

THE PROTECTION OF PERSONAL INFORMATION ACT

PRIVACY STATEMENT

Owner and data controller: **OMBUD COUNCIL**

Owner contact e-mail: enquiries@ombudcouncil.org.za

Purpose

This privacy statement explains how the Ombud Council obtains, uses and discloses personal information, in accordance with the requirements of the Protection of Personal Information Act 4 of 2013 (POPIA).

The Ombud Council has a legal mandate in terms of the Financial Sector Regulation Act 9 of 2017 (FSRA) to assist in ensuring that financial customers have access to, and are able to use affordable, effective, independent, and fair alternative dispute resolution processes for complaints about financial institutions in relation to financial products and services. The FSR Act confers oversight, enforcement, and regulatory powers on the Ombud Council in relation to financial sector statutory and industry ombuds.

To achieve this mandate, the Ombud Council must collect and use information, including personal information as defined in POPIA. The definition of personal information is set out below and includes factors that identify you as a person and various other types of information about you.

The Ombud Council is committed to protecting your privacy and to ensure that your personal information is treated as confidential, and is collected and used properly, lawfully and transparently

The purpose of this Privacy Statement is to explain how and why we use your personal information.

Definition of personal information

According to POPIA, 'personal information' *"Means information relating to an identifiable, living, natural person, and where it is applicable to, an identifiable, existing juristic person, including but not limited to:*

- a) *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;*
- b) *information relating to the education or the medical, financial, criminal or employment history of the person;*
- c) *any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;*
- d) *the biometric information of the person;*
- e) *the personal opinions, views or preferences of the person;*
- f) *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;*
- g) *the views or opinions of another individual about the person; and*
- h) *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".*

How the Ombud Council collects personal information

Personal information is collected directly from you and may be collected indirectly from other external sources for purposes of fulfilling the Ombud Council's legislative mandate and functions. In order to effectively oversee the financial ombud system, we need a wide range of information about the operations of ombud schemes and how they interact with financial institutions and financial customers in dealing with customer complaints.

The Ombud Council may collect personal information from several sources, such as:

- The ombud schemes we oversee, which currently include two statutory schemes and five recognised industry schemes.
- Financial sector regulators and other public entities.
- Media sources such as newspapers, social media and the broadcast news.
- Law enforcement agencies such as the South African Police Service.

- Members of the public, particularly financial customers who have submitted complaints to ombud schemes or financial institutions.
- Whistle-blowers.
- Our service providers.
- Verification agencies.

Why we collect personal information

We collect personal information for several reasons, including the following:

- If you are an ombud scheme, ombud or ombud scheme official or employee, to process your recognition application, approve your governing rules, or supervise your conduct and compliance with financial sector laws in terms of our mandate.
- If you're a financial customer, to investigate a concern you raise with us regarding the way in which an ombud scheme has handled your complaint, or to refer you to an appropriate ombud scheme or other channel where you need help in resolving a complaint.
- To monitor trends and causes of complaints against financial institutions.
- To identify possible contravention by ombuds or ombud schemes of financial sector laws related to ombud schemes.
- Where you are our service provider or potential service provider, to manage our relationship with you, consider a tender from you, or pay you for your services.
- Where you are our employee, to manage the employment relationship with you.
- For processing your application where you have applied for employment with us.
- Where you are a member of any of our governance structures, to manage your governance role.

Categories of personal information we collect

We collect and process the following non-exhaustive categories of personal information.

- Identifying numbers (employee number; company registration numbers; ID numbers),
- Contact details such as email-addresses, physical addresses, telephone numbers.
- Names, surname, marital status, nationality, age, physical health status, mental health status, well-being, disability status, language, date of birth.
- Biometric information such as fingerprinting, particularly in our employment processes.
- Information on your race, ethnic or social origin, criminal record.
- Education, medical, financial, employment information
- Website usage information may be collected using “cookies” which allows us to collect standard internet visitor usage information.

Some of this information is more likely to be processed for employment purposes or service provider procurement purposes, but some of it may be processed if relevant to a financial customer's complaint to an ombud scheme or against a financial institution.

How we use your information

We will use your information only for the purposes for which it was collected and agreed with you.

Disclosure of your information

We will not disclose your information to any third parties, unless consent is provided, or: -

- Where we have a duty or right to disclose your information to fulfil our legislative mandate or functions in accordance with the FSR Act or other laws, or other public duty to do so;
- For business purposes;
- Where we believe your legitimate interests require disclosure;
- Where the information is already in the public domain.

These third parties may include but are not limited to:

- Ombud schemes.
- Regulatory authorities.
- Law enforcement agencies.
- Verification agents.

Where applicable, we request and take steps to confirm that the third parties with whom we share information, to take adequate measures to comply with applicable data protection laws and protect the information we are disclosing to them.

Publication of information

The Ombud Council makes certain information available to the public on our website, such as details of ombud schemes. The accessible information includes the details of the scheme, its contact information, names of ombuds and other officials, recognition status, and governing rules.

We will only publish information that we are required or permitted by law to publish, or that will allow the public the ability to verify the recognition or legal status of schemes, their jurisdiction, and how they can assist financial customers.

Your Rights: Access to information

You have a right to request a copy of the personal information that we hold about you. To do this contact us on the e-mail address. We may require proof of your identity before providing your information.

Correction of your information

You have the right to ask us to update, correct or delete your personal information. We will require a copy of your ID document to confirm your identity before making changes to personal information we may hold about you.

How to contact us

If you have any queries about this notice; you need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your personal information, please contact us at the numbers / addresses listed on our website (<https://ombudcouncil.org.za/>)

South African Information Regulator

The contact details of the Information Regulator are as follows:

Physical Address:

JD House, 27 Stiemens Street
Braamfontein
Johannesburg
2001

Postal Address:

P.O Box 31533
Braamfontein
Johannesburg, 2017
Complaints email: POPIAComplaints@inforegulator.org.za
General enquiries email: enquiries@inforegulator.org.za
Website: <https://inforegulator.org.za/contact-us/>