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LAND BANK
INSURANCE (SOC) LIMITED

LBI Information Privacy Policy

Level 2 Policy Number
P08.10

Risk Sponsor
LBI Head of Legal and Compliance

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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 Land Bank Insurance 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 (the chief executive officer, or equivalent officer, of that public body or the person who is acting as such); **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 Insurance, the Managing Director is the Information Officer and can delegate to a Deputy Information Officer in terms of Section 56 of POPIA
Land Bank Insurance Device	For this policy, the definition includes but is not limited to laptop computers, IPADs and similar electronic devices that store LBI's sensitive information.
Land Bank Insurance	Means 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 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 Insurance Manual in terms of Section 14 of the Promotion of Access to Information Act of 2000.
Personal Information	"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 — 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; b) information relating to the education or the medical, financial, criminal or employment history of the person; c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

Term	Description
	d) the biometric information of the person; e) the personal opinions, views or preferences of the person; 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; g) the views or opinions of another individual about the person; and 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."
Policy	Means this Policy document and all annexures, schedules or attachments hereto.
POPIA	Protection of Personal Information Act 4 of 2013 (as amended).
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 any recorded information regardless of form or medium as defined in the POPI Act.
Regulator	Means the Information Regulator established in terms of section 39 of POPIA.
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 Insurance as a service provider for any services and/or products required by Land Bank Insurance.
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 Insurance Employees and Service Providers who make use of and have access to Land Bank Insurance systems used for the Processing of Personal Information.

2. BACKGROUND

Land Bank Insurance is a public body as defined in the Protection of Personal Information Act 4 of 2013 (The Act) and is therefore required to adhere to the provisions and regulations in 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 Insurance is required to establish the necessary controls in order to comply with the provisions of the Act. This Policy provides guidelines and parameters for Land Bank Insurance, its employees and stakeholders.

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
e) Joint Standard 2 of 2024: Cybersecurity and Cyber Resilience Requirements.

4. RELATED POLICIES AND SIMILAR DOCUMENTS

a. LBI PAIA Manual
b. LBI Compliance Policy
c. LBI IT and Cyber Policy
d. LBI Records Management Policy.

5. PURPOSE

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

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

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, executive directors, non-executive directors and service providers contracted with Land Bank Insurance.

7. CONDITIONS FOR LAWFUL PROCESSING

7.1 Condition 1 – Accountability

a) Land Bank Insurance 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.

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.

b) Land Bank Insurance will obtain consent from the data subject prior to collecting their Personal Information. Once the information is in Land Bank Insurance's possession, the information will be processed in accordance with that consent. Consent is not required in the following instances:
   i. Where processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
   ii. Where processing complies with an obligation imposed by law on the responsible party;
   iii. Where processing protects a legitimate interest of the data subject;

iv. Where processing is necessary for the proper performance of a public law duty by a public body; and
v. Where processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.

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 Insurance. 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 specified in Condition 3.

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 Insurance will ensure that all Personal Information held, is complete, accurate, not misleading and updated where necessary.

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 Insurance will process information in a transparent matter, the details of the processing operations are contained in the Land Bank Insurance'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 Insurance will ensure that all technical and organisational measures to secure the integrity and confidentiality of the personal information is maintained.

b) Personal information must be protected against any unauthorised or unlawful access or processing.

c) Land Bank Insurance shall also ensure that it has written agreements with all Operators processing Personal Information on its behalf. These agreements will need to outline the Operators' measures to ensure the protection of Personal Information in their possession.

d) Where there are reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person, Land Bank Insurance will notify the Information Regulator and the Data Subject as soon as reasonably possible after the discovery of the compromise.

7.8 Condition 8 – Data Subject Participation

a) Upon reasonable request from a data subject, Land Bank Insurance will, as soon as reasonably possible, provide Data Subjects with access to their personal information. This Principle should be considered in conjunction with condition 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 Insurance PAIA Manual, available on the Land Bank Insurance website.

c) The request for the correction, deletion or destruction of personal information must be made by completing the POPI Act Form 2 which is available on the Land Bank Insurance website.

8. SPECIAL PERSONAL INFORMATION

a) Subject to paragraph (b) below, Land Bank Insurance 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 Insurance has a legitimate reason to process this special Personal Information including complying with an obligation of the law.

c) In every instance, Users will consult either the Information Officer or the Deputy Information Officer and the Legal and Compliance Department to determine whether the Processing of Special Personal Information is permitted.

9. RIGHTS OF DATA SUBJECTS REGARDING DIRECT MARKETING

a) Land Bank Insurance (including the intermediaries) will only market directly to Data Subjects that have consented to Direct Marketing. LBI will obtain written consent from data subjects by making use of Form 4 which is prescribed by the Regulator or in any form which is substantially similar to Form 4 and in a manner that may be expedient, free of charge and readily accessible to the data subject. A data subject may only be approached once to obtain consent to direct marketing. If the data subject says no, he/she may no longer be contacted.

b) Land Bank Insurance will provide all Data Subjects who are not yet clients of Land Bank Insurance with the option to opt in, and an opt out.

10. TRANSBORDER INFORMATION FLOWS

Land Bank Insurance 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 Land Bank Insurance, with the conditions for the lawful processing of personal information;
(b) Dealing with requests made to Land Bank Insurance 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 Land Bank Insurance with the provisions of the Act;
(e) Ensuring that a compliance framework is developed, implemented, monitored and maintained. Furthermore, that the compliance framework is continually improved;
(f) Ensuring that a personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;
(g) Ensuring that internal measures are developed together with adequate systems to process requests for information or access thereto;
(h) Ensuring that internal awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Regulator.

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's role is to:

(a) Give guidance and advice to the business on the legislative requirements applicable to information privacy;
(b) Review compliance with the Act and the Information Privacy Policy;

(c) Ensure that there is awareness in respect of the policy requirements throughout LBI.
(d) Notify the Regulator where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person.
(e) Monitoring compliance to Information Privacy requirements and reporting to the relevant committee(s).

11.4 Internal Audit

Internal Audit's role is:

a) To provide assurance to the regulatory authority and the board of directors that Land Bank Insurance complies with the requirements of the POPI Act.

11.5 Legal Function

The Legal Function is responsible for the following:

a) Ensuring that the legal agreements between Land Bank Insurance and its Stakeholders contain data protection clauses (where applicable).

11.6 Facilities Department

The Facilities Department is responsible for the following:

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

11.7 Land Bank Insurance Employees and Contractors

All Land Bank Insurance Employees and Fixed Term Contractors must ensure that they comply with this Information 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. CONSEQUENCES OF NON-COMPLIANCE

Non-compliance to this policy will be dealt with in terms of LBI's Disciplinary Code and Policy.