



## FURNITURE BARGAINING COUNCIL

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### **CIRCULAR 08/21**

## **TO ALL EMPLOYERS AND EMPLOYEES**

### **PROCESSING OF STAKEHOLDER INFORMATION**

The Protection of Personal Information Act, 2013 (Act 4 of 2013) (as amended) (hereinafter referred to as the POPI Act), requires the Furniture Bargaining Council (FBC) to inform all Industry stakeholders that the FBC is currently and will in future collect, process, retain and delete, destroy or de-identify such personal information in the prescribed manner, in order to pursue ONLY the legitimate interests of the FBC. The FBC hereby re-confirms its commitment to protect all information collected and the data subjects' privacy by ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws, regulations and Codes of Conduct.

#### **1. Why the POPI Act matters**

The POPI Act is important because it protects Industry stakeholders (data subjects), by preventing any harm to come to them through the mishandling or misuse of their personal information. The complete Act commences on 1 July 2021 and the FBC is fully compliant.

Every person is affected by the POPI Act as it strengthens every citizen's right to privacy, afforded by the Constitution of the Republic of South Africa, as it sets out the requirements and conditions for FBC to lawfully collect, process, retain, and delete, destroy and de-identify the personal information of individuals concerned.

In line with global best practice and FBC's core values, FBC respects all Industry stakeholders' constitutional rights and more specifically, their rights to privacy. FBC is committed to protect the personal information of all our Industry members, employees, employers and any other stakeholders in a manner that is reasonable, fair, lawful and secure. The FBC is committed to a culture of compliance with the law.

#### **2. Why does Council need to collect your personal information?**

In order to give effect to the purpose of bargaining councils as specified in the Labour Relations Act 1995 (Act 66 of 1995), bargaining councils need the personal information of stakeholders operating in the Industry. In terms of the POPI Act, personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

### 3. The usage of Personal Information

The stakeholder's personal information will only be used for the purpose for which it was collected.

This is not limited to but may include:

- Administering and processing Provident Fund contributions and Provident Fund claims
- Administering and processing Death and Funeral Scheme contributions and death and funeral scheme claims
- Paying members' claims accurately and effectively
- Collecting and paying both holiday pay and leave pay funds annually
- Confirming, verifying and updating client details
- To accumulate a claims history
- For the detection and prevention of fraud, crime, or other malpractices
- For audit and record keeping purposes
- To comply with legal and regulatory requirements

Personal information collected by the FBC is only used for legitimate purposes.

### 4. Disclosure of Personal Information

The FBC shall not disclose the personal information of stakeholders to any third-party service providers where no proper agreements are in place to ensure full compliance with confidentiality and privacy conditions.

The FBC may disclose stakeholder's information where it has a duty or a right to disclose in terms of applicable legislation, or where it may be deemed necessary in order to protect FBC rights.

### 5. Safeguarding Members' Information

It is a requirement of the POPI Act to adequately protect personal information. The FBC will continuously review its security controls and processes to ensure that all personal information is secure.

#### **Examples of procedures which are in place in order to protect personal information:**

- The Information Officer is the General Secretary who is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of the POPI Act. He is assisted in this function by the IT Manager who is appointed as the FBC's Deputy Information Officer
- The FBC has various policies in place in this regard and training in the requirements of the POPI Act have already taken place and will be repeated regularly to ensure a honed awareness with all FBC staff and third-party service providers
- All existing and new staff members have been and will be subjected to the prescribed awareness training and are required to sign an employment contract containing relevant consent and obligation clauses for the collection, processing, retention and the deletion, destruction or de-identification of personal information, or any other action required in terms of the POPI Act
- The FBC's archived information is stored both on and off site and is governed by the POPI Act. Access is limited to these areas to authorised personnel only

- The FBC's suppliers, insurers and other third-party service providers are required to sign service level agreements, ensuring their commitment to the requirements of the POPI Act. This is an ongoing process that will be evaluated and reviewed on a regular basis
- All electronic files or data are backed up by the FBC's Information Technology (IT) department and the IT service providers are also responsible for system security and to protect the personal information against third party access and physical threats

## **6. Purpose of this guide**

It is important for you to understand this guide. If after reading through this guide you still have questions on any matter related to it, you are welcome to contact the Information Officers at the number hereunder.

## **7. Current Information Officers' Details:**

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29 June 2021