



SOUTH AFRICAN BOARD FOR SHERIFFS
PRIVACY NOTICE

APPROVALS		
Approved by:	Board Decision/ Approval Number:	Date
The Board – SABFS	BD99/12122023	12 December 2023

REVISIONS		
Date	Revision by	Section revised / added

PRIVACY NOTICE

BACKGROUND:

The South African Board for Sheriffs understands that your privacy is important to you and that you care about how your personal information is used. The South African Board for Sheriffs respects and values the privacy of all those that our organization has dealings with and uses personal information in ways that are described here, and in a way that is consistent with the South African Board for Sheriffs obligations and your rights under the law.

1. Information About Us

The South African Board for Sheriffs (“SABFS”) is a statutory regulatory body established in terms of the Sheriffs Act 90 of 1986. The SABFS’ objectives are the maintenance of the esteem, the enhancement of the status of sheriffs, and the improvement of the standard of training and functions performed by sheriffs.

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2. What Does This Notice Cover?

This Privacy Notice explains how the SABFS uses your personal information: how it is collected, how it is held, and how it is processed. It also explains your rights under the law relating to your personal information.

3. What Is Personal information?

Personal information is defined by the Protection of Personal Information Act (“POPIA”), as ‘any information relating to an identifiable living natural or existing juristic person’.

Personal information is, in simpler terms, any information about you that enables you to be identified. Personal information covers obvious information such as your name and contact details, but it also covers less obvious information such as identification numbers, electronic location data, and other online identifiers.

The SABFS processes personal information by both automated (electronically) and non-automated means (paper based as part of a filing system).

The personal information that the SABFS uses is set out in Part 5, below.

4. **What Are Your Rights?**

Under POPIA, you have the right to have your personal information processed according to 8 processing conditions that are summarized as follows:

Condition 1 – Accountability.

The SABFS must ensure that the conditions set out in Chapter 3 of the Act and all the associated measures are complied with.

Condition 2 – Personal information must be collected and processed lawfully in a reasonable manner that does not infringe on your rights. Personal information may only be processed if it is adequate, relevant, and not excessive.

Personal information may only be processed if you consent thereto, alternatively where it is necessary to do so for the conclusion or performance of a contract, an obligation in terms of law, to protect your legitimate interest/s, or to pursue the SABFS legitimate interest/s.

Personal information must as far as possible be collected directly from you.

Condition 3 – requires that personal information must be collected for a specific explicitly defined and lawful purpose related to a function or activity of the SABFS. Such personal information may not be retained any longer than necessary for achieving the purposes for which the information was collected and/or subsequently processed.

Condition 4 – prohibits the further processing of your personal information unless such processing is compatible with the initial purpose of collecting the information.

Condition 5 – requires the SABFS to take reasonable and practicable steps to ensure that your personal information is complete, accurate, and not misleading. Such personal information must also be kept up to date, taking into consideration the purpose of the personal information.

The nature and purpose of your personal information will dictate as to how often such information must be updated.

Condition 6 – requires that the SABFS must, as far as it is practicable, inform you before your personal information is collected and the purpose of collecting and from where your personal information will be collected.

You are entitled to the SABFS details and must be made aware of the consequences of not disclosing personal information to the SABFS where it is required for a specific purpose.

You must also be made aware if your personal information is collected and processed as requirement established in law.

As per Section 72 of the Act, you will be advised if your personal information will be transferred across the borders of South Africa.

Condition 7 – requires that the SABFS must secure the integrity and confidentiality of your personal information by taking appropriate reasonable, technical, and organisational measures, to prevent the loss thereof or unlawful access thereto.

Condition 8 – You have the right to establish whether your personal information is held by the SABFS and to have it corrected or destroyed if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or has been obtained unlawfully.

Other rights.

You further have the following rights, which the SABFS will always work to uphold:

- a) The right to be informed about the SABFS' collection and use of your personal information. This Privacy Notice should tell you everything you need to know, but you can always contact the SABFS to find out more or to ask any questions using the details in Part 11.
- b) The right to access the personal information the SABFS holds about you. Part 10 will tell you how to do this.
- c) The right to have your personal information rectified if any of your personal information held by the SABFS is inaccurate or incomplete. Please contact the SABFS using the details in Part 11 to find out more.
- d) The right to be forgotten, in example the right to ask the SABFS to delete or otherwise dispose of any of your personal information that the SABFS may hold. Please contact the SABFS using the details in Part 11 to find out more.
- e) The right to restrict (i.e. prevent) the processing of your personal information.
- f) The right to object to the SABFS using your personal information for a particular purpose or purposes.
- g) The right to withdraw consent. This means that, if the SABFS is relying on your consent as the legal basis for using your personal information, you are free to withdraw that consent at any time.
- h) The right to not have your personal information processed for the purposes of direct marketing by means of electronic communication without your consent.

For more information about the SABFS use of your personal information or exercising your rights as outlined above, please contact the SABFS using the details provided in Part 11.

It is important that your personal information is kept accurate and up to date. If any of the personal information the SABFS holds about you changes, please keep the SABFS informed as long as the SABFS has that information.

Further information about your rights can also be obtained from the Information Regulator's Office at <https://info regulator.org.za/>

If you have any cause for complaint about the SABFS use of your personal information, you have the right to lodge a complaint with the Information Regulator's

Office. The SABFS would welcome the opportunity to resolve your concerns ourselves, so please contact the SABFS first, using the details in Part 11.

5. What Personal information Do We Collect and How?

The SABFS may collect and hold some or all of the personal information set out in the table below, using the methods also set out in the table. The SABFS does collect 'special personal information' where so required by law' and / or personal information relating to children, younger than 18 years of age, in so far as it relates to the children of the employees of the SABFS and for the purposes of benefits of employees.

Special personal information may include information relating to race, ethnic origin, health, biometric information and criminal behaviour of a data subject.

The personal information of children may include the name, surname, date of birth or identity number of the child and health records of the child in respect of family responsibility leave only.

Information Collected	How We Collect the Personal Information
Identity Information including but not limited to identity numbers, drivers licences, passport numbers, names, surnames, race, gender, age, company / entity names and registration details, vehicle registration numbers, CCTV footage, biometric information such as fingerprint images for access control.	As far as practicably possible directly from the data subject. If not practicable possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public or by any other lawful means, where necessary.
Contact and location information including but not limited to telephone and fax numbers, email addresses, physical addresses, postal addresses, geographical location data.	As far as practicably possible directly from the data subject. If not practicable possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public or by any other lawful means, where necessary.
Business information including but not limited to ownership, shareholding, job titles, professions, email communication of an implicit or explicit private and confidential nature, affiliations, products, services, statutory registration information and BEE certificates.	As far as practicably possible directly from the data subject. If not practicable possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public or by any other lawful means, where necessary.
Payment information including but not limited to transaction history, bank statements, invoices, credit notes, credit / debit card details, bank account numbers, credit ratings, audit reports and levies declarations.	As far as practicably possible directly from the data subject. If not practicable possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public or by any other lawful means, where necessary.

	Banks and credit rating / consumer data verification agencies.
Profile information including but not limited to preferences, customer profiles, transaction history, etc.	As far as practicably possible directly from the data subject. If not practicable possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public or by any other lawful means, where necessary.
Data from third parties including the verification of information, consumer profiles, etc.	As far as practicably possible directly from the data subject. If not practicable possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public or by any other lawful means, where necessary.
Educational and work history, documentary proof of qualifications or training, curriculum vitae and details of next of kin.	As far as practicably possible directly from the data subject. If not practicable possible to obtain such information directly from you, we will obtain such personal information from third parties or public forums where you may have made your personal information deliberately public or by any other lawful means, where necessary.

6. How Do We Use Your Personal information?

Under POPIA, the SABFS must always have a lawful basis for using personal information. The SABFS may use your personal information for one or all of the following purposes:

- The administration of the business of the SABFS.
- In general to perform such acts as may be necessary or expedient for the achievement of the objectives of the SABFS.
- Communicating with you.
- Supplying you with information by electronic communication if you have agreed thereto (you may opt-out at any time by using the details in Part 11).
- For any other lawful means, where necessary.

The SABFS will only use your personal information for the purpose(s) for which it was originally collected unless the SABFS reasonably believes that another purpose is compatible with that or those original purpose(s) and needs to use your personal

information for that purpose. If the SABFS does use your personal information in this way and you wish for the SABFS to explain how the new purpose is compatible with the original, please contact the SABFS using the details in Part 11.

If the SABFS needs to use your personal information for a purpose that is unrelated to, or incompatible with, the purpose(s) for which it was originally collected, the SABFS will inform you and explain the legal basis which allows the SABFS to do so or obtain permission from you to do so.

In some circumstances, where permitted or required by law, the SABFS may process your personal information without your knowledge or consent. This will only be done within the bounds of POPIA and your legal rights.

7. How Long Will We Keep Your Personal information?

The SABFS will not keep your personal information for any longer than is necessary in light of the reason(s) for which it was first collected. Your personal information will therefore be kept for:

- as long as it serves the purpose it was collected and intended for,
- such periods as prescribed in any legislation applicable to our organization,
- any period agreed to in a contract,
- the purposes of fulfilment of a contract, or
- any period you may have agreed to.

8. How and Where Do We Store or Transfer Your Personal information?

The SABFS will endeavour to store your personal information in South Africa. This means that it will be fully protected under POPIA.

The SABFS may however transfer your personal information across the borders of South Africa for the purposes of storage, performance of a contract, an obligation in terms of international law or for internal purposes. These are referred to as “third countries”. The SABFS will take additional steps in order to ensure that your personal information is treated just as safely and securely as it would be within South Africa and under POPIA.

The security of your personal information is essential to the SABFS, and to protect your information, the SABFS takes a number of important measures, including the following:

- Limiting access to your personal information to those employees, agents, contractors, and other third parties with a legitimate need to know and, where applicable, ensuring that they are subject to duties of confidentiality.
- Procedures for dealing with data breaches (the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, your personal information) including notifying you and the Information Regulator’s Office where the SABFS is legally required to do so.
- The SABFS has identified all reasonable and foreseeable technical and organizational risks, both internal and external, and introduced safeguards to mitigate such risks.

- Continuous maintenance and updating of such safeguards to secure your personal information.

9. **Do We Share Your Personal information?**

The SABFS will not share any of your personal information with any third parties for any purposes, subject to the following exception/s.

- For the purposes of *inter alia* fulfilment of the duties and obligations of the SABFS.
- The SABFS may be legally required to share certain personal information, which might include yours, if the SABFS is involved in legal proceedings or complying with legal obligations, a court order, or the instructions of a government authority.

If any of your personal information is shared with a third party, as described above, the SABFS will take reasonable steps to ensure that your personal information is handled safely, securely, and in accordance with your rights.

Operators:

We may make use of third-party service providers to process personal information on behalf of the SABFS. To protect such personal information, the SABFS will enter into a formal written agreement with the service provider. In terms of such agreement the service provider will be required to process personal information in accordance with conditions as prescribed by the SABFS, including measures to protect the security and integrity for such personal information.

10. **How Can You Access Your Personal information?**

If you want to know what personal information the SABFS holds about you, you can ask the SABFS for details of that personal information and for a copy of it (where any such personal information is held). This is known as a Subject Access Request (“SAR”).

All SARs should be made in writing and sent to the email or postal addresses shown in Part 11. To make this as easy as possible for you, a Subject Access Request Form is available for you to use (SAR Form 1). You do not have to use this form, but it is the easiest way to provide the SABFS with all the necessary information needed to respond to your request as quickly as possible.

There may be a fee charged for a Subject Access Request, especially if your request is ‘manifestly unfounded or excessive’ (for example, if you make repetitive requests) a fee may be charged to cover the administrative costs of the SABFS in responding.

The SABFS will respond to your data subject access request within one month. Normally, the SABFS aims to provide a complete response, including a copy of your personal information within that time. In some cases, however, particularly if your request is more complex, more time may be required up to a maximum of three months from the date the SABFS receives your request. You will be kept fully informed of the progress of your request.

11. **How Do You Contact Us?**

To contact the SABFS about your personal information and the protection of your

personal information, including to make a data subject access request, please use the following details (for the attention of: The Information Officer):

Email address: infoofficer@sheriffs.org.za
Telephone number: (021) 426 0577
Postal Address: PO Box 15223, Vlaeberg, 8018

12. Changes to this Privacy Notice

The SABFS may change this Privacy Notice from time to time. This may be necessary, for example, if the law changes, or if the SABFS changes processes in a way that affects personal information protection.

Any changes will be made available on the website of the SABFS.