



**Predikante Pensioenfonds van die Ned. Geref.
Kerk in Suid-Afrika
POPIA roles & responsibilities of the
Information Officer**

Implemented: **11 March 2021**
Reviewed: **11 March 2021**

INTRODUCTION

The purpose of the Protection of Personal Information Act 4 of 2013 (hereinafter referred to as “the Act”) is to give effect to the right to privacy by creating a regulatory framework to safeguard personal information, regulate the manner in which information may be processed and provide persons with rights and remedies to protect their personal information.

The Act envisages both compulsory and voluntary measures to ensure the respect for and to promote, enforce and fulfil the rights protected by the Act, by:

1. establishing the office of the Information Regulator (hereinafter referred to as “the Regulator”) to supervise and enforce compliance, and
2. requiring funds to either appoint an “information officer” (and as appropriate deputy information officer/s), or, the “head of the fund” is appointed by operation of the Act, to oversee and supervise compliance.

In very broad terms, as set out in section 55 (1), an Information Officer is required to:

- Encourage the trustees of a fund to comply with the eight conditions for the lawful processing of personal information
- Deal with requests made to the trustees of a fund under the Act
- Work with the Information Regulator if there is an investigation into the trustees or a fund in terms of Chapter 6 of the Act (providing for the processing of personal information, subject to prior authorisation by the Information Regulator)
- Ensure compliance by the fund with the Act
- Comply with any other duties and responsibilities which may be prescribed

In terms of the Regulations issued in 2018, in addition to the responsibilities referred to in section 55(1) of the Act, an Information Officer:

(1) Must ensure that-

- (a) a compliance framework is developed, implemented, monitored and maintained
- (b) 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;
- (c) a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- (d) internal measures are developed together with adequate systems to process requests for information or access thereto; and
- (e) 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.

(2) Must provide copies of the manual (Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as “PAIA”)/POPIA manual), to a person who has requested same, subject to payment of a fee to be determined by the Regulator from time to time.

1.1 Purpose of this document

The purpose of this document is to:

- 1.1.1 Confirm the process for the appointment of the Fund’s Information Officer (and where appropriate Deputy Information Officer/s), and

- 1.1.2 Summarise the various duties and responsibilities of the Information Officer identified by the Predikante Pensioenfonds van die Ned. Geref. Kerk in Suid-Afrika (hereinafter referred to as “the Fund”).

1.2 The appointment of the Information Officer

The Act requires the appointment of an Information Officer and enables the appointment of one or more deputy information officers.

The Fund is required to ensure that the appointed Information Officer and Deputy Information Officer/s register with the Information Regulator. Once the registration process has been determined by the Regulator, the Information Officer and any Deputy Information Officer/s are required to confirm to the Board that they have complied with the registration process.

1.3 Delegation to Deputy Information Officer/s

In terms of section 56 of the Act the Information Officer may delegate, in writing, any of the functions and duties in terms of the Act to a Deputy Information Officer/s. This does not prohibit the Information Officer from exercising their power or performing the duty themselves. The Information Officer may amend and/or revoke the delegation, in writing, at any time.

Any decision of the Deputy Information Officer shall be regarded as a decision of the Information Officer, unless, the Information Officer has stipulated that any decision must be referred to him/her for ratification.

Regardless of any delegation, the Information Officer shall retain full responsibility for any function or duty delegated to the Deputy Information Officer/s.

Where the Information Officer has delegated any functions or duties to the Deputy Information Officer, a copy of the delegation document must be provided to the Board of Trustees (hereinafter referred to as “the Trustees”).

1.4 Termination

The Information Officer (includes Deputy Information Officer/s) may terminate his/her appointment by giving 30-days written notice.

ROLE OF THE INFORMATION OFFICER

2.1 Services to be provided by the Information Officer

To give effect to the regulatory duties of the Information Officer, the Trustees expect the following from the Information Officer:

- a) Perform the legislative functions as set out in the Act, in conjunction with relevant regulations, codes of conduct, information circulars as may be issued by the Information Regulator from time to time, and as set out in this document. Such legislative functions shall include any regulatory returns, reports, and notifications.
- b) Carry out the statutory duties allocated to the Information Officer and any other functions delegated by the Board to further compliance with the Act and the principles contained in the Act, which includes:
 - i) Assist the Board by arranging training regarding the provisions of the Act, regulations, codes of conduct and information made available by the Information Regulator
 - ii) Develop a compliance framework, including an implementation plan and ongoing review plan that takes account of - this list is not exhaustive but rather illustrative of the expectations - amongst others:
 - a. The relationship between the Fund, the Employer, the appointed section 13B of the Pension Funds Act, 1956, as amended, licensed administrator, any statutory appointments made by the Fund, and any other service provider appointments
 - b. The principle of minimality
 - c. Identifying the purposes for which all information is collected
 - d. Record management and retention schedules
 - e. Communication to Fund Members regarding their rights
 - f. Communication to the Employer regarding its obligations
 - g. The obligations of the Board of Trustees regarding personal information they access and reasonable security safeguards to use
 - h. Whether any further processing of information is necessitated
 - i. Breach notification procedures to apply to the Fund, operators and service providers
 - j. Breach notification procedures to notify the Information Regulator and affected Fund Members.
 - iii) Devise a process to monitor compliance with the framework developed.
 - iv) Develop the necessary privacy policies, registers, and any other documents required to execute the compliance implementation and review plan.
 - v) Undertake a personal information impact assessment to ensure that adequate measures and standards exist in order to comply with the lawful conditions for the processing of personal information.
 - vi) Engage and correspond with all service providers regarding compliance with the framework and information required to complete the personal information impact assessment.
 - vii) Engage and correspond with the Employer regarding compliance with the framework and information required to complete the personal information impact assessment.
 - viii) Review the Fund's service level agreements with service providers and ensure they are updated to comply with Act, regulations and codes of conduct.
 - ix) Review the Fund's investment policies and insurance contracts and ensure they are updated to comply with the Act, regulations and codes of conduct.

- x) Review all existing governance policies and documents and make recommendations to the Board on revisions required to ensure compliance with the framework and privacy policies developed.
- xi) Develop and maintain a manual as required in terms of PAIA, including content required in terms of the Act and, as applicable, by the Information Regulator.
- xii) Liaise with data subjects regarding all requests related to the Act and Regulations to the Act published in 2018 and PAIA.
- xiii) Maintain a register of objections to processing of personal information received and the response to the data subject provided by the Information Officer.
- xiv) Maintain a register of requests for deletion of member information and the response to the data subject provided by the Information Officer.
- xv) Maintain a register of requests made in terms of PAIA.
- xvi) Maintain a complaints register.
- xvii) Maintain a breach register.
- xviii) Engage and assist the Information Regulator regarding all complaints, pre-investigation processes, settlements, conciliation, assessment and any other supervisory and enforcement processes enabled in terms of the Act.

2.2 Consent and collecting consent

To assist the Board in determining whether consent is required from data subjects and to develop mechanisms to obtain, record and store consent obtained.

2.3 Compliance with any other data protection laws

To assist the Board in determining whether any other data protection laws may apply, for example, the General Data Protection Regulation (“GDPR”) regulations on data protection and privacy applicable in the European Union and to recommend compliance practices to incorporate in the compliance framework to specifically address compliance, and, importantly, breach protocols.

2.4 Engaging experts and/or service providers to assist in executing the services to be provided by the Information Officer

The Information Officer is authorised to engage experts and/or service providers to assist in executing the services to be provided as set out in this document subject to the authorisation requirements related to costs and charges applicable.

2.5 Reporting to the Board annually on compliance with the Act

The Information Officer will annually report to the Board on compliance with the Act, with reference to the registers that are required to be maintained and in particular non-compliance identified and corrective measures required to be implemented.

2.6 General

The Information Officer will:

- a) Annually review the level of data protection and cybercrime cover maintained by all service providers and advise the Board should the Information Officer have any concerns related to a service provider.
- b) Annually review whether the Fund should adjust the data protection and cybercrime cover it maintains.

ADOPTION

The role of the Information Officer document is hereby adopted by the Board of Trustees of the **Predikante Pensioenfonds van die Ned. Geref. Kerk in Suid-Afrika**:

Chairperson/Trustee

Principal Officer

Trustee

Date

Date

Date