

**SOUTH AFRICAN ROAD PASSENGER BARGAINING COUNCIL (“SARPBAC”)**  
**RETIREMENT FUND**  
**(“FUND”)**

**POPIA NOTICE TO EMPLOYERS**

The Fund has prepared a POPIA and Privacy policy (the “**Policy**”) which can be accessed on SARPBAC’s website at [www.sarpbac.org.za](http://www.sarpbac.org.za) which sets out all your rights and obligations in terms of POPIA in detail. Subject to the Policy, to ensure compliance with Protection of Personal Information Act, 4 of 2013 (“**POPIA**”), specifically section 18 thereof, and because your entity’s privacy and trust are important to the Fund, we record as follows:

1. **Personal Information<sup>1</sup> (“PI”) being Processed<sup>2</sup>**

The Fund confirms that it may Process or have *inter alia* the following PI about your entity:

- 1.1. Business name, address, registration number;
- 1.2. Financial information including but not limited to bank details and tax and/or VAT number;
- 1.3. Names, surnames, designations and contact details of the contact person/s at your entity;
- 1.4. Details in relation to your entity’s employees including but not limited to their names, surnames, identity number, employee numbers, employment status, whether they fall within SARPBAC’s scope, their salaries, deductions, retrenchment, death, information relating to their family members relevant to the Fund or any other information required in relation to a Fund process/benefit or required in terms of legislation, particularly the Pension Funds Act, 24 of 1956 (“**PFA**”);
- 1.5. Correspondence/communications sent by your entity to the Fund; and
- 1.6. Other PI provided by your entity to the Fund.

2. **Reasons/purpose for PI being Processed**

The Fund, or a person or entity acting on its behalf, specifically the administrators to the Fund, may Process your entity’s PI for *inter alia* the following reasons/purposes:

- 2.1. To enforce and give effect to the PFA (including all subsequent amendments, Regulations, associated Circulars, or Conduct Standards);
- 2.2. To enforce and give effect to the rights of its members to benefits in terms of the Rules of the Fund;
- 2.3. To allocate contributions made by or on behalf of members,
- 2.4. To facilitate benefit payments, the issuance of benefit statements and other correspondence;
- 2.5. To determine monies owing to the Fund by members and their employers;
- 2.6. To resolve queries or complaints;
- 2.7. To enforce payment of contributions or other monies owing to the Fund and to enforce provision of schedules to the Fund;
- 2.8. Dealing with disputes referred to/against/by the Fund or to which the Fund is joined;
- 2.9. Enforcing and giving effect to the provisions of the Labour Relations Act, 66 of 1995 (“**LRA**”), SARPBAC’s Constitution or SARPBAC’s agreements;
- 2.10. To update SARPBAC’s website to *inter alia* include information which is in the Fund’s and/or the data subjects/the public’s legitimate interests;
- 2.11. To complete Annual Financial Statements, actuarial statutory valuations, and

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<sup>1</sup>This includes:

**Personal Information** is information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: 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; Information relating to the education or the medical, financial, criminal or employment history of the person; Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment 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; and 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;

**Special Personal Information** is personal information concerning: Religious or philosophical beliefs; Race or ethnic origin; Trade union membership; Political persuasion; Health or sex life; Biometric information about data subject; Alleged criminal behaviour of data subject; and  
**Personal information of a child** is personal information about a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any decision in respect of any matter concerning him or herself.

<sup>2</sup>**Process** as defined in POPIA, means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including 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 restriction, degradation, erasure or destruction of Personal Information.

- 2.12. To calculate actuarial projections or other calculations;
  - 2.13. To carry out the necessary record-keeping in support of its functions;
  - 2.14. To allow the Fund to make lawful decisions in relation to members;
  - 2.15. To protect the legitimate interests of members;
  - 2.16. To pursue the legitimate interests of the Fund or of a third party to whom the information is supplied; and
  - 2.17. as otherwise permitted in terms of POPIA or other legislation.
3. Further Processing  
The Fund will primarily use your entity's PI for the purpose for which it was originally collected. By submitting this PI to the Fund you also consent to it being further processed by the Fund to perform any function set out at 2 above or to give effect to SARPBAC's Constitution, agreements and other legislation.
4. Where your information is collected from  
The Fund will endeavour to ensure that all PI relating to your entity is collected from your entity, but may also obtain information about your entity from another source if it will not prejudice a legitimate interest. The Fund may also collect PI from your employees, the Fund's auditors, tracing agents, SARPBAC and/or third parties appointed by the Fund to assist with its obligations, which you consent to, unless you expressly advise otherwise in writing.
- Accuracy & Authority
- 4.1. All PI provided by your entity to the Fund must be accurate, up to date, not misleading and complete in all respects. You must immediately advise the Fund of any change to your entity's PI. The Fund will assist where possible in this regard.
  - 4.2. A person from your entity providing PI to the Fund warrants that he/she has the necessary authority to do so.
5. Storage  
The Fund (and particularly its administrators) will keep your PI for as long as the law requires it to keep it and thereafter where permitted. When the abovementioned periods expire your information will be deleted in a manner whereby it cannot be re-identified.
6. Protection  
The privacy and security of your PI is important to the Fund. Accordingly, all PI which the Fund Processes is dealt with as confidentially as possible and is protected in accordance with POPIA.
7. Third parties
- 7.1. When your entity provides PI of another data subject to the Fund, this is in most cases permitted in terms of legislation, but if not, this must be done in compliance with POPIA. Your entity indemnifies and holds the Fund harmless against any liability or loss which may be incurred by the Fund or its employees as a result of your entity breaching such undertaking.
  - 7.2. The Fund may be required to share or transfer your PI both internally or externally.
  - 7.3. When sharing the information internally, this will be done only on a need to know basis.
  - 7.4. External entities with whom your PI may be shared include the Fund's board, administrator, actuary, asset managers, tracing agents, service providers such as attorneys, law firms, tax advisors, accountants and/or auditors, SARPBAC's designated agents and Panelists. When sharing your information with external entities, the Fund will as far as possible ensure that it has in place safeguards that accord with POPIA to protect your entity's PI.
8. Cross border transfers  
The Fund may transfer data trans-border and will do so in accordance with POPIA.
9. Rights
- 9.1. You have the right to access your entity's PI while it remains in the Fund's

possession and make corrections thereto if necessary. You may also object to the Fund processing your entity's PI in terms of section 11(3) of POPIA. The afore-going rights may be subject to certain limitations pursuant to applicable law.

- 9.2. Although the provisions of POPIA read with the PFA, the LRA, the Rules of the Fund, SARPAC's agreements and other applicable legislation permit the Fund to collect and process most PI without consent, to the extent that consent is needed in relation to such PI, by submitting any information to the Fund, you consent to the provisions of the Policy. Should you not consent, you should advise the Fund as such in writing when it is submitted.
  - 9.3. You may lodge a complaint with the Information Regulator at [www.inforegulator.org.za/complaints](http://www.inforegulator.org.za/complaints) if you feel your PI is not being dealt with appropriately. You are required to first approach the Fund so it can ascertain if it can resolve any issue you may have where appropriate.
10. Consequences of withholding PI
    - 10.1. It is mandatory for your entity to have provided/continue to provide the Fund with the PI referred to in this notice.
    - 10.2. Should your entity fail to provide the required PI or refuse to allow the Fund to Process your PI, then the Fund will be unable to perform its obligations (both statutory or otherwise arising) and may be unable to continue to engage with your entity. This may also have negative consequences for your entity.
  11. Further information

If your entity requires further information in relation to this notice, you should consult the Fund's Information Officer at the following email address: [gary@sarpac.org.za](mailto:gary@sarpac.org.za).

**GARY WILSON**  
**SARPAC RETIREMENT FUND INFORMATION OFFICER**