



BOLAND FUNERAL  
ADMINISTRATORS

# **PROTECTION OF PERSONAL INFORMATION (POPI) POLICY**

for the Financial Services Provider registered as

**Boland Funeral Administrators CC**  
**FSP No 51143**

trading as

**BGSA**

# Table of Contents

1. Introduction	page 3
2. Personal Information	page 3
3. Use of Information	page 3
4. Rights of Data Subjects	page 4
5. Conditions for Lawful Processing of Personal Information	page 4
6. Information Officers	page 6
7. All Employees Acting on Behalf of the Responsible Party	page 6
8. Consent and Direct Marketing	page 7
9. Security and Data Integrity	page 8
10. POPI Complaints Procedure	page 8
Annexure A	Personal Information Request Form
Annexure B	POPI Complaint Form
Annexure C	POPI Notice and Consent Form

## 1. Introduction

Boland Funeral Administrators t/a BGSA, is an authorised financial services provider that renders intermediary services to clients on financial products under a licence issued in terms of the Financial Advisory and Intermediary Services Act, Act 37 of 2002.

The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act 4 of 2013 ("POPIA").

POPIA aims to promote the protection of privacy through providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner.

Through the provision of quality services, BGSA collects, stores and use the personal information of clients, provided by an individual.

Given the importance of privacy, BGSA is committed to effectively managing personal information in accordance with POPIA's provisions. It is BGSA's intention that this policy will protect an individual's personal information from being prejudiced in any way.

Personal information is collected only when an individual knowingly and voluntarily submits information. Personal Information may be required to provide an individual with any further services or to answer any requests or enquiries that the individual may have.

## 2. Personal Information

Personal information is any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning:

- 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;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- 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;
- the views or opinions of another individual about the person;
- 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

## 3. Use of Information

The act of processing information includes any activity, or any set of operations concerning personal information and includes:

- 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 any restriction, degradation, erasure or destruction of information.

BGSA needs to collect personal information for the following reasons:

- Underwriting purposes
- Assessing claims
- Confirming and verifying an individual's identity
- Record keeping purposes
- Follow an individual's instructions

- Keeping an individual updated about their policy

Personal information that an individual submits is only for the purpose for which it was intended.

Copies of recorded information and correspondence that may contain personal information, is stored in a filing system for record-keeping and back-up purposes only.

BGSA will not share any information with a third party, for any purpose whatsoever, without an individual's consent.

## 4. Rights of Data Subjects

Where appropriate, BGSA will ensure that its clients and customers are made aware of their rights as data subjects, including:

**The right** to be notified that personal information about him, her or it is being collected by the responsible party. The data subject also has the right to be notified in any situation where the responsible party has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person.

**The right** to establish whether the responsible party holds personal information related to him, her or it, including the right to request access to that personal information.

**The right** to request, where necessary, the correction, destruction or deleted of his, her or its personal information.

**The right**, on reasonable grounds, to object to the processing of his, her or its personal information.

**The right** to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communications.

**The right** to submit a complaint to the Information Regulator regarding an alleged interference of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

Requests can be made via email, WhatsApp, SMS, or any practical communication method, and are processed free of charge within 30 calendar days.

## 5. Conditions for Lawful Processing of Personal Information

According to the POPI Act there are eight conditions under which Personal Information may legally be gathered and processed. These conditions include:

### 5.1 Accountability

The responsible party must ensure that the conditions set out in Chapter 3 of the Act, and all the measures that give effect to such conditions, are complied with at the time of determining the purpose and means of the processing and during the processing.

### 5.2 Processing Limitation

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

Personal information may only be processed if:

- the data subject or a competent person, where the data subject is a child, consents 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 complies with an obligation imposed by law on the responsible party;
- processing protects a legitimate interest of the data subject;
- processing is necessary for the proper performance of a public law duty by a public body; or
- processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

The responsible party will ensure that personal information under its control is processed in a fair and lawful manner, and only with the informed consent of the data subject, and only for a specifically defined purpose.

The responsible party will inform the data subject of the reasons for collecting his, her or its personal information and obtain written consent prior to processing personal information.

Alternatively, where services or transactions are concluded over the telephone or electronic video feed, the responsible party will maintain a voice recording of the stated purpose for collecting the personal information followed by the data subject's subsequent consent.

The responsible party will under no circumstances distribute or share personal information with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected.

### **5.3 Purpose Specification**

The responsible party will process personal information only for specific, explicitly defined and lawful purpose and reasons. Data subjects will be informed of these reasons prior to collecting or recording the data subject's personal information.

### **5.4 Further Processing Limitation**

Personal information will not be processed for a secondary purpose unless that processing is compatible with the original purpose.

Therefore, where the responsible party seeks to process existing personal information, for a purpose other than the original purpose for which it was collected, it will first obtain additional consent from the data subject.

### **5.5 Information Quality**

The responsible party will take reasonable steps to ensure that all personal information collected is complete, accurate, not misleading and updated where necessary.

Where personal information is collected or received from third parties, the responsible party will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.

### **5.6 Openness**

The responsible party will take reasonable steps to ensure that data subjects are informed of their personal information is being collected, including:

- 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 the responsible party;
- The purpose for which the information is being collected;
- Whether or not the supply of the information by that 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, the responsible party intends to transfer the information to a third country or international organisation and the level of protection afforded to the information by that third country or international organisation;
- The rights to access and rectify the information collected;
- The right to object to the processing of personal information;
- The right to lodge a complaint to the Information Regulator

### **5.7 Security Safeguards**

The responsible party must secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent the loss of, damage to or unauthorised destruction of personal information, and unlawful access to or processing of personal information.

In order to do so, the responsible party must take reasonable measures to:

- identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;

- establish and maintain appropriate safeguards against the risks identified;
- regularly verify that the safeguards are effectively implemented; and
- ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

The responsible party will manage the security of its filing system to ensure that personal information is adequately protected. To this end, security controls will be implemented to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction.

The responsible party will continuously review and update its security controls and measures in accordance with future legislation and technological advances. Although, data transmission over the Internet cannot be guaranteed to be completely secure, the responsible party will undertake to take all reasonable steps to protect the personal information of its data subjects, which an individual submits to the responsible party.

The responsible party will ensure that all paper and electronic records comprising personal information are securely stored and made accessible only to authorised individuals.

## **5.8 Data Subject Participation**

A data subject has the right to request confirmation of whether the responsible party holds personal information about the data subject, as well as the correction or deletion of his, her or its personal information held by the responsible party.

The responsible party will ensure that it provides a facility for data subjects who want to request the correction or deletion of their personal information. The responsible party will also take all reasonable steps to confirm the data subject's identity before providing details of their personal information.

Data subjects also have the right to request:

- What personal information the responsible party holds about them and why.
- Request access to their personal information.
- Be informed how to keep their personal information up to date.

The Information Officer will process all requests within a reasonable time.

## **6. Information Officers**

The responsible party will appoint an Information Officer and where necessary, a Deputy Information Officer to assist the Information Officer. The Deputy Information Officer will assist the Information Officer in performing his or her duties.

There are no legal requirements under POPIA for an organisation to appoint an Information Officer. Appointing an Information Officer is however, considered to be a good business practice, particularly within larger organisations. Where no Information Officer is appointed, the head of BGSA will assume the role of the Information Officer.

The Information Officer is responsible for ensuring the organisation's reasonable compliance with the provision of POPIA.

All enquiries relating to BGSA's POPI policy can be addressed to:

Information officer: Marizelle Oosthuisen

Email [marizelle@bgsagroup.co.za](mailto:marizelle@bgsagroup.co.za)

Tel: 021 873 5392

Address: 5 Marchand Square, Rose Street, Wellington, Western Cape, 7655

## **7. All Employees Acting on Behalf of the Responsible Party**

Employees and other persons acting on behalf of the responsible party will, during the course of the performance of their services, gain access to and become acquainted with the personal information of certain clients. All employees are required to sign an employment contract which includes a confidentiality clause.

Employees and other persons acting on behalf of the responsible party are required to treat personal information as a confidential business asset and to respect the privacy of data subjects. They may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within the organisation or externally, any personal

information, unless such information is already publicly known, or the disclosure is necessary in order for the employee or person to perform his or her duties.

Employees and other persons acting on behalf of the responsible party must request assistance from the Information Officer if they are unsure about any aspect related to the protection of a data subject's personal information.

Employees and other persons acting on behalf of the responsible party will only process personal information where:

- The data subject, or a competent person where the data subject is a child, consents to the processing; or
- The processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party; or
- The processing complies with an obligation imposed by law on the responsible party; or
- The processing protects a legitimate interest of the data subject; or
- The processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

Furthermore, personal information will only be processed where the data subject:

- Clearly understands why and for what purpose his, her or its personal information is being collected; and
- Has granted the responsible party with explicit written or verbally recorded consent to process his, her or its personal information.

Informed consent is therefore when the data subject clearly understands for what purpose his, her or its personal information is needed and who it will be shared with.

Consent to process a data subject's personal information will be obtained directly from the data subject, except where:

- the personal information has been made public, or
- where valid consent has been given to a third party, or
- the information is necessary for effective law enforcement.

Employees and other persons acting on behalf of the responsible party are responsible for:

- Keeping all personal information that they encounter secure, by taking sensible precautions and following the guidelines outlined within this policy.
- Ensuring that personal information is held in as few places as is necessary. No unnecessary additional records, filing systems and data sets should therefore be created.
- Ensuring that all computers, laptops and devices that store personal information are password protected and never left unattended.
- Ensuring that their computer screens and other devices are switched off or locked when not in use or when away from their desks.
- Ensuring that where personal information is stored on removable storage medias that these are kept locked away securely when not being used.
- Ensuring that where personal information is stored on paper, that such hard copy records are kept in a secure place where unauthorised people cannot access it.
- Taking reasonable steps to ensure that personal information is kept accurate and up to date. For instance, confirming a data subject's contact details when the client or customer phones or communicates via email.
- Taking reasonable steps to ensure that personal information is stored only for as long as it is needed or required in terms of the purpose for which it was originally collected. Where personal information is no longer required, to delete or dispose of the personal information in the appropriate manner.

The responsible party may engage with third parties to provide support services. Third Parties are obliged to respect the confidentiality of any personal information held by the responsible party. A Service Level agreement must be in place with all Third parties to ensure compliance with all Privacy Policies.

## **8. Consent and Direct Marketing**

BGSA will obtain recorded consent before sending direct marketing. Consent is stored and can be made available upon request. Telephonic or automated marketing consents will be recorded electronically.

## 9. Security and Data Integrity

Records are stored securely, both digitally and physically. Access is limited to authorized personnel. Firewalls, password protection, and encryption are used for digital data. Physical files are stored at secure premises.

## 10. POPI Complaints Procedure

Data subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon.

All POPI complaints must be submitted in writing. Where so required, the Information Officer will provide the data subject with a "POPI Complaint Form".

The Information Officer must determine whether the complaint relates to an error or breach of confidentiality that has occurred, and which may have a wider impact on the organisation's data subjects.

Where the Information Officer has reason to believe that the personal information of data subjects has been accessed or acquired by an unauthorised person, the affected data subjects and the Information Regulator will be informed of this breach.

The Information Officer will revert to the complainant with a proposed solution within 7 working days of receipt of the complaint. In all instances, the responsible party will provide reasons for any decisions taken and communicate any anticipated deviation from the specified timelines.

Where the data subject is not satisfied with the Information Officer's suggested remedies, the data subject has the right to complain to the Information Regulator.

*Information Regulator*

*Tel: 010 023 5200*

*Email: [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za) / [POPIAComplaints@info regulator.org.za](mailto:POPIAComplaints@info regulator.org.za) / [PAIAComplaints@info regulator.org.za](mailto:PAIAComplaints@info regulator.org.za)*

Complainants may request anonymity, and assistance is available for drafting complaints.

**Annexure A: Personal Information Request Form**

**PERSONAL INFORMATION REQUEST FORM**

Full Name and Surname: \_\_\_\_\_

Contact No: \_\_\_\_\_

Email Address: \_\_\_\_\_

*\*Please note we may require proof of identity prior to processing your request.*

**PARTICULARS OF DATA SUBJECT**

Full Name & Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Address: \_\_\_\_\_

Contact No: \_\_\_\_\_

Email Address: \_\_\_\_\_

**REQUEST**

I, the undersigned, request Boland Funeral Administrators, t/a BGSA, to:

- Inform me whether it hold any of my personal information
- Provide me with a description of my personal information
- Correct or update my personal information
- Destroy or delete my personal information

**INSTRUCTIONS**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

## Annexure B: POPI Complaint Form

### POPI COMPLAINT FORM

*We are committed to safeguarding your privacy and the confidentiality of your personal information.*

**PLEASE SUBMIT YOUR COMPLAINT TO THE INFORMATION OFFICER:**

Full Name and Surname: \_\_\_\_\_

Contact No: \_\_\_\_\_

Email Address: \_\_\_\_\_

*Where we are unable to resolve your complaint to your satisfaction, you have the right to complain to the Information Regulator.*

The Information Regulator:

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Tel: 010 023 5200

Email: [POPIAComplaints@info regulator.org.za](mailto:POPIAComplaints@info regulator.org.za) / [PAIAComplaints@info regulator.org.za](mailto:PAIAComplaints@info regulator.org.za)

Website: [info regulator.org.za](http://info regulator.org.za)

**PARTICULARS OF COMPLAINANT**

Full Name & Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Address: \_\_\_\_\_

Contact No: \_\_\_\_\_

Email Address: \_\_\_\_\_

**DETAILS OF COMPLAINT**

---

---

---

---

---

---

---

---

---

---

**DESIRED OUTCOME**

---

---

---

---

---

---

---

---

**SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

## **Annexure C: POPI Notice and Consent Form**

### **PROTECTION OF PERSONAL INFORMATION DECLARATION & CONSENT FORM Act 4 of 2013 (POPIA)**

I hereby agree to provide my personal information to Boland Funeral Scheme Administrators CC, t/a BGSA, on the express understanding that:

1. This constitutes my consent, as required under Section 11(1)(a) of the Protection of Personal Information Act 4 of 2013 (POPIA).
2. My personal information may be collected, processed, recorded, and used for purposes of concluding and administering this policy and must be safeguarded during the rendering of financial services to me by BGSA.
3. BGSA will have access to my personal information which I/or persons acting on my behalf have furnished them for the purposes of assessing this application and managing this policy, and matters related thereto.
4. I hereby authorise BGSA to verify, share, and disclose my/our personal information to any Financial Institution, Insurer, their product providers, as well as any other related third parties whose services or products they use to adequately and appropriately render financial services to me.
5. BGSA may add to my personal information, information received from other product providers and third parties to offer a more comprehensive and appropriate service to me.
6. BGSA may collect and process my personal information for BGSA's own marketing purposes to ensure their products and services remain applicable and appropriate.
7. BGSA will adequately protect my personal information to avoid unauthorized access and use of my personal information.
8. In addition to its POPI compliance BGSA will store my/our details, as provided for and specified by the Long-Term Insurance Act 52 of 1988.
9. BGSA may also disclose my information where it has a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect its rights.
10. I hereby consent to receiving updates and/or useful information from BGSA in the future with regards to this policy.

Furthermore, I understand that I have the right to access my personal information. I have the right to ask BGSA to update, correct or delete my personal information. Once I object to BGSA processing my personal information, BGSA may no longer process my personal information, unless to conclude outstanding business. If I object to BGSA processing my personal information, cover in terms of the Policy may terminate as the processing of the personal information is material to servicing the Policy. Should I wish to withdraw my consent to process my personal information, I must do so in writing. You can contact BGSA on 021 873 5392 or on admin @bgsagroup.co.za and request the information you would like or to withdraw your consent. Once I withdraw my consent, I understand that BGSA is still obliged under other legislation to keep the information for at least 5 years after termination of the relationship between BGSA and myself. We may also collect your personal information from other insurers, service providers, law enforcement agencies and other providers, which may assist in saving cost and combating fraud.

**By signing below, I acknowledge that I have read and understand this declaration and POPIA consent and agree to it:**

---

**Applicant Signature**

---

**Application Date**