

# PRIVACY NOTICE



## Corporate Selection Umbrella Retirement Fund No. 2 ('the Fund') Fund Registration Number: 12/8/36438

### WHAT IS THIS NOTICE FOR?

We know that you care about your personal information and how it is used. We need to use your personal information to provide services to you, but we will use it carefully in line with our overall protection of you as a member, beneficiary or other person whose personal information we process.

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

### WHO ARE WE?

The Fund is a registered retirement fund under the Pension Funds Act. It is an umbrella fund with many unrelated participating employers.

The Fund is governed by a Board of Trustees (the Board) and has a Principal Executive Officer. The Board members and the Principal Executive Officer change from time to time.

This Privacy Notice applies to personal information collected and processed by the Fund.

If you have any questions or requests and it has to do with how we use your personal information, please contact the Fund's Information Officer (see his details below).

### IF YOU HAVE QUESTIONS

If you have any questions or need further information about how your personal information is treated, please send these to the Fund's Information Officer whose details are below.

### DETAILS OF THE INFORMATION OFFICER OF THE FUND

The Fund's Information Officer is: Mr Roger Spence

*The Fund Information Officer's contact details are:*

Telephone number (during working hours): 011 408 5685

Cell phone number: 083 251 8570

E-mail address: [roger.spence@liberty.co.za](mailto:roger.spence@liberty.co.za)

Postal Address: PO Box 10499, Johannesburg, 2000

Street Address: Libridge Building, 11th Floor East,  
25 Ameshoff Street, Braamfontein,  
Johannesburg, 2001

## MEANING OF WORDS

We have tried to make this Privacy Notice easily understandable, but if you're not familiar with terms, such as personal information, processing or special personal information, then you can read about these terms first in Annexure A.

## WHY DO WE USE YOUR PERSONAL INFORMATION?

The Fund uses your personal information for the following purposes:

- (a) Mainly to provide benefits in terms of its rules for its members and former members as well as the beneficiaries of such persons upon the death of a member. These benefits are provided on withdrawal or retirement from the Fund, upon the death of a member or in certain circumstances due to the ill-health of the member.
- (b) To receive contributions from the employer(s) who participate in the Fund and/or the members of the Fund and to process information about those contributions related to the members.
- (c) To allocate those contributions to investments or, if the rules permit, allow members to make certain choices as regards to investment options.
- (d) To manage and oversee the insured benefits of the Fund and the attendant policies.
- (e) In order to investigate and then exercise its discretion concerning the allocation of lump sum death benefits.
- (f) To process divorce and maintenance orders.
- (g) To provide guarantees for housing loans.
- (h) To exercise a discretion as regards to withholding or deduction from benefits.
- (i) To comply with information requests by the Fund's regulators and to provide information and reporting as required by law and regulators.
- (j) To manage or oversee transfers into and out of the Fund of members.
- (k) To manage registration, liquidation and rule amendments of or for the Fund.
- (l) To manage Fund officials, potential Fund officials, 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.
- (m) To direct, control and oversee the operations, administration and investments of the Fund and to comply with duties set out in the Pension funds Act (and its successors), including section 7D of this Act and other relevant law.
- (n) To ensure the Fund's Board and committees meet regularly, prepares agenda, minutes, resolutions and other Fund documentation and administration.
- (o) To provide relevant and appropriate communication to the members of the Fund and other stakeholders.
- (p) To manage requests for information and complaints related to the Fund.
- (q) To maintain, amend, consolidate or otherwise manage the rules and other documentation of the Fund.

## WHAT SORT OF PERSONAL INFORMATION DO WE COLLECT?

Category of data subject	Category or 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, employment capacity, occupation or level at employer, employee numbers, employer details, any member information prescribed to be held by the Financial Sector Conduct Authority (FSCA), members' contact details, including cell phone numbers and addresses, contributions received with respect to them, contributions statements from employer including remuneration, pensionable salary, taxable salary, cost to company information, tax numbers, bank account information, leave record, reason for leaving employment, Fund investment choices, transfers received from other funds for the member, minimum individual reserves or accounts, employment status and reasons for leaving employment; health and disability information, reports and records related to a disability member, divorce and maintenance information and orders (including information contained therein about ex-spouses, partners, ex-partners, living arrangements, spouses, family and children), unclaimed benefits, housing guarantees by Fund, terms related to housing loan guarantees. Elections regarding payment of benefits, investment of benefits when the member leaves the Fund. Member's 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 certain circumstances: misconduct at employer, allegations and reports. Litigation, compensation and other legal claims (including CCMA) information related to members' employer. Reporting of alleged criminal activity of member by employer to SAPS. Action by SAPS or NPA against member. Criminal activity, theft, fraud, misconduct, dishonest behaviour of member. Disciplinary proceedings against members. Information about financial prejudice to members, including family and details about other income sources and financial information.</p>
Beneficiaries/ potential beneficiaries of the Fund, family members of member, ex-spouse and life partners of member, nominees and dependants of the member	<p>Identity number, age, percentage nomination and relationship to member.</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/agents, contact details, identity or other numbers, age, marital status, membership of a fund, pension interest amount, bank account information, tax information and information disclosed in divorce and maintenance orders.</p>
Former members of the Fund	<p>Unclaimed benefit information. Member records.</p>

Board members and other Fund officials	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 person information, FICA information, reasons for removal from office and information prescribed or required by the FSCA. Bank account details where relevant.
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.
Participating employers of the Fund including their directors, management, responsible person, consultants and directors	Company name, company registration number, FICA information, pay-points, bank account information. Litigation, compensation and other legal claims (including CCMA) information. Information about persons responsible for contributions – names, position, contact details, criminal offences. Bargaining council information, where relevant.

## FROM WHOM DO WE COLLECT YOUR PERSONAL INFORMATION?

Sometimes we collect your personal information from you, but at times we do not always collect your personal information directly from you. For example, we collect personal information about members from their employer (contribution schedules are a good example of this).

We rely on the following justifications not to collect personal information directly from you (a data subject):

- It's 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's necessary to pursue the legitimate interests of the fund or a third party to whom the information is supplied.

## WHO DO WE GIVE YOUR PERSONAL INFORMATION TO?

We take the protection of your personal information seriously and are care about who we give your personal information to. But in order 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 above.) For example, we might provide access to certain of your personal information to the following persons:

- the Fund's administrator;
- the Fund's auditors;
- the Fund's insurers;
- the Fund's legal providers;
- the Fund's tracing agents;
- the Fund's valuator;
- your financial advisor;
- other service providers, agents or sub-committee members of the Fund;
- your employer and its employee benefit consultant;
- your medical providers (where relevant to claims);
- the Financial Sector Conduct Authority, Prudential Authority, South African Reserve Bank, the Information Regulator and relevant authorities and regulators (where required);
- the South African Revenue Services and the Financial Intelligence Centre (where required);
- Ombud and the Financial Services Tribunal;
- Basic lump sum death benefit related personal information of your beneficiaries to other of your beneficiaries upon your death;
- Spouses, ex-spouses of members and their representatives;
- Court appointees (where required);
- Our and our service providers' IT infrastructure and data management providers;
- The Board and other Fund officers; and
- Other persons lawfully entitled to receive personal information in relation to the Fund.

## **WHAT DO WE RELY ON TO USE YOUR PERSONAL INFORMATION?**

Many times, the Fund relies on justifications, other than your consent, to use your personal information to do what we need to do for you and the Fund. In some instances, the Fund does rely on your consent, for example where we receive a claim form signed by you. But often the Fund will rely on one of the following grounds to use your personal information:

- It's necessary to carry out actions for a contract with you,
- It complies with an obligation imposed by law on the Fund,
- It protects a legitimate interest of yours or another data subject; or
- It's necessary to pursue the legitimate interests of the Fund or a third party to whom the information is supplied.

## **SENSITIVE PERSONAL INFORMATION**

The Fund processes special personal information and children's personal information as part of its normal activities.

Special personal information collected and used by the Fund includes: race, health or sex life, biometric information and criminal or objectionable behaviour.

In many instances we are required to use your special personal information and childrens' personal information as we have a legal obligation in law to do so. Examples of this include: in relation to processing of beneficiary nominations and claims (including on death and disability) in terms of section 37C, section 7C of the Pension Funds Act and the Rules of the Fund; processing or withholding and deduction requests under section 37D of the Pension Funds Act; for transformation purposes under BBBEE and Financial Sector Charter laws; for

FICA purposes and to ensure good governance of the Fund as required by the Pensions Funds Act and other legislation.

For more specific information about how we collect and use special personal information and children's personal information as well as the justifications we rely on to do so, please contact the Fund's Information Officer.

## **TRANSFERRING YOUR PERSONAL INFORMATION OUTSIDE SOUTH AFRICA**

The Fund or its service providers may transfer your personal information outside of South Africa, for example because the Fund's administrator uses cloud storage based in other countries. However, we will always make sure that if your personal information leaves the country, we protect your personal information by putting in place the relevant legal measures required by law.

## **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/environment security and access control;
- secure setup of hardware and software making up the information technology infrastructure;
- Training and governance measures; and
- passwords and encryption.

In addition, in relation to personal information held on the administration system:

- Security services: proactively protect and defend the organisation from threats, prevent the occurrence and recurrence of incidents commensurate with risk appetite.
- Cyber security: monitor ongoing operations and actively hunt for and detect adversaries, respond to and report instances of suspicious events and unauthorized actions as expeditiously as possible. provide ongoing actionable threat intelligence and perform resilience exercises to continuously improve posture.
- Management assurance: accountable for ensuring appropriate controls are in place and validated for the governance of information assets, including successful adoption of risk mitigating capabilities. This function is charged with ensuring procedures and activities comply with regulatory requirements and internal policies, standards, and processes.
- Organisational structure measures.

## 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.

Retirement funds often need to keep information for long periods, even long after the person has left the Fund or stopped being paid. In addition, there are imminent legal requirements for administrators of retirement funds to keep certain fund information for very long periods and the Fund and its administrator will need to comply with this change to the law. For example, 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 passes away, 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 transactions and other material information. 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 will not deliberately permanently delete a member's basic record, transaction and material information.

Where the Fund destroys or deletes personal information it will do so in a manner that ensures your personal information remains secure and that, subject to the retention requirements above, once we no longer need personal information for one of the Fund's purposes or in terms of a law, we will destroy or restrict it.

If the Fund uses personal information to make a decision about a data subject, it will retain that personal information for a period that is reasonable in order to allow the data subject to ask for the personal information.

## HOW TO COMPLAIN ABOUT HOW WE HAVE USED YOUR PERSONAL INFORMATION

If you want to complain to the Fund about how we have used your personal information, please contact the Fund's Information Officer using the details set out above. We would prefer you to email, if possible.

You can also complain to the Information Regulator using the following details:

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

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

General enquiries email: [inforeq@justice.gov.za](mailto:inforeq@justice.gov.za).



## YOU HAVE A RIGHT TO ASK US FOR INFORMATION OR ASK US TO DO CERTAIN THINGS IN RELATION TO 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)

Note: please use the prescribed forms for these requests noted above, which you can get off the Information Regulator's website: <https://justice.gov.za/inforeg/> . 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.



## Annexure A – Meaning of words

**Biometric information** 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.

**Board** means the group of persons appointed or elected as board members in terms of the Rules of the Fund and the Pension Funds Act.

**Breach** 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.

**Children** means a natural person younger than 18 who are legally incompetent to take legal action or make decisions about themselves without assistance from a competent person, such as their parent or guardian.

**Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

**Data subject** means the people or organisations that the personal information is about, for example the members of the fund.

**Direct marketing** 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.

**Fund officials** means the Board, chairperson and principal executive officer of the Fund.

**Information Regulator** means the public body whose role it will be to enforce compliance with POPIA.

**Operator** means someone processing on behalf of the responsible party in terms of contract, agreement, or mandate without coming under their direct authority.

**PAIA** means the Promotion of Access to Information Act, 2 of 2000.

**Pension Funds Act** means the Pensions Funds Act 24 of 1956 or its successor.

**Personal information** 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.

**POPIA** means the Protection of Personal Information Act 4 of 2013.

**Processing** means doing almost anything with personal information, including collecting it, disclosing it, or combining it with other information.

**Record** 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.

**Responsible party** means someone determining why the personal information is being processed and, to a lesser extent, how.

**Rules** means the rules and amendments to the Rules of the Fund, as registered by the Financial Sector Conduct Authority from time-to-time.

**Special personal information** 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, biometric information and criminal or objectionable behaviour.