



BREYTENBACHS

IMMIGRATION CONSULTANTS

PROTECTION OF PERSONAL INFORMATION MANUAL

Company Policy

July 2021

Compiled in accordance with the requirements of the Protection of Personal Information Act No. 4 of 2013

TABLE OF CONTENTS

1.	Interpretation	3
2.	Introduction	7
3.	Purpose	7
4.	Availability	7
5.	Company details	7
6.	The Information Officer	8
7.	Categories of Personal Information	8
8.	Lawful processing of Personal Information	10
9.	Additional rights	12
10.	The processing of Personal Information and related matters	12
11.	International transfer of Personal Information	13
12.	Incident Management Plan	14
13.	Remedies	16
14.	Appendices	
13.1	Appendix 1: Objection to the processing of Personal Information in terms of section 11(3) of the Act	17
13.2	Appendix 2: Request for correction or deletion of Personal Information or destroying or deletion of record of Personal Information in terms of section 24(1) of the Act	19
13.3	Appendix 3: Complaint Form	21

1. INTERPRETATION

1.1. BIC is defined as a private body in terms of the Act.

1.2. In this policy document, unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them and cognate words and expressions shall bear corresponding meanings:

1.2.1 **“the Act”** the Protection of Personal Information Act No 4 of 2013 and the Regulations to the Act;

1.2.2 **“Affiliate”** Breytenbachs Immigration Consultants London, who render similar services and / or operate in conjunction with the office registered in South Africa;

1.2.3 **“BIC”** Breytenbachs Immigration Consultants (Pty) Ltd is a professional company which renders Immigration services to the United Kingdom and services related to British citizenship and passports, including advice and representation to individual clients, businesses, and organisations and includes all listed offices within South Africa, any reference to BIC includes reference to “we” / “us” / “our”;

1.2.4 **“Biometrics”** a technique of personal identification that is based on physical, physiological, or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning, and voice recognition;

1.2.5 **“Clients”** refer to any natural or juristic person including to whom the Services are rendered and a reference to “you” / “your” is a reference to the Clients and / or employees of BIC;

- 1.2.6 **“Consent”** any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of Personal Information;
- 1.2.7 **“Constitution”** the Constitution of the Republic of South Africa, 1996;
- 1.2.8 **“Data Subject”** means the Person to whom Personal Information relates, includes the Clients and a reference to “you” / “your” is a reference to such Data Subject;
- 1.2.9 **“De-Identify”** to delete any information that identifies a Data Subject, can be used, or manipulated, or can be linked by a reasonably foreseeable method to other information that identifies the Data Subject;
- 1.2.10 **“Electronic Communication”** any text, voice, sound, or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;
- 1.2.11 **“Employees”** any person employed by BIC for a salary to perform certain duties as required whether appointed permanently or temporary, including employees employed in the United Kingdom under BIC’s affiliated office;
- 1.2.12 **“Filing System”** any structured set of Personal Information, whether centralised, decentralised, or dispersed on a functional or geographical basis, which is accessible according to specific criteria;
- 1.2.13 **“Information Officer”** the individual appointed in terms of the Act;
- 1.2.14 **“Operator”** a person who processes Personal Information for BIC in terms of a contract or mandate, without coming under the direct authority of BIC;

1.2.15 “PAIA”	the Promotion of Access to Information Act No 2 of 2000 and the Regulations;
1.2.16 “Person”	a natural or juristic person as the case may be;
1.2.17 “Personal Information”	the information set out in paragraph 7 below and includes Special Personal Information;
1.2.18 “PIIA”	a Personal Information Impact Assessment for purposes of establishing a record of the manner in which Personal Information is being processed and to evaluate the impact thereof on the privacy rights of Persons;
1.2.19 “Policy”	this policy and the annexures thereto;
1.2.20 “Processing”	includes anything that is done with Personal Information and includes any operation or activity, whether or not by automated means concerning Personal Information including: <ul style="list-style-type: none"> - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use; - dissemination by means of transmission, distribution or making available in any other form; or - merging, linking, as well as restriction, degradation, erasure, or destruction of information;
1.2.21 “Record”	any recorded information regardless of form or medium in the possession or under the control of BIC whether or not it was created by BIC and regardless of when it came into existence;
1.2.22 “Regulator”	the Information Regulator as established in terms of section 39 of the Act;
1.2.23 “Re-identify”	in relation to personal information of a Data Subject, means to resurrect any information that

has been De-identified, that identifies the Data Subject, can be used, or manipulated by a reasonably foreseeable method to identify the Data Subject, or can be linked by a reasonably foreseeable method to other information that identifies the Data Subject;

1.2.24 “Special Personal Information”

Personal information as referred to in section 26, relating to race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be sensitive under applicable law, including the personal information of children;

1.2.25 “Service providers”

third party providers of various services that BIC engage with, including but not limited to, providers of accounting services, information technology, communication, file storage, data storage, copying, printing, accounting, or auditing services, insurers, and other professional advisors;

1.2.26 “the Services”

Services by BIC operating as a British Immigration, British Nationality and British Passport Advisory company and registered as a private company in accordance with the Companies Act 71 of 2008, and includes any ancillary services;

1.2.27 “Unique Identifier”

any identifier that is assigned to a Data Subject and is used by BIC for the purposes of the operations of BIC and that uniquely identifies that Data Subject in relation to BIC, i.e., an identity number;

1.2.28 “Website”

any website operated or maintained by BIC or on our behalf.

2. INTRODUCTION

- 2.1 BIC operates within the industry of Immigration in particular to the United Kingdom, including but not limited to British Nationality law. We have always subscribed to the highest ethical standards, professionalism, reliability, and trustworthiness, it is therefore important to BIC to ensure all compliancy framework is adhered to.
- 2.2 Our relationship with our employees, Clients and Service Providers is based on mutual trust and honesty and we are committed to protecting the privacy rights pertaining to the processing of Personal Information in accordance with the prescripts of the Act. We promote the responsible use of Personal Information which is critical to our business reputation.
- 2.3 For this purpose, we have adopted an internal compliance framework *inter alia* to ensure the lawful processing of Personal Information and that adequate measures are developed, implemented, maintained, and monitored to protect Personal Information and Special Personal Information.

3. PURPOSE

- 3.1 The purpose of this Policy is to establish the compliance framework referred to above.
- 3.2 This Policy aims to ensure the exercise of effective control over the processing of Personal Information in the course and scope of rendering the Services.

4. AVAILABILITY OF THE POLICY

- 4.1 This Policy is made available in terms of section 4(1)(c) of the Regulations to the Act.
- 4.2 Copies of the Policy can be obtained from the Information Officer or from our Website.

5. COMPANY DETAILS

Physical address:	Spaces, Byls Bridge Office Park, Ground Floor & First Floor, Building 14 Block B, Corner Of Olievenhoutsbosch & Jean Avenue,
-------------------	---

	Centurion, Pretoria, 0157, South Africa
Telephone number:	+27 12 460 9959
E-mail address:	info@bic-immigration.co.za
Website:	https://bic-immigration.com/

6. INFORMATION OFFICER

- 6.1 The Act prescribes the appointment of an Information Officer where such Information Officer is responsible to, *inter alia*, encourage compliance with the conditions for the lawful processing of Personal Information, to ensure that PIIA's are done, to ensure internal measures are developed together with adequate systems to process requests for information or access thereto and to ensure internal awareness is created within BIC through training and other awareness measures.
- 6.2 BIC has opted to appoint an Information Officer to ensure compliance as well as to oversee the required functions in terms of the Act.
- 6.3 The contact details of the Information Officer are as follows:

Information Officer:	Phillip Venter
Physical address:	Spaces, Byls Bridge Office Park, Ground Floor & First Floor, Building 14 Block B, Corner Of Olievenhoutsbosch & Jean Avenue, Centurion, Pretoria, 0157, South Africa
Telephone number:	+27 12 460 9959
E-mail address:	phillip@bic-immigration.com

7. CATEGORIES OF PERSONAL INFORMATION

- 7.1. We may collect or obtain Personal Information about you, and other parties such as policy holders and their representatives:
- 7.1.1 directly from you;
 - 7.1.2 in the course of our relationship with you;
 - 7.1.3 in the course of providing the Services to you;
 - 7.1.4 when you make your Personal Information public; and

- 7.1.5 when you visit and/or interact with our Website.
- 7.2. We may also receive Personal Information about you from third parties.
- 7.3. The Personal Information in the context of the Act can relate to any of the below identifiable characteristics in respect of a Person:
 - 7.3.1 Personal details: race, pregnancy, marital status, ethnic, or social origin, colour, sexual orientation, physical or mental health, well-being, disability;
 - 7.3.2 Demographic information: gender, age, nationality, salutation, title, and language preferences;
 - 7.3.3 Unique Identifier information: passport or national identity number, utility provider details, bank statements, tenancy agreements;
 - 7.3.4 Contact detail: e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
 - 7.3.5 Contract details: details of individuals entering into service or other agreements with BIC, Personal Information included in correspondence, documents, evidence, or other materials that BIC processes in the course of providing the Services;
 - 7.3.6 Attendance records: details of meetings and other events organised by or on behalf of BIC that you have attended;
 - 7.3.7 Consent records: records of any consents given, together with the date and time, means of consent and any related information;
 - 7.3.8 Payment details: billing address, payment method, bank account number or credit card number, invoice records, payment records, SWIFT details, IBAN details, payment amount, payment date, and records of cheques;
 - 7.3.9 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;
 - 7.3.10 Data relating to visits to our Website: the device type, operating system, browser type, browser settings, IP address, language settings, dates, and times of connecting to the Website, and other technical communications information;
 - 7.3.11 Content and advertising data: records of interactions with our online advertising platform, records of advertising and content displayed on pages displayed to you, and any interaction individuals may have had with such content or advertising (including, but not limited to, mouse hover, mouse clicks and any forms completed).
 - 7.3.12 Information relating to the education or the medical, financial, criminal or employment history of the person;
 - 7.3.13 Biometrics; and
 - 7.3.14 The personal opinions, views, or preferences; religion, conscience, belief, or culture.

7.4. Where we need to process Special Personal Information, we will do so in the course and scope of rendering the Services, for a legitimate purpose, and in accordance with applicable law.

8. **LAWFUL PROCESSING OF PERSONAL INFORMATION**

8.1 Personal Information will either be processed directly by BIC or may be processed by an Operator. BIC may also be required to transfer your Personal Information to a third party when rendering legal services.

8.2 The following conditions as set out in Chapter 3 of the Act are applicable for the lawful processing of Personal Information:

Accountability	<p>We are accountable for complying with the measures as prescribed in the Act;</p> <p>To enable BIC to exercise the control over personal information required by this condition two critical control measures need to be established and maintained:</p> <ul style="list-style-type: none"> – the personal information being processed by us needs to be identified; and – We must identify and appoint a person (or persons) (the Information Officer) charged with the safeguarding of personal information.
Processing Limitation	<p>Personal Information may only be processed lawfully and in a reasonable manner that does not infringe on your right to privacy. Processing is lawful and justifiable if it is carried out in terms of the provisions of paragraphs 11(1)(b) to (f) of the Act.</p> <p>BIC will restrict its processing of Personal Information to data which is sufficient for the fulfilment of the primary and legitimate purpose for which it was collected. Your consent is required, and you may object to the processing of Personal Information. You will be required to complete Annexure 1 if you object to the processing of your Personal Information.</p>
Purpose Specification	<p>This condition entails three separate elements, the collection for a specific purpose, that the data subject is aware of the purpose of collection and the retention of personal information for no longer than it may be required.</p> <p>Personal Information will be collected for a specific and explicitly defined purpose related to a function or activity of BIC. We shall</p>

	<p>only retain and store Personal Information in the Filing System for the period for which the data is required to serve its primary purpose or a legitimate interest or for the period required to comply with applicable legislation, whichever is longer. Records containing Personal Information will be destroyed or deleted as soon as reasonably practicable. This will be done in a manner that will prevent the reconstruction of the document.</p>
Further Processing Limitation	<p>The further processing of any Personal Information must be compatible with the purpose for which it was initially collected. Further processing of Personal Information must be in accordance with the purpose for which it was initially collected as indicated above and may include the De-identification and Re-identification of Personal Information.</p>
Information Quality	<p>The Personal Information provided to BIC should be accurate, complete, and up to date and we must be informed of any changes.</p>
Openness	<p>All documentation related to processing operations will be maintained by BIC in its Filing System in accordance with section 51 of PAIA. We will inform you of the information being collected, the purpose for which the information is being collected and whether the information will be transferred to third parties.</p> <p>BIC is obliged to ensure that the data subject is aware of:</p> <ul style="list-style-type: none"> – The information being collected and if not from a data subject, the source from which it is collected; – The name and address of the responsible party; – The purpose of collection; – Whether the supply of information by the data subject is voluntary or mandatory; – The consequences of failure to provide information; – Law authorising or requiring the collection of information; – If to be transferred to a third country or international organisation, the level of protection afforded to the information; and – Any further relevant information
Security Safeguards:	<p>BIC implements appropriate technical and organisational security measures to protect your Personal Information against accidental or unlawful destruction, loss, alteration, unauthorised disclosure,</p>

	<p>unauthorised access, in accordance with applicable law. Where there are reasonable grounds to believe that your Personal Information has been accessed or acquired by any unauthorised person you will be notified in writing. Because the internet is an open system, the transmission of information via the internet is not completely secure. Although we implement all reasonable measures to protect your Personal Information, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during such transmission.</p>
Your Participation	<p>You are entitled to request BIC to confirm whether we hold Personal Information about you or to request the record from us including details of any third parties who have or had access to the information. You may request BIC to correct or delete Personal Information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully; or destroy or delete a record of Personal Information about you that BIC is no longer authorised to retain. Please refer to Appendix 2.</p>

9. ADDITIONAL RIGHTS

In addition to the rights as contemplated above, the following rights are afforded to you:

- 9.1 You have the right not to have your Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications from third parties unknown to you.
- 9.2 BIC is not permitted to provide your Personal Information to any third party for direct marketing purposes without your consent.

10. THE PROCESSING OF PERSONAL INFORMATION AND RELATED MATTERS

- 10.1 BIC will process your Personal Information in the ordinary course of its business and for purposes of rendering the Services.
- 10.2 Your Personal Information may be subject to processing during the course of various activities, including, without limitation, to the following:
 - 10.2.1 providing the Services;

- 10.2.2 analysis, evaluation, review, and collation of information in order to determine legal and contractual compliance, prepare or comment on opinions, memoranda, agreements, correspondence, reports, publications, documents relating to legal proceedings and other documents and records (whether in electronic or any other medium whatsoever);
 - 10.2.3 compliance with applicable laws and fraud prevention;
 - 10.2.4 transfer of information to our Service Providers, Clients and other third parties for legitimate purposes;
 - 10.2.5 transfer of information to our affiliate;
 - 10.2.6 recruitment;
 - 10.2.7 training;
 - 10.2.8 risk assessments, PIIA's, information security management, statistical purposes, trend analysis and planning purposes;
 - 10.2.9 corruption detection, prevention, investigation, and prosecution;
 - 10.2.10 monitoring and recording calls and electronic communications with you for quality, training, investigation, and fraud prevention purposes;
 - 10.2.11 to enforce or defend our rights; and
 - 10.2.12 to manage our relationship with you to establish, maintain and/or improve our relationship with you and with our Service Providers.
- 10.3 Your Personal Information may be processed for internal management and management reporting purposes, including but not limited to, conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities, for insurance purposes and for management reporting analysis and for safety and security purposes.
- 10.4 To the extent required, we will apply to the Regulator for prior authorisation in respect of the processing of Personal Information as prescribed in section 57 and 58 of the Act.

11. INTERNATIONAL TRANSFER OF PERSONAL INFORMATION

Personal Information may only be transferred out of the Republic of South Africa to a third party in a foreign country under limited circumstances, namely:

- 11.1 if the third party to which the data is transferred to is subject to law, binding corporate rules or a legitimate agreement that provides for an adequate level of protection substantially similar to the Act;

- 11.2 if the operator or third party undertakes to protect the Personal Information in line with applicable data protection legislation;
- 11.3 if you consent to the transfer thereof;
- 11.4 if the transfer is necessary for the performance of a contractual obligation between you and BIC or between BIC and a third party; or
- 11.5 if the transfer is for your benefit, and it is not reasonably practicable to obtain your consent, and if it were, you would in all likelihood provide such consent.

12. INCIDENT MANAGEMENT PLAN

- 12.1. In ensuring the safety of all information processed by BIC, it is vital to anticipate any potential breaches. As such we have compiled a Risk Assessment thereby identifying potential risks we are exposed to.
- 12.2. Although BIC takes every reasonable precaution to protect Personal Information from theft, unauthorised access, and disruption of services we cannot guarantee that the processing of Personal Information would never be subject to theft or unauthorised access.
- 12.3. Our security controls are designed to an appropriate level of data confidentiality, integrity, and availability.
- 12.4. Steps BIC implement following a data breach:
 - 12.4.1 If any employee of BIC becomes aware of a data breach of any kind, they are required to report it **immediately** to their direct supervisor alternatively someone in a management position.
 - 12.4.2 The appropriate supervisor and / or manager will then inform the Information Officer of the breach and the IT Security team will be advised accordingly as well.
 - 12.4.3 The IT Security team will take the following appropriate measures:

- 12.4.3.1 Identify the type of breach that has occurred and identify the affected systems or applications, thereby establishing the appropriate steps to take.
 - 12.4.3.2 Containment of the compromised system or application. For example: should a ransomware attack occur, the immediate action involved would be to shut the entire network down to prevent any further damage;
 - 12.4.3.3 Determine the point of origin of the breach. Network administrators are to comb through archived traffic for anomalies and signs of problems to determine the point of origin and contact;
 - 12.4.3.4 Assess the extent of the damage and further possible vulnerabilities, and act accordingly;
 - 12.4.3.5 Change all network access credentials;
 - 12.4.3.6 Restore services, for example, if the network has been shut down the due to a ransomware attack, they would need to reinstate the network, re-establish access to the network and ensure it is safe to restore the network again;
 - 12.4.3.7 Once all systems are restored and a thorough investigation is conducted, the IT security team will submit a comprehensive report on the cause of the breach, extent of damage or exposure, the incident response measures and recommendations on future preventative measures.
- 12.4.4 In the event of a breach, we will notify the relevant / affected parties, such as clients, suppliers and all other stakeholders involved, immediately when becoming aware of the breach.
- 12.4.5 BIC will ensure that all details pertaining to the incident will be accurately recorded and investigated in order to ascertain what lead to the incident and in order to improve on its security control measures thereby prohibiting such occurrence in the future.
- 12.4.6 Appropriate action will be taken against the faulting party involved, if required, i.e., disciplinary action if BIC staff members have breached confidentiality, or criminal charges will be brought against theft etc.
- 12.5. We regularly test our website, data centres, systems, and other assets for security vulnerabilities. We are committed to safeguarding all information we process and strive to improve our security control systems whenever we can.

13. REMEDIES

- 13.1. BIC has adopted an internal complaints procedure. As such, if you are of the opinion that your right to privacy has been infringed, you can follow the below complaints procedure:
- 13.1.1 You can lodge your complaint in writing to the Information Officer by completing the attached Complaints form (**Appendix 3**).
 - 13.1.2 When the complaint is received, it will be validated and logged as a new complaint.
 - 13.1.3 We will acknowledge receipt of the complaint in writing within 5 working days of receipt thereof and take the necessary action and advise the complainant of the expected date of resolution.
 - 13.1.4 The Information Officer will investigate the complaint to ascertain whether it can be resolved immediately or whether further time is required to resolve the matter.
 - 13.1.5 A thorough investigation into the complaint will be conducted and adequate steps will be taken to address the complaint, which may include appropriate disciplinary action against BIC employees.
 - 13.1.6 We will inform the complainant in writing of the resolution of the complaint and the outcome thereof within 6 weeks.
- 13.2. Should you not be satisfied in the manner in which your complaint was dealt with, you may exercise such external remedies that are available to you such as submitting a complaint to the Regulator or seek legal redress.

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE ACT

Note:

1. Affidavits or other documentary evidence, as applicable in support of the objection, may be attached.
2. If the space provided for in this Form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

A: YOUR DETAILS	
Name(s) and surname:	
Identity Number:	
Residential and postal address:	
Contact number(s):	
E-mail address:	
B: DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of employee:	
Business address:	
Contact number(s):	
E-mail address:	
C: REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) AS SET OUT BELOW	
Personal Information may only be processed if:	
<ol style="list-style-type: none"> a. processing protects a legitimate interest of the Data Subject; b. processing is necessary for the proper performance of a public law duty by a public body; or c. processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied. 	

Signed at _____ on this _____ day of _____ 20__

SIGNATURE

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE ACT

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

Mark the appropriate box with an "X".

Correction or deletion of the Personal Information which is in possession or under the control of BIC.

Destroying or deletion of a record of Personal Information which is in possession or under the control of BIC and who is no longer authorised to retain the record of information.

A: YOUR DETAILS	
Name(s) and surname:	
Identity Number:	
Residential and postal address:	
Contact number(s):	
E-mail address:	
B: DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of employee:	
Business address:	
Contact number(s):	
E-mail address:	

C: INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED

D: REASONS FOR CORRECTION OR DELETION OF THE PERSONAL INFORMATION WHICH IS IN POSSESSION OR UNDER THE CONTROL OF BIC; AND OR REASONS FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION WHICH BIC IS NO LONGER AUTHORISED TO RETAIN

Signed at _____ on this _____ day of _____ 20__

SIGNATURE

COMPLAINT FORM

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

Mark the appropriate box with an "X".

Right to privacy has been breached.

Your Personal Information has been mishandled.

A: YOUR DETAILS	
Name(s) and surname:	
Identity Number:	
Residential and postal address:	
Contact number(s):	
E-mail address:	
B: DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/ registered name of employee:	
Business address:	
Contact number(s):	
E-mail address:	
C: DETAILED INFORMATION REGARDING COMPLAINT:	

Signed at _____ on this _____ day of _____ 20__

SIGNATURE