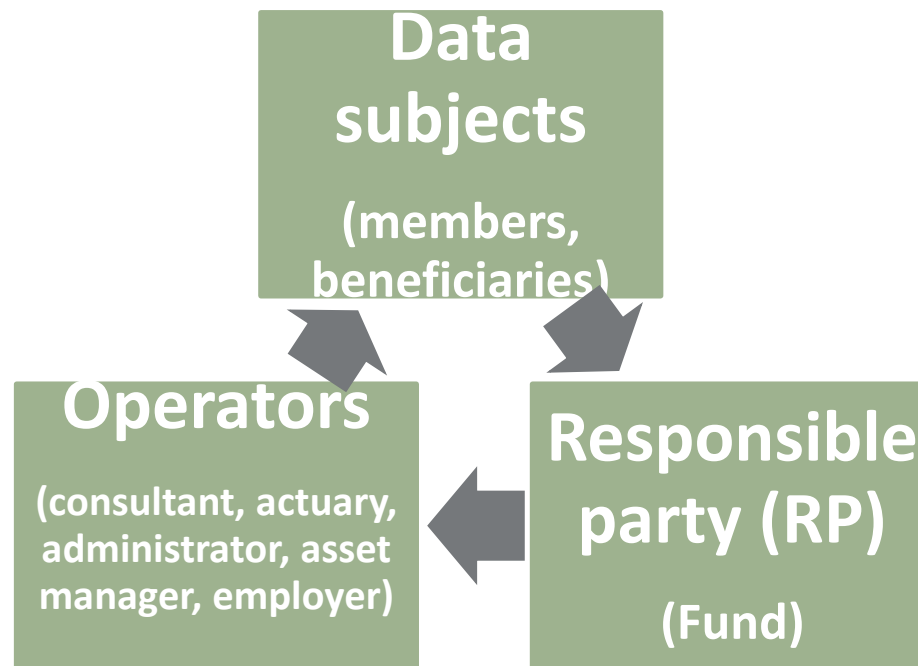




20th Annual Pension Lawyers Association
Conference 2015

We know that all parts of the Act are not yet fully effective, and that we await the appoint IR and industry codes. Should trustees be doing anything, and if so, what can trustees do?

Yes, POPI applies to Funds



What can trustees do? (Immediate)

Understand POPI and the impact it has and the need for training.

How will breaches be reported to their Information Officer, data subjects and the regulator?

The trustees need to identify and register an Information Officer to ensure compliance with POPI and interact with the regulator.

What and how would we give members and others access to information? How does this change for special personal information?

If the trustees use mobile devices to receive or send emails, should those devices be encrypted and password protected?

Trustees must know their obligations (and understand the implications of breaching them) in terms of confidentiality and privacy. Do they sign a confidentiality and privacy undertaking?

Set rules for how personal information is to be treated by trustees. Trustees would need to determine how to secure information (including fund procedures and IT security).



What can trustees do? (External)

- 1 Identify your operators
- 2 Depending on the type of PI & what operator does, how will you check their POPI processes & security measures?
- 3 Understand the roles & responsibilities of your operator – what are they doing in terms of POPI?
- 4 Review communication provided to members

How will POPI apply to employers – in respect of employee benefits?

Employer is a Responsible Party

- ❖ Employer determines purpose for processing personal information
- ❖ Employers – detailed POPI analysis:
 - Identify PI
 - Establish if comply with POPI
 - Purpose for collecting PI
 - How PI flows
 - Third parties
 - Identify & enhance security
 - Revise contracts & communication
 - Record consent from data subjects & exercise rights of data subjects

And the relationships are complex



Pru Petal, staff member of POPPY Pampering (Pty) Ltd is a data subject to the employer and to the fund.

Contract of employment between Pru and employer would normally state that Pru belongs to a fund as a condition of employment. (It may be necessary to expand on purpose here.)

POPPY Pampering (Pty) Ltd, the employer is the **responsible party** in terms of the conditions of employment with Pru.

Pru has signed a new member application form with the fund.

POPPY Pampering Retirement Fund is a **Responsible Party**

POPPY Pampering (Pty) Ltd is a **responsible party** as Pru's employer and **operator** for the fund's information, contributions in terms of contracts and in terms of supplying the contribution schedule.

Administrator is the **operator** to the fund in respect of contributions, claims and so on.

A blurred cityscape at dusk or dawn. The sky is a mix of blue and purple, with some clouds. In the foreground, a multi-lane highway is visible, illuminated by streetlights. The city buildings in the background are out of focus, with some lights visible.

THANK YOU