



# Chartered Governance Institute of Southern Africa

## Privacy Policy

*Date of last update: 27 August 2021*

### Introduction

Terms not specifically defined in this Privacy Policy shall bear the meaning ascribed thereto in the Protection of Personal Information Act, 4 of 2013 (“**POPI**”).

The Chartered Governance Institute of Southern Africa (“**CGISA**”) is the professional body for chartered governance professionals and company secretaries in Southern Africa. In order to conduct our business activities, including fulfilling our role as an assessment services provider and professional body, CGISA must collect and use your Personal Information.

CGISA is committed to protecting the privacy of its Data Subjects and ensuring that all information is used reasonably, securely, in a manner that is relevant to our business activities, in the interests of our Data Subjects and in accordance with applicable laws. In adopting this Privacy Policy, we wish to balance our legitimate interests and your reasonable expectation of privacy.

This Privacy Policy sets out how we will treat your Personal Information whether provided to us or collected by us through other means in your ordinary use of our products and/or services, which includes access to our website ([www.chartgov.co.za](http://www.chartgov.co.za)) (“**Website**”). This Privacy Policy describes our approach and practices in respect of your Personal Information and our treatment thereof.

This Privacy Policy must be read together with any other documents or agreements that describe the manner in which we, in specific circumstances, collect or process Personal Information about you. This will enable you to understand the manner in which CGISA will process your Personal Information. This Privacy Policy supplements such other documents and agreements but does not supersede them and in the event of any conflict, ambiguity or inconsistency between this Privacy Policy and such other documents and agreements, the terms of the particular document or agreement will prevail.

Should you wish to discuss any aspect of this Privacy Policy, please contact Roxanne Bain, who has been appointed as the Deputy Information Officer of CGISA, at [privacy@chartgov.co.za](mailto:privacy@chartgov.co.za).

### The information we collect and how we use it

CGISA may collect, acquire, receive, record, organise, collate, store, retain, update, change, retrieve, read, process, further process, analyse, use and share your Personal Information in the manner as set out in this Privacy Policy. When we perform one or more of these actions, we are "Processing" your Personal Information.

"**Personal Information**" refers to private information about an identifiable natural or juristic person. Personal Information does not include information that does not identify a person (including in instances where that information has been anonymised). The Personal

Information that we collect about you may differ on the basis of the products and services that you receive from CGISA.

CGISA collects and processes Personal Information relative to the provision of its services, and for direct marketing purposes, and undertakes to collect such information in a legal and reasonable manner.

The type of information we collect will depend on the need for which it is collected and will be processed for that purpose only. Examples of the types of Personal Information we may process include (depending on the products and services you may receive from us as a result of the type of data subject you may be in relation to CGISA):

- **Identity Information**, which may include information concerning your name, username or similar identifier, title, date of birth, gender, race, and legal status, medical aid information (in the case of employees and their dependents), as well as copies of your identity documents, photographs, identity number or registration number and your qualifications, personal information of spouses and children required for pension plans, medical aid plans, contact details and health information of visitors for the purposes of Covid-19 symptom checking;
- **Contact Information**, which may include your billing addresses, delivery addresses, e-mail addresses and telephone numbers, next of kin contact details, residential address details for payroll and other HR purposes as well as company secretarial information that has been disclosed in relation to you;
- **Financial Information**, which includes bank account details, salary information, income tax numbers, and pension information for administration of our employee pension fund;
- **Transaction Information**, which may include details about payments made to or received from you;
- **Technical Information**, which includes your internet protocol (IP) address, your login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices you use to access the Website;
- **Profile Information**, which may include your username and password, purchases or orders made by you, your interests, preferences and feedback;
- **Usage Information**, which may include information as to your access to and use of the Website, products and services;
- **Location Information**, which may include geographical information from your Access Device as defined below (which is usually based on the GPS or IP location); and
- **Marketing and Communications Information**, which includes your preferences in respect of receiving marketing information from us and our third parties, and your communication preferences.

CGISA may also process, collect, store and/or use aggregated data, which may include historical or statistical data ("**Aggregated Data**") for any purpose (for example, sending BEE or membership statistics to regulatory bodies to which we are subject, as per their requirements). Aggregated Data may be derived from your Personal Information but is not considered Personal Information, as this data does not directly or indirectly reveal your identity. However, if we combine or connect Aggregated Data with your Personal Information in a manner that has the result that it can directly or indirectly identify you, we will treat the combined data as Personal Information, which will be managed in accordance with this Privacy Policy.

## **How we collect your Personal Information**

We collect Personal Information in the following ways:

- through direct or active interactions with you;
- through automated or passive interactions with you; and
- from third parties or public sources.

*Direct or active collection from you*

- We may require that you submit certain information to enable you to access certain portions of the Website, to make use of our services (for example, as members, students or customers), to purchase our goods or services, to facilitate the conclusion of an agreement with us, or as is necessary for our fulfilment of our statutory or regulatory obligations (including to SAQA, QCTO and/or FASSET. We also collect Personal Information directly from you when you communicate directly with us, for example via e-mail, telephone calls, feedback forms, site comments or forums.
- If you contact us, we reserve the right to retain a record of that correspondence, which may include Personal Information.
- The Personal Information that we actively collect from you may include any of the Personal Information listed under the previous paragraph of this Privacy Policy (*The information we collect and how we use it*).

*Passive collection*

- We may passively collect certain of your Personal Information from the Access Device that you use to access and navigate the Website (each "**Access Device**"), by way of various technological applications, for instance, using server logs to collect and maintain log information.
- We also use cookies and anonymous identifiers which enable our computer system to recognise you when you next visit the Website to distinguish you from other users and to improve our service to you, and which can be used to enhance the content of the Website and make it more user-friendly, as well as to give you a more personalised experience.
- A cookie is a small piece of data (an alphanumeric identifier) which our computer system transfers to your Access Device through your web browser when you visit the Website and which is stored in your web browser. When you visit the Website again, the cookie allows the site to recognise your browser. Cookies may store user preferences and other information.
- You may disable the use of cookies by configuring your browser to refuse all cookies or to indicate when a cookie is being sent. However, if you do so, you may not be able to enjoy all of the features and functionality of the Website.
- The Personal Information that we passively collect from your Access Device may include your Identity Information, your Contact Information, your Technical Information, your Profile Information, your Usage Information, your Location Information and your Marketing and Communications Information, or any other Personal Information which you permit us, from time to time, to passively collect from your Access Device.

*Personal Information collected from third parties*

CGISA receives Personal Information about you from various third parties and public sources, including (without limitation):

- publicly available publications which include details of company secretaries;
- publicly available governmental publications; and

- university websites which contain details of lecturers who are active in the corporate law and accounting sectors.

### **How we use your personal information**

We use the Personal Information that we collect from you to maintain and improve the Website and to improve the experience of our users, to facilitate the sale of our products and the provision of our services and to fulfil our statutory and regulatory obligations.

We may also use your Personal Information to:

- retain and make information available to you on the Website;
- create your user account and allow use of the Website;
- maintain and update our customer, or potential customer, databases;
- establish and verify your identity on the Website;
- operate, administer, secure and develop the Website and the performance and functionality of the Website;
- detect, prevent or manage actual or alleged fraud, security breaches or the abuse, misuse or unauthorised use of the Website and contraventions of this Privacy Policy or any of the terms and conditions that apply to your use of the Website;
- inform you about any changes to the Website, this Privacy Policy or other changes that are relevant to you;
- create user profiles and to analyse and compare how you and other users make use of the Website, including your browsing habits, click-patterns, preferences, frequency and times of use, trends and demographic information;
- provide you with marketing material that is relevant to you;
- diagnose and deal with technical issues and customer support queries and other user queries;
- protect our rights in any litigation that may involve you;
- for security, administrative and legal purposes;
- comply with our statutory obligations, including submissions to the Companies and Intellectual Property Commission ("CIPC"), the BEE Commission, as well as engaging with regulatory authorities;
- for customer relations purposes;
- conduct CGISA's recruitment and hiring processes, which includes the conducting of criminal record and credit checks, referrals, the capturing of job applicant's details and the providing of status updates to job applicants;
- to fulfil any contractual obligations that we may have to you or any third party;
- communicate with you and retain a record of our communications with you and your communications with us;
- analyse and compare the types of Access Devices that you and other users make use of and your physical location;
- for other lawful purposes that are relevant to our business activities or regulatory functions; and
- collect information for consolidation and reporting purposes which can be sent to shareholders.

CGISA will restrict its processing of your Personal Information to the original purpose for which it was collected, unless CGISA reasonably considers that it is necessary to process it for another purpose that is compatible with the original purpose.

CGISA may, where permitted or required to do so by applicable legislation, process your Personal Information without your knowledge or consent, and will do so in accordance with the further provisions of this Privacy Policy.

## **Compulsory Personal Information and consequences of not sharing with us**

Where CGISA is required to process certain Personal Information by law, or in terms of a contract that we have with you, and you fail to provide such Personal Information when requested to do so, CGISA may be unable to perform in terms of the contract we have in place or are trying to enter into with you. In this case, CGISA may be required to terminate the contract and/or relationship, upon notification to you, which termination will be done in accordance with the terms of the contract and all applicable legislation.

## **Sharing your personal information**

We will not intentionally disclose your Personal Information, whether for commercial gain or otherwise, other than with your permission or as permitted by applicable law or in the manner as set out in this Privacy Policy.

CGISA may share your Personal Information under the following circumstances:

- with our agents, advisers, service providers and suppliers that have agreed to be bound by this Privacy Policy or similar terms, which offer the same level of protection as this Privacy Policy
- with our employees, suppliers, service providers, contractors and agents if and to the extent that they require such Personal Information in the provision of services for or to us, which include hosting, development and administration, technical support and other support services relating to the Website or the operation of CGISA's business. We will authorise any Personal Information processing done by a third party on our behalf, amongst other things by entering into written agreements with those third parties governing our relationship with them and containing confidentiality and non-disclosure provisions;
- to enable us to enforce or apply any other contract between you and us;
- to protect our rights, property or safety or that of our customers, employees, contractors, suppliers, service providers, agents and any other third party;
- to mitigate any actual or reasonably perceived risk to us, our customers, employees, contractors, agents or any other third party;
- share with governmental agencies and other regulatory or self-regulatory bodies, if required to do so by law or we reasonably believe that such action is necessary to:
  - comply with the law or with any legal process
  - protect and defend the rights, property or safety of CGISA, or our customers, employees, contractors, suppliers, service providers, agents or any third party;
  - detect, prevent or manage actual or alleged fraud, security breaches, technical issues, or the abuse, misuse or unauthorised use of the Website and contraventions of this Privacy Policy; and
  - protect the rights, property or safety of members of the public (if you provide false or deceptive information or misrepresent yourself, we may proactively disclose such information to the appropriate regulatory bodies and/or commercial entities).

## **Storage and transfer of your personal information**

We store your Personal Information on our servers or those of our service providers and in hard copy format at our offices and at the storage facilities of our third party record storage and management providers.

We reserve the right to transfer to and/or store your Personal Information on servers in a jurisdiction other than where it was collected, or outside of South Africa in a jurisdiction that may not have comparable data protection legislation.

If the location to which Personal Information is transferred and/or is stored does not have substantially similar laws to those of South Africa, which provide for the protection of Personal Information, we will take reasonably practicable steps, including the imposition of appropriate contractual terms to ensure that your Personal Information is adequately protected in that jurisdiction.

Please contact us if you require further information as to the specific mechanisms used by us when transferring your Personal Information outside of South Africa or to a jurisdiction that is different to the one in which we collected your Personal Information.

## **Security**

We take reasonable technical and organisational measures to secure the integrity of retained information and protect it from misuse, loss, alteration and destruction through the use of accepted technological standards that prevent unauthorised access to or disclosure of your Personal Information.

We also create a back-up of your information for operational and safety purposes.

We review our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.

CGISA has implemented procedures to address actual and suspected data breaches and undertakes to notify you and the relevant regulatory authorities of breaches in instances in which CGISA is legally required to do so and within the period in which such notification is necessary.

## **Retention of your Personal Information and Special Personal Information**

We may retain and Process some or all of your Personal Information if and for as long as:

- we are required or permitted by law, a code of conduct or a contract with you to do so;
- we reasonably need it for lawful purposes related to the performance of our functions and activities;
- we reasonably require it for evidentiary purposes (e.g. to verify membership in good standing or verifying qualifications and providing academic records); or
- you agree to us retaining it for a specified further period.

To determine the appropriate retention period for Personal Information, CGISA will consider, among other things, the nature and sensitivity of the Personal Information, the potential risks or harm that may result from its unauthorised use or disclosure, the purposes for which we process it and whether those purposes may be achieved through other means. CGISA will always comply with applicable legal, regulatory, tax, accounting or other requirements as they pertain to the retention of Personal Information.

## **Maintenance of your Personal Information and Special Personal Information**

In accordance with applicable legislation and the rules of CGISA, CGISA will take all necessary steps to ensure that the persons responsible for the maintenance of your Personal Information do so in a manner that ensures that it is accurate, complete, not misleading and is up to date.

It is your responsibility to advise CGISA or the persons responsible for the maintenance of your Personal Information should any of Personal Information we have about you be incorrect, incomplete, misleading or out of date, by notifying us at the contact details set out in the introduction above.

## **Your rights**

Data protection laws confer certain rights on you in respect of your Personal Information, which include the right to:

- block all cookies, by setting your browser to do so, including cookies associated with our products and services or to indicate when a cookie is being sent by us.
- request access to your Personal Information (commonly known as a “data subject access request”), thereby enabling you to receive a copy of the Personal Information retained about you;
- request the correction of your Personal Information, in order to ensure that any incomplete or inaccurate Personal Information is corrected.
- request erasure of your Personal Information, where there is no lawful basis for the retention or continued processing of it;
- object to the processing of your Personal Information if in your legitimate interests (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground as you feel it impacts on your fundamental rights and freedoms;
- request restriction of processing of your Personal Information. This enables you to ask CGISA to suspend the processing of your Personal Information in limited circumstances, which may differ by jurisdiction; and
- withdraw consent previously given in respect of the processing of your Personal Information at any time which withdrawal of consent will not affect the lawfulness of any processing carried out prior to your notice of withdrawal. Withdrawal of consent may limit the ability of CGISA or a third party to provide certain products or services to you, but will not affect the continued processing of your Personal Information in instances in which your consent is not required.

As far as the law allows, we may charge a fee for attending to any of the above requests, and may also refuse to carry out any of your requests in whole or in part, where your request is unreasonable.

## **Children**

The Website and CGISA’s products and services are not targeted at children (being a natural person under the age of 18 years). We will not knowingly collect Personal Information in respect of children without express permission to do so from a competent person (being any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child).

## **Direct marketing**

We may use your Personal Information for purposes of direct marketing of our own services.

We are not required to seek consent for such direct marketing in relation to customers, which includes members, students and other customers who have made use of our services (e.g. by attending a webinar).

You are entitled to request that we desist from doing so by contacting us or by unsubscribing via the link at the bottom of our email communications.

## **Changes to this Privacy Policy**

This Privacy Policy may be amended from time to time and we will take reasonably practicable steps to inform you when changes are made. Without limiting the manner in

which we may inform you, it could be that such notification may be by way of e-mail, a "pop-up" notification on the Website, or a notification when you access the Website.

### **General**

You agree that this Privacy Policy, our relationship and any dispute of whatsoever nature relating to or arising out of this Privacy Policy whether directly or indirectly is governed by South African law, without giving effect to any principle of conflict of laws.

Our failure to exercise or enforce any right or provision of this Privacy Policy shall not constitute a waiver of such right or provision.

Each provision of this Privacy Policy, and each part of any provision, is removable and detachable from the others. As far as the law allows, if any provision (or part of a provision) of this Privacy Policy is found by a court or authority of competent jurisdiction to be illegal, invalid or unenforceable (including without limitation, because it is not consistent with the law of another jurisdiction), it must be treated as if it was not included in this Privacy Policy and the rest of this Privacy Policy will still be valid and enforceable.