



# **LBI POLICY NAME**

## **Information Privacy Policy**

### **Contact**

LBI Head of Legal and Compliance

### **Version/Date**

Version 1/Approved July 2021

### **Effective Date**

This policy will be adopted by the LBI Board. It is effective from date of adoption.

## TABLE OF CONTENTS

1.	DEFINITIONS .....	4
2.	BACKGROUND.....	5
3.	RELATED LEGISLATION AND DOCUMENTS .....	6
4.	POLICY AND BEST PRACTICE FRAMEWORK .....	6
5.	PURPOSE.....	6
6.	SCOPE.....	6
7.	KEY POPI CONDITIONS.....	7
7.1	<b>Principle 1 - Accountability</b> .....	7
7.2	<b>Principle 2 - Processing Limitation</b> .....	7
7.3	<b>Principle 3 - Purpose Specification</b> .....	7
7.4	<b>Principle 4 - Further Processing Limitation</b> .....	7
7.5	<b>Principle 5 - Information Quality</b> .....	8
7.6	<b>Principle 6 - Transparency /Openness</b> .....	8
7.7	<b>Principle 7 - Security Safeguards</b> .....	8
7.8	<b>Principle 8 - Data Subject Participation</b> .....	8
8.	SPECIAL PERSONAL INFORMATION .....	8
9.	RIGHTS OF DATA SUBJECTS REGARDING DIRECT MARKETING .....	9
10.	TRANSBORDER INFORMATION FLOWS .....	9
11.	ROLES AND RESPONSIBILITIES .....	9
12.	BREACH NOTIFICATION.....	11
13.	APPROVAL AND REVIEW PROCESS .....	11
14.	APPROVAL OF THE INFORMATION PRIVACY POLICY .....	11
15.	POLICY HISTORY .....	12

## 1. DEFINITIONS

Term	Description
Data Subject	The person to whom the Personal Information relates.
Employee	An employee is anyone, other than an independent contractor, who works for another person and who receives, or is entitled to receive, any remuneration or who assists in conducting the business of an employer.
Information Officer	In relation to a public body, means an Information Officer (IO) or Deputy Information Officer (DIO) as contemplated in terms of section 1 or 17; or in relation to a private body, means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act. * For Land Bank, the CEO is the Information Officer and can delegate to a Deputy Information Officer in terms of Section 56 of POPIA
Land Bank Device	Any desktop, laptop or similar device issued by Land Bank to an Employee or a Service Provider.
Land Bank	Land and Agricultural Development Bank of South Africa as defined in the Land and Agricultural Bank Act 15 of 2002 and includes Land Bank Insurance SOC LTD and Land Bank Life Insurance Company SOC LTD (LBI)
Operator	Means a natural or juristic person who processes Personal Information for a Responsible Party (in terms of this policy, Land Bank ) in terms of a contract or mandate, without coming under the direct authority of the Responsible Party.
PAIA	Promotion of Access to Information Act 2 of 2000.
PAIA Manual	Land Bank Manual in terms of Section 14 of the Promotion of Access to Information Act of 2000, adopted on August 2015.
Personal Information	<p>“personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) information relating to the education or the medical, financial, criminal or employment history of the person;</li> <li>(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;</li> <li>(d) the biometric information of the person;</li> <li>(e) the personal opinions, views or preferences of the person;</li> <li>(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;</li> <li>(g) the views or opinions of another individual about the person; and</li> <li>(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.”</li> </ul>

<b>Term</b>	<b>Description</b>
Policy	Means this policy document and all annexures, schedules or attachments hereto.
POPIA	Protection of Personal Information Act 4 of 2013.
Privacy	The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of Personal Information.
Processing	Means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information as defined in the POPIA
Record	Means recorded information regardless of form or medium as defined in the POPI Act.
Responsible Party	Means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for, Processing Personal Information.
Service Providers	Any person engaged by the Land Bank as a service provided for any services and/or products required by Land Bank.
Special Personal Information	Special personal information includes the following: (a) 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 (b) the criminal behaviour of a data subject to the extent that such information relates to: (i) the alleged commission by a data subject of any offence; or (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
User	Includes all Land Bank Employees and Service Providers who make use of and have access to Land Bank systems used for the Processing of Personal Information.

## 2. BACKGROUND

Land Bank is a public body as defined in section 17 of the Protection of Personal Information Act, 2013 (The Act), and is therefore required to adhere to the provisions and regulations the Act. The Protection of Personal Information emanates from section 14 of the Constitution of the Republic of South Africa, 1996, which section provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information, resulting in the promulgation of this Act.

The Act is intended to regulate, in harmony with international standards, the processing of personal information by public and private bodies in a manner that gives effect to the right to privacy subject to justifiable limitations that are aimed at protecting other rights and important

interests. Land Bank is required to establish the necessary controls in order to comply, this policy provides guidelines and parameters for Land Bank.

### **3. RELATED LEGISLATION AND DOCUMENTS**

The regulatory requirements of the following Acts, amongst others, are applicable:

- a) The Protection of Personal Information Act 4 of 2013
- b) The Promotion of Access to Information Act 2 of 2000
- c) Electronic Communications and Transactions Act 25 of 2002
- d) The Constitution Act 108 of 1996

### **4. POLICY AND BEST PRACTICE FRAMEWORK**

The following industry rules and standards, are applicable to this Policy:

- a) Globally Accepted Privacy Principles (GAPP 2009)
- b) ISO / IEN 29100: Privacy Framework (2011)

### **5. PURPOSE**

The policy establishes measures and standards for the protection and lawful processing of personal information within Land Bank, provides principles regarding the right of individuals to privacy and safeguarding of their personal information. Further, the policy aims to:

- a) Establish accountability for the Processing of Personal Information of all Land Bank Data Subjects.
- b) Ensure Land Bank adequately and lawfully processes Personal Information of all its Data Subjects.
- c) Provide for the adequate protection of Personal Information processed by Land Bank irrespective of format.
- d) Educate Users of Personal Information on the rights of Data Subjects to access their Personal Information held by Land Bank and Service Providers used by Land Bank.

### **6. SCOPE**

This Policy provides guidelines to the Processing of Personal Information of both natural and juristic Data Subjects, in the Republic of South Africa and applies to all employees, fixed term contractors, non-executive directors and service providers contracted with Land Bank.

## **7. CONDITIONS FOR LAWFUL PROCESSING**

### **7.1 Condition 1 - Accountability**

- a) Land Bank will ensure that all processing conditions are complied with at the time of processing of all personal information and remain the responsible party for information processes under its control and authority.
- b) Personal information will be processed in a lawful manner which does not infringe upon the rights of Data Subjects and information will be requested directly from the data subject.

### **7.2 Condition 2 - Processing Limitation**

- a) Personal information will be processed in a lawful manner which does not infringe upon the rights of Data Subjects and information will be requested directly from the data subject.
- b) Once the information is in the Bank's possession, the information will be processed and shared after obtaining the necessary consent, except in instances when the Land Bank is required to do so by law. Should the information be required by law, the data subjects' will be informed of the sharing of the requested information.

### **7.3 Condition 3 - Purpose Specification**

- a) Personal information will be collected for a specific purpose, related to a function or business activity of Land Bank. All Data Subjects will be made aware of the purpose of the collection and processing of their Personal Information to align to the Openness principle.

### **7.4 Condition 4 - Further Processing Limitation**

- a) Further processing of data subjects' Personal Information will only be permitted if the processing is compatible with the original purpose of Collection and Processing, as defined in Principle 2.
- b) If Personal Information is to be used for further processing, Data Subjects will be informed and consent will be requested for further processing.

### **7.5 Condition 5 - Information Quality**

- a) Land Bank will ensure that all Personal Information held, is complete, accurate, and not misleading.
- b) Data Subjects will be given the opportunity to request the update and correction of their Personal Information on a regular basis.

### **7.6 Condition 6 - Transparency/Openness**

- a) Land Bank will process information in a transparent matter, the details of the processing operations are contained in the Land Bank's PAIA Manual.
- b) A notice will be provided to Data Subjects at all points of collection of Personal Information.

### **7.7 Condition 7 - Security Safeguards**

- a) Land Bank will ensure that all technical and organisational measures to secure the integrity are maintained.
- b) Personal information must be protected against any unauthorised or unlawful access or processing. Land Bank is committed to ensuring that information is only used for legitimate purposes with data subject consent and only by authorised employees of the Bank.

### **7.8 Condition 8 - Data Subject Participation**

- a) Upon reasonable request from a data subject, Land Bank will as soon as reasonably practical provide Data Subjects with access to their personal information. This Principle should be considered in conjunction with Principle 5 of this Policy relating to Information Quality.
- b) All formal requests for records containing personal information will be lodged in accordance with the information provided in the Land Bank PAIA Manual, available on the Land Bank website.

## **8. SPECIAL PERSONAL INFORMATION**

- a) Subject to paragraph (b) below, Land Bank may not process any Personal Information of a child or a data subject concerning their, religious or philosophical beliefs, race or

ethnic origin, trade union membership, political persuasion, health or sex life, biometric information, or criminal behaviour.

- b) The Personal Information described in paragraph (a) above can only be processed with the explicit consent of the data subject or the parent or guardian of the child, or where Land Bank has a legitimate reason to process this special Personal Information.
- c) In every instance, Users will consult with the Information Officer, Compliance or Legal Department to determine whether the Processing of special Personal Information is permitted, save that with regards to insurance services Users will consult the LBI Managing Director as the Deputy Information Officer.,

## **9. RIGHTS OF DATA SUBJECTS REGARDING DIRECT MARKETING**

- a) Land Bank will only market directly to Data Subjects that have consented to Direct Marketing.
- b) Land Bank will provide all Data Subjects who are not yet client with the option to opt in, and an opt out option for to existing clients or customers for further direct marketing communications.

## **10. TRANSBORDER INFORMATION FLOWS**

Land Bank may not transfer Personal Information about Data Subjects to any service provider in a foreign country unless:

- a) The Data Subject has provided consent.
- b) The service provider is located in a foreign country with adequate data protection legislation.
- c) The transfer is necessary for the performance of the contract.

## **11. ROLES AND RESPONSIBILITIES**

### **11.1 Information Officer**

In terms of Section 55 of the Act, the duties and responsibilities of the Information Officer are as follows:

- (a) The encouragement of compliance, by the body, with the conditions for the lawful processing of personal information;
- (b) Dealing with requests made to the body pursuant to this Act;



- (c) Working with the Regulator in relation to investigations conducted pursuant to Chapter 6 (processing prior to authorisation) in relation to the body;
- (d) Ensuring compliance by the body with the provisions of the Act;

## **11.2 Information Technology Security**

The role of IT Security is:

- (a) Ensuring information systems provide adequate protection for Personal Information.
- (b) The Information Security Officer shall be responsible for the establishment of mandatory / standard security requirements for all electronic Personal Information, including encryption of all Personal Information when necessary.

## **11.3 Compliance Function**

The Compliance Function role is:

- (a) Ensuring Information Privacy is embedded in the daily operations of business units;
- (b) Ensuring standardisation of data / information, eg. notices, clauses; across the organisation; and
- (c) Monitoring compliance to Information Privacy requirements and reporting to the relevant committee(s).

## **11.4 Internal Audit**

Internal Audit role is:

- a) Conducting regular reviews on Personal Information collected and ensuring this is adequate and consistent with the purposes; and
- b) Monitoring and managing Personal Information protection audits.

## **11.5 Facilities Department**

The Facilities Department role is:

responsible for the following:

- (a) Ensuring appropriate physical security measures are in place for access to Land Bank's premises, assets, technology and ultimately information.

### **11.6 Land Bank Employees and Contractors**

All Land Bank Employees and Fixed Term Contractors must ensure that they comply with this Privacy Policy and instructions issued by the Information Officer, and that the Privacy of Data Subjects are respected.

## **12. BREACH NOTIFICATION**

All information privacy incidents should be reported to the Compliance Function, incidents will be assessed and reported by the Information Officer to the Regulator, where applicable.

## **13. APPROVAL AND REVIEW PROCESS**

Matters or cases not specifically dealt with in this policy should be referred to the Delegation of Powers Section 1. The policy approval resides with the Land Bank Board. However, this policy will also be tabled at the LBI Board for noting. The policy will be reviewed every two (2) years. Any deviation from the policy requires motivation and will be submitted to the Land Bank Board for approval and implementation

## **14. APPROVAL OF THE INFORMATION PRIVACY POLICY**

This document was recommended and approved by Executive Committee (EXCO) and Board Committee.

## 15. POLICY HISTORY

Responsible Person	Date of review (Month/yyyy)	Version	Details of review
Yanda Molefe /Compliance Officer	March 2021	1	Establishment of Policy