

# **SOUTH AFRICAN SHORE ANGLING ASSOCIATION**



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

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## 1. INTRODUCTION

- 1.1. South Africa recently implemented a “Protection of Personal Information Act” which directly impacts on how South African Shore Angling Association protects information obtained from members.
- 1.2. The basic principles of data protection are:
  - 1.2.1. For all data collected, be it statistics, personal information, images, etc., there should be a stated purpose.
  - 1.2.2. Information collected from an individual cannot be disclosed to other organizations or individuals unless specifically authorized by law or by consent of the individual.
- 1.3. In terms of South African law, the right to privacy is protected in terms of the common law and section 14 of the Constitution of South Africa 1996. In both instances, the right to privacy is limited, and to prove an infringement will most probably be difficult. There is also established case law on:
  - 1.3.1. bodily privacy,
  - 1.3.2. the privacy of communications, and
  - 1.3.3. territorial privacy.
- 1.4. The Protection of Personal Information Act (called the POPI Act or POPIA) regulates the use and processing of personal information. POPIA is essentially the South African Data Protection Bill or Data Protection Act.

## 2. OVERVIEW OF THE POPI ACT

- 2.1. This policy in the SASAA Rules and Regulations does not intend to cover all aspects of the laws on the protection of privacy. This introduction to the laws on the protection of privacy will only provide an overview of the POPI Act. The POPI Act recognizes the right to privacy enshrined in the South African Constitution and gives effect to this right by mandatory procedures and mechanisms for the handling and processing of personal information.
- 2.2. The POPI Act is in line with current international trends and laws on privacy. ‘Processing’ is broadly defined, including the *‘collection, recording, organization, storage, updating or modification, retrieval, consultation, use, dissemination by means of transmission, distribution or making available in any other form, merging, linking, as well as blocking, erasure, or destruction of personal information.’*
- 2.3. The POPI Act provides eight information protection principles to govern the processing of personal information.
- 2.4. There are specific provisions for:
  - 2.4.1. direct marketing,
  - 2.4.2. automated decision making,
  - 2.4.3. the processing of cross-border flows of data (see section 72 of the POPI Act).
- 2.5. The need for an Information Regulator to enforce the provisions of the POPI Act has also been recognized, and provision is made for penalties and offences in certain instances.
- 2.6. The eight principles of the POPI Act

People often provide information for one reason and do not realize that it may be used for other purposes as well. Therefore, POPIA prescribes eight specific principles for the lawful processing and use of personal information. In a nutshell, the POPIA principles are:

- 2.6.1. The processing of information is limited which means that personal information must be obtained in a lawful and fair manner.
  - 2.6.2. The information can only be used for the specified purpose it was originally obtained for.
  - 2.6.3. The POPI Act limits the further processing of personal information. If the processing takes place for purposes beyond the original scope that was agreed to by the data subject, the processing is prohibited.
  - 2.6.4. The person who processes the information must ensure the quality of the information by taking reasonable steps to ensure that the information is complete, not misleading, up to date and accurate.
  - 2.6.5. The person processing the personal information should have a degree of openness. The data subject and the Information Regulator must be notified that data is being processed.
  - 2.6.6. The person processing data must ensure that the proper security safeguards and measures to safeguard against loss, damage, destruction and unauthorized or unlawful access or processing of the information, have been put in place.
  - 2.6.7. The data subject must be able to participate. The data subject must be able to access the personal information that a responsible party has on them and must be able to correct the information.
  - 2.6.8. The person processing the data is accountable to ensure that the measures that give effect to these principles are complied with when processing personal information.
- 2.7. The introduction of these defined principles will limit the processing of personal information to a very large extent, subject to the exclusions provided for in the POPI Act.

### **3. CROSS-BORDER DATA FLOWS AND DATA PRIVACY**

- 3.1. The electronic flow of data cross-border has led to a concern that data protection legislation will simply be circumvented by the transfer of personal information to countries where privacy-protecting legislation will not apply and where information will be processed without any hindrance.
- 3.2. POPIA only permits the transferring of personal information across borders under the specific circumstances mentioned in section 72 of the POI Act.
- 3.3. In essence, the country where the information will be processed, or the recipient of the information must be subject to rules or regulations effectively similar to the principles stated in POPIA.
- 3.4. This can be done by means of legislation or a personal contractual relationship between the parties. In countries where no such rules or regulations exist, for example in most African countries, the parties can enter into an agreement, outlining the duties on the party processing or receiving the information in the country without data protection legislation, in line with the principles of POPIA. A party's prior consent to a cross-border transfer of its personal information may also be obtained.

### **4. OFFENCES AND PENALTIES REGARDING DATA PRIVACY IN SOUTH AFRICA**

- 4.1. The POPI Act established the Information Regulator, the supervisory authority or body for South Africa. Part "A" of Policy 5 of POPI has 17 sections (section 39-54), that relate to all aspects of this new body.
- 4.2. The offences and penalties in POPIA are quite limiting, for example, hindering and obstruction of the Information Regulator in the execution of its obligations and duties, or failing to protect an

account number may lead to penalties. A person convicted of these offences will be subject to a fine or to imprisonment for a period not exceeding 10 years, or to both a fine and imprisonment.

## **5. CONCLUSION REGARDS DATA PROTECTION IN SOUTH AFRICA**

The regulation of the collection, use, and processing of personal information through legislation is an internationally accepted practice. Not only will individuals and organizations in the private sector gain with data privacy legislation or a data protection Act but it is also important for trade, as concerns around information privacy can create barriers to international trade.

## **6. HOW DOES THE NEW PRIVACY ACT IMPACT ON SASAA?**

- 6.1. SASAA takes the protection of the data and images that SASAA holds about anglers, volunteers, coaches, and officials seriously, and will do everything possible to ensure that data is collected, stored, processed, maintained, cleansed and retained in a compliant manner.
- 6.2. All Members are kindly requested to read this privacy policy carefully to see how SASAA will treat the personal information that is provided by Members to SASAA or Regional Association/Club, or collected by SASAA from Members, on its various communication platforms, e.g. website, social media, e-mails, media releases, publications, etc. or structures e.g. forms, entry systems, coaching sessions, meetings, competitions, championships, etc. SASAA will take reasonable care to keep the information of members secure, and to prevent any unauthorized access.
- 6.3. Although the maintenance of SASAA communication platforms, in some cases is outsourced, the service providers are held accountable by the same laws mentioned above. For the purposes of data protection legislation, SASAA is the data controller.
- 6.4. This policy explains how the information SASAA, or its Regional Associations/Clubs collect about Members is used and kept securely. It also explains privacy choices of Members when using the SASAA website as well as your right to access your information under Data Protection Legislation.

## **7. THE INFORMATION WE COLLECT ABOUT MEMBERS**

- 7.1. SASAA or its Regional Associations/Clubs may collect the following information about Members through various communication platforms, e.g.: name, identity number, email address, residential address and any other information the Member voluntarily provide to SASAA or its Regional Associations/Clubs.
- 7.2. An IP address (which is a unique identifier that computers and devices used to identify and communicate with each other) which is automatically recognized by the web server.
- 7.3. The SASAA or its Regional Associations/Clubs “Chief Information Officer” means the official elected as the secretary or registration official based on ex officio basis.

## **8. THE INFORMATION PROVIDED TO SASAA**

- 8.1. In becoming a registered Member or volunteer, SASAA or its Regional Associations/Clubs will collect certain information about you as Members which will include your name, identity number, date of birth, gender, email address, residential address, telephone number, names of the SASAA or its Regional Associations/Clubs that you are a member of, and details of any coaching or officiating designation or licenses you hold (Angling Data).
- 8.2. Where you are registered through an affiliated association and club, the association and club will

collect your details and pass them to SASAA or its Regional Associations/Clubs, to be able to register you.

- 8.3. SASAA or its Regional Associations/Clubs will also collect the full name, address and telephone numbers of emergency contacts nominated by you. Once registered, SASAA will also access information via the SASAA or its Regional Associations/Clubs Register Officials, Associations, Associates, etc. about competitions you participate in (the date, name and venue of competitions, your personal results, records, rankings, etc).

## **9. HOW SASAA USES YOUR INFORMATION**

SASAA or its Regional Associations/Clubs may use your personal information for several purposes, including:

- 9.1. Administer your involvement in Angling & Casting.
- 9.2. To fulfil a contract with you if you become a registered Member.
- 9.3. To notify you about important updates and information about the membership or events you have paid for.
- 9.4. To deal with your requests and enquiries.
- 9.5. To contact you for reasons related to your enquiry or in case of emergency.
- 9.6. To use your IP address to monitor traffic and gather browsing behaviors of visitors to SASAA or its Regional Associations/Clubs websites. We will not use your IP address to identify you in any way.
- 9.7. To create meaningful, actionable analysis on an anonymized basis.
- 9.8. To create results for competitions or championships that include age or gender group classifications.

## **10. SASAA'S LEGAL BASES FOR PROCESSING YOUR INFORMATION**

- 10.1. SASAA's or its Regional Associations/Clubs key purpose is to encourage and enable participation in angling at all levels (including participation of anglers & casters, coaches, officials and supporters) and to enable those with high angling & casting talent to develop and fulfil their potential by creating and supporting competition and training opportunities.
- 10.2. SASAA or its Regional Associations/Clubs, therefore, will process it on the basis of legitimate interest of administering your involvement in the sport of angling and casting to ensure the sport is running itself efficiently, with the minimum of bureaucracy and volunteer time.
- 10.3. To administer your involvement in Angling and Casting:
  - 10.3.1. Administering and ensuring the eligibility of anglers & casters, coaches and officials and others involved in the sport – this may involve the receipt of limited amounts of sensitive data in relation to disabled anglers & casters or in relation to anti-doping matters.
  - 10.3.2. Ensuring compliance with the current Rules and Regulations including those on the affiliation of associations and clubs, constituent bodies and registration of anglers & casters.
- 10.4. This will include the following:
  - 10.4.1. The use of Google based Forms & Sheets and the web-based Angling Membership Database to obtain name and date of birth via a program interface to set routines, protocols, and tools for building software applications, e.g. to check license validation at point of entry to angling and casting events;
  - 10.4.2. The transfer of registered members from one association or club to another. You will maintain the same record, but the association or club name associated with the record will change.

- 10.5. If you are a Regional Associations/Clubs secretary or official will provide essential information regarding your affiliation to SASAA.
- 10.6. There is an administration portal where a selected number of staff can access data to help to respond to queries, update data and perform necessary administration activity.
- 10.7. Providing relevant and necessary information via email, text, post to you about the following:
  - 10.7.1. Changes to rules and regulations.
  - 10.7.2. Updates to advice and guidance relating to specific roles held within angling.
  - 10.7.3. Transactional information relating to association or club affiliation and transfers Membership registration, representative teams, competition and events, coach and licenses, courses,
  - 10.7.4. Continuing Professional Development (CPD) to process tracking and documenting the skills, knowledge, and experience that you gain both formally and informally as you work, beyond initial tertiary training,
  - 10.7.5. Record keeping, research and analysis,
  - 10.7.6. Maintaining records of participation in angling and casting, in particular maintaining details of discipline and misconduct.
  - 10.7.7. Maintaining statistics and conducting analysis on the make-up of angling and casting participants.
  - 10.7.8. Communicating with you to ask for your opinion on SASAA or its Regional Associations/Clubs initiatives and services.
  - 10.7.9. Communicating with you to on SASAA or its Regional Associations/Clubs news, initiatives and services.
- 10.8. Website personalization
  - 10.8.1. Providing access to all the relevant services that you have access to as a registered Member through a single sign on service.
  - 10.8.2. Providing you with personalized information about your participation in Angling and Running through the SASAA Communicating with you to ask for your opinion on SASAA or its Regional Associations/Clubs portal/ dashboard or approved applications.
- 10.9. Member registration
  - 10.9.1. In relation to Member registration specifically, we also have a contractual obligation to you as a member to provide the service you are registering and paying for. Therefore, SASAA or its Regional Associations/Clubs may contact you about important information about the services and exclusive benefits that form part of the Member registration scheme that you are paying for.
- 10.10. Sharing data
  - 10.10.1. If you become a registered Member, official or volunteer, we may share your Angling Data with the following bodies as part of the administration of your involvement in the sport and for purposes of delivering the tasks outlined above:
    - 10.10.1.1. Regional Associations/Clubs
    - 10.10.1.2. Association Councils or associates' boards
    - 10.10.1.3. Selected members of the SASAA Council, Commission, Committees, and task teams
    - 10.10.1.4. Team Managements

- 10.10.1.5. SASCO, SRSA, and other governmental departments partnering with SASAA to provide a service to SASAA.
- 10.10.1.6. Third party data managers who support SASAA in managing the sport.

- 10.10.2. We will share only what is needed for those purposes and, where possible, will anonymize the data before sharing. If we would like to share your information for any other purpose, we will ask for your consent.
- 10.10.3. SASAA may also share your personal information with the police and other law enforcement agencies for the purposes of crime prevention or detection.
- 10.10.4. If we disclose your information, we ask the organization to demonstrate that the data will assist in the prevention or detection of crime, or that SASAA or its Regional Associations/Clubs is legally obliged to disclose it.
- 10.10.5. This is done on a strictly case by case basis and through a tightly controlled process to ensure we comply with Data Protection Legislation.

#### 10.11. Marketing

- 10.11.1. When SASAA collects information from you, SASAA will confirm with you that you will receive information about SASAA or its Regional Associations/Clubs events, products and services, prize draws and competitions and information from sponsors.
- 10.11.2. SASAA or its Regional Associations/Clubs will process your Angling Data based on consent. When this policy is first issued SASAA will have communicated to you about the policy and the consent given at membership application.
- 10.11.3. SASAA or its Regional Associations/Clubs may also share your personal information with the police and other law enforcement agencies for the purposes of crime prevention or detection.

#### 10.12. Protecting your information

- 10.12.1. The data that SASAA or its Regional Associations/Clubs collect from you may be transferred to a destination external to SASAA's own secure network. SASAA or its Regional Associations/Clubs will not transfer your data outside of the South African Economic Area.
- 10.12.2. By submitting your personal data, you agree to this transfer, storing or processing. SASAA or its Regional Associations/Clubs will take all reasonable steps to ensure that your data is treated securely and in accordance with this privacy policy. The Internet is not generally a secure medium for communication and therefore SASAA or its Regional Associations/Clubs cannot guarantee the security of any information you send to SASAA or its Regional Associations/Clubs over the Internet, e-mail, social media, or other communication platforms. SASAA or its Regional Associations/Clubs use up-to-date industry procedures to protect your personal information. SASAA or its Regional Associations/Clubs also protect the security of SASAA's data using Secure Sockets Layer (SSL) encryption technology.
- 10.12.3. The Chief Information Officer, whose details are available below and who is responsible for the encouragement of compliance with the conditions of the lawful processing of Personal Information and other provisions of POPIA.

#### 10.13. Email Sending Provider (ESP)

SASAA or its Regional Associations/Clubs may use a third-party provider to deliver SASAA's or its Regional Associations/Clubs regular communications. SASAA or its Regional Associations/Clubs will be sending you SASAA's or its Regional Associations/Clubs e-newsletter, then SASAA or its Regional Associations/Clubs will let you know who the third-party provider is at that time. SASAA gather statistics around email opening and clicks using industry standard technologies including clear images to help SASAA or its Regional Associations/Clubs monitor and improve SASAA or its Regional



Associations/Clubs e-newsletters.

#### 10.14. Surveys

SASAA or its Regional Associations/Clubs may carry out surveys using a third-party provider. SASAA or its Regional Associations/Clubs will not transfer any data to a third party for research purposes. In each survey, SASAA or its Regional Associations/Clubs will clearly tell you what data SASAA or its Regional Associations/Clubs are collecting and the terms and conditions for any incentives offered to take part in that survey. SASAA or its Regional Associations/Clubs do not link any other information about your browsing activity with the survey data, which is stored separately. All survey data will be anonymized.

#### 10.15. Third Party Links

The SASAA or its Regional Associations/Clubs Sites may, from time to time, contain links to and from the websites of other angling and casting organizations. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that SASAA or its Regional Associations/Clubs do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

### 11. YOUR RIGHTS

#### 11.1. Finding out what information SASAA holds about you

Under the Data Protection Legislation, you can ask to see any personal information that SASAA or its Regional Associations/Clubs hold about you. Such requests are called data subject access requests. If you would like to make a subject access request, please contact SASAA at: [sasaasecretary@gmail.com](mailto:sasaasecretary@gmail.com)

You will also need to provide two forms of identification, for example, ID document, driving license, passport, and, if appropriate, anything about the source or location of the information you are requesting.

#### 11.2. Right to be forgotten

When you cancel your Membership with SASAA or its Regional Associations/Clubs you can request SASAA or its Regional Associations/Clubs to delete all information SASAA holds which identifies you. You can make this request at any time by emailing [sasaasecretary@gmail.com](mailto:sasaasecretary@gmail.com) but please note SASAA or its Regional Associations/Clubs may be compelled to maintain your information due to specific legislative or regulatory requirements.

#### 11.3. Data corrections

- 11.3.1. You have the right to require SASAA or its Regional Associations/Clubs to correct any inaccuracies in your data free of charge. You can also exercise this right at any time by contacting SASAA at [sasaasecretary@gmail.com](mailto:sasaasecretary@gmail.com) and,
- 11.3.2. providing SASAA or its Regional Associations/Clubs with enough information to identify you; and specifying the information that is incorrect and what it should be replaced with.

#### 11.4. Data portability

You have the right to request a copy of your personal data for you to reuse for your own purposes across different services. You can also exercise this right at any time by contacting SASAA or its Regional Associations/Clubs at [sasaasecretary@gmail.com](mailto:sasaasecretary@gmail.com)

### 11.5. Data retention

Any data that SASAA or its Regional Associations/Clubs collects from you will be deleted in accordance with timescales set out below:

Type of Data	Date of deletion
Angling Data	10 years after an individual has not participated an active part in angling or retained membership.
URN, name, and date of birth	This information will be anonymized after the period referred to above.
Name where Member has represented their country at any level	For such time as the SASAA or its Regional Associations/Clubs exists thereafter.
Coach and Official Data	For such time as the SASAA or its Regional Associations/Clubs exists thereafter.

### 11.6. Complaints and contacts

- 11.6.1. If you have any concerns or complaints in relation to how the SASAA or its Regional Associations/Clubs collects and/or processes your personal data, you should contact SASAA or its Regional Associations/Clubs in the first instance, who will direct any concerns or complaints to the relevant SASAA official.
- 11.6.2. Please use the same details to contact SASAA about anything included in the Privacy Policy.
- 11.6.3. If you are dissatisfied with how your concern/complaint is dealt with by SASAA or its Regional Associations/Clubs, you have the right to report your concern/complaint to the SASAA Manco. The contact details are available on the SASAA website.

## 12. SASAA CHIEF INFORMATION OFFICER

The details of our SASAA Chief Information Officer are as follows:

- 12.1. Name: Mr. Andre Stevens
- 12.2. Telephone Number: 084 422 7256
- 12.3. E-mail Address: [sasaasecretary@gmail.com](mailto:sasaasecretary@gmail.com)

## 13. CHANGES TO OUR PRIVACY POLICY

- 13.1. SASAA regularly reviews its Privacy Policy and updates will appear in the Bylaw after ratification by the SASAA National Council.