

**SOUTH AFRICAN ROAD PASSENGER BARGAINING COUNCIL**  
**("SARPBAC")**  
**POPIA NOTICE**

SARPBAC has prepared a POPIA and Privacy policy (the "**Policy**") which can be accessed on SARPBAC's website at [www.sarpbac.org.za](http://www.sarpbac.org.za) which sets out all your rights and obligations in terms of POPIA in detail. Subject to the Policy, to ensure compliance with Protection of Personal Information Act, 4 of 2013 ("**POPIA**"), specifically section 18 thereof, and because your entity's privacy and trust are important to SARPBAC, we record as follows:

**Personal Information<sup>1</sup> ("PI") being Processed<sup>2</sup>**

SARPBAC confirms that it may Process or have *inter alia* the following PI about your entity:

- 1.1. Business name, address, registration number;
- 1.2. Financial information including but not limited to bank details and tax and/or VAT number;
- 1.3. Names, surnames, designations and contact details of the contact person/s at your entity;
- 1.4. Details in relation to your entity's employees including but not limited to their names, surnames, employee numbers, employment status (i.e. whether they are employed in a permanent, temporary and fixed term or part time capacity), whether they fall within SARPBAC's scope, their union membership, salaries, deductions;
- 1.5. Proof of compliance by your entity with labour legislation, the SARPBAC Main Collective Agreement or other SARPBAC agreements;
- 1.6. Correspondence/communications sent by your entity to SARPBAC; and
- 1.7. Other PI provided by your entity or others to SARPBAC.

**Reasons/purpose for PI being Processed**

SARPBAC, or a person or entity acting on its behalf, may Process your entity's PI for *inter alia* the following reasons/purposes:

- 2.1. To provide all persons falling within the registered scope with advice and services as permitted in terms of SARPBAC's Constitution and collective agreements or otherwise;
- 2.2. Record keeping and maintaining databases;
- 2.3. Determining levies payable;
- 2.4. Determining provident fund and related contributions;
- 2.5. Verifying if salaries and benefits paid to employees are in accordance with the SARPBAC Main Collective Agreement or other legislation;
- 2.6. Dealing with disputes referred to SARPBAC or against SARPBAC or to which SARPBAC is joined;
- 2.7. Performing verification exercises as envisaged in terms of the SARPBAC Constitution and the Labour Relations Act, 66 of 1995 ("**LRA**");
- 2.8. Enforcing and giving effect to legislation including the provisions of the LRA, SARPBAC Constitution, SARPBAC Main Collective Agreement or other SARPBAC agreements;
- 2.9. To update SARPBAC's website to *inter alia* include information which is in SARPBAC's and/or the data subjects falling within SARPBAC's scope/ the public's legitimate interests;

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<sup>1</sup>This includes:

**Personal Information** is information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; Information relating to the education or the medical, financial, criminal or employment history of the person; Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; The biometric information of the person; The personal opinions, views or preferences of the person; 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; The views or opinions of another individual about the person; and The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

**Special Personal Information** is personal information concerning: Religious or philosophical beliefs; Race or ethnic origin; Trade union membership; Political persuasion; Health or sex life; Biometric information about data subject; Alleged criminal behaviour of data subject; and

**Personal information of a child** is personal information about a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any decision in respect of any matter concerning him or herself.

<sup>2</sup>**Process** as defined in POPIA, means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including 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 Personal Information.

- 2.10. To comply with laws and statutory obligations applicable to SARPBAC and your entity and/or otherwise;
- 2.11. To contact your entity regarding SARPBAC related issues which may impact your entity or employees;
- 2.12. To allow SARPBAC to make lawful decisions in relation to your entity;
- 2.13. To protect the legitimate interests of your entity;
- 2.14. To pursue the legitimate interests of SARPBAC or of a third party to whom the information is supplied; and
- 2.15. As otherwise permitted in terms of POPIA or other legislation.

#### Further Processing

SARPBAC, or a person or entity acting on its behalf, will primarily use your PI for the purpose for which it was originally collected. By submitting this PI to SARPBAC, you also consent to it being further processed by SARPBAC to perform any function set out at 2 above or to give effect to SARPBAC's Constitution, agreements and other legislation.

#### Where your information is collected from

SARPBAC will endeavour to ensure that all PI relating to your entity is collected from your entity, but may also obtain information about your entity from another source if it will not prejudice a legitimate interest. SARPBAC may also collect PI from your employees, SARPBAC's auditors/an entity appointed by SARPBAC to perform verifications or other services for it and/or other third parties appointed by SARPBAC to assist with its obligations, which you consent to, unless you expressly advise otherwise in writing.

#### Accuracy & Authority

- 5.1. All PI provided by your entity to SARPBAC must be accurate, up to date, not misleading and complete in all respects. You must immediately advise SARPBAC of any change to your entity's PI. SARPBAC will assist where possible in this regard.
- 5.2. A person from your entity providing PI to SARPBAC warrants that he/she has the necessary authority to do so.

#### Storage

SARPBAC will keep your PI for as long as the law requires it to keep it. When the abovementioned periods expire your information will be deleted in a manner whereby it cannot be re-identified.

#### Protection

The privacy and security of your PI is important to SARPBAC. Accordingly, all PI which SARPBAC Processes is dealt with as confidentially as possible and is protected in accordance with POPIA.

#### Third parties

- 8.1. When your entity provides PI of another data subject to SARPBAC, this must be done in compliance with POPIA. Your entity indemnifies and holds SARPBAC harmless against any liability or loss which may be incurred by SARPBAC or its employees as a result of your entity breaching such undertaking.
- 8.2. SARPBAC may be required to share or transfer your PI both internally or externally.
- 8.3. When sharing the information internally, this will be done only on a need to know basis.
- 8.4. External entities with whom your PI may be shared include the CCMA, SARPBAC's auditors, accountants and legal advisors other advisors, SARPBAC's designated agents and Panelists, cloud storage entities and as required in terms of legislation, SARPBAC's Constitution and collective agreements. When sharing your information with external entities, SARPBAC will as far as possible ensure that it has in place safeguards that accord with POPIA to protect your entity's PI.

### Cross border transfers

SARPBAC may transfer data trans-border and will do so in accordance with POPIA.

### Rights

- 10.1. You have the right to access your entity's PI while it remains in SARPBAC's possession and make corrections thereto if necessary. You may also object to SARPBAC processing your entity's PI in terms of section 11(3) of POPIA. The afore-going rights may be subject to certain limitations pursuant to applicable law.
- 10.2. Although the provisions of POPIA read with the LRA, SARPBAC's Constitution and collective agreements and other relevant legislation permit SARPBAC to collect and process your PI without consent, to the extent that consent is needed in relation to such PI, by submitting any information to SARPBAC, you consent to the provisions of the Policy. Should you not consent, you should advise SARPBAC as such in writing when the PI is submitted.
- 10.3. You may lodge a complaint with the Information Regulator at [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za) if you feel your PI is not being dealt with appropriately. You are required to first approach SARPBAC so it can ascertain if it can resolve any issue you may have where appropriate.

### Consequences of withholding PI

- 11.1. It is mandatory for your entity to have provided/continue to provide SARPBAC with the PI referred to in this notice.
- 11.2. Should your entity fail to provide the required PI or refuse to allow SARPBAC to Process your PI, then SARPBAC will be unable to perform its obligations (both statutory or otherwise arising) and may be unable to continue to engage with your entity. This may also have negative consequences for your entity.

### Further information

If your entity requires further information in relation to this notice, you should consult SARPBAC's Information Officer at the following email address: [gary@sarpbac.org.za](mailto:gary@sarpbac.org.za).

**GARY WILSON**  
**SARPBAC INFORMATION OFFICER**