inform each person or body or responsible party to whom the personal information has been disclosed of those steps.

TBN Africa must notify a data subject, who has made a request, of the action taken because of the request.

SPECIAL INFORMATION

TBN Africa may not process information concerning:

- The religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- The criminal behaviour of a data subject to the extent that such information relates to:
 1. The alleged commission by data subject of any offence; or
 2. Any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

The prohibition on processing personal information does not apply if the:

- Processing is carried out with the consent of a data subject;
- Processing is necessary for the establishment, exercise of defence of a right obligation in law.
- Processing is necessary to comply with an obligation of international public law.
- Information is made public by the data subject; or
- Provisions of section 23 to 33 of POPI Act are, as the case may be, complied with.

The prohibition on processing personal information concerning a data subject's race or ethnic origin does not apply if the processing is carried out to:

- Identify data subjects and only when essential for that purpose; and
- Comply with laws and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination.

DIRECT MARKETING

The processing of personal information of a data subject for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail is prohibited unless the data subject:

- Has given his, her or its consent to the processing; or
- Is a Partner of TBN AFRICA

TBN Africa may approach a data subject-

- Whose consent is required; and
- Who has not previously withheld such consent, only once in order to request the consent of that data subject.

The data subject's consent must be requested in the prescribed manner and form.

TBN Africa may only process the personal information of a data subject who is a PARTNER of TBN Africa:

- If TBN Africa has obtained the contact details of the data subject in the context of the sale of a product or service;
- For the purpose of direct marketing of TBN Africa's own similar products or services.

Any communication for the purpose of direct marketing must contain:

- Details of the identity of the sender or the person on whose behalf the communication has been sent; and
- An address or other contact details to which the recipient may send a request that such communications cease.

TRANSFER OF INFORMATION OUTSIDE THE REPUBLIC OF SOUTH AFRICA

TBN Africa in the Republic of South Africa may not transfer personal information about a data subject to the third party who is in a foreign country unless:

- The third party who is the recipient of the information is subject to law, binding corporate rules or binding agreement which provide adequate level of protection that:
 1. Effectively upholds principles for the reasonable processing of the information that are substantially like the conditions for the law processing of personal information relating to data subject who is natural person and, where applicable, a juristic person; and
 2. Includes provisions, that are substantially similar to this section relating to the further transfer of personal information from the recipient to the third parties who are in a foreign country.
- The data subject consents to the transfer.
- The transfer is necessary for the performance of a contract between data subject and TBN Africa, or for the implementation of pre-contractual measures taken in response to the data subject's request.
- The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between TBN Africa and a third party; or
- The transfer is for the benefit of the data subject, and:
 1. It is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 2. If it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

AMENDMENTS

Please take note that this Policy was updated on 7 July 2021 and we may amend it from time to time.

CONTACT US

If you have any queries in regards to this Policy or if you believe that TBN Africa has not adhered to it, or needs further information about TBN Africa privacy practices or wishes to give a withdrawal consent, exercise preferences or access or correct the person's personal information, please feel free to contact TBN Africa at:

Tel: **011 396 2025**

Email: **info@tbnafrica.org**

kundai@tbnafrica.org

**NB: ANY PERSON HAS THE RIGHT TO COMPLAIN TO THE INFORMATION
REGULATOR REGARDING ANY BREACH OF THE POPI PROVISIONS BY TBN
AFRICA**

