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# NAPTOSA

National Professional Teachers' Organisation of South Africa

## Privacy Notice

**This Notice explains how NAPTOSA obtains, uses and discloses your personal information, in accordance with the requirements of the Protection of Personal Information Act (“POPIA”).**

At NAPTOSA we are committed to protecting your privacy and to ensure that your personal information is collected and used properly, lawfully and transparently.

### 1 Introduction

- 1.1 This is the Privacy Notice of NAPTOSA, available at [www.naptosa.org.za](http://www.naptosa.org.za) and [www.naptosagp.co.za](http://www.naptosagp.co.za) (Websites), which applies to the personal information of our members, staff, customers, service providers (suppliers), business partners, prospective members and employees, and visitors (you).
- 1.2 NAPTOSA respects privacy rights and complies with all laws in respect of the handling of personal information, including collection, use, storage, sharing and disposal.
- 1.3 This Privacy Notice helps you understand how NAPTOSA handles personal information when you use any of our Websites or interact with us in other ways such as at our offices or over the telephone, email or social media.
- 1.4 This Privacy Notice does **not** apply to any third-party websites which may be accessible through links on our Website. NAPTOSA makes no representations or warranties about the privacy practices of any third party and does not accept any responsibility for the privacy practices of, or content displayed on, third party websites. Third party website providers are responsible for informing you about their own privacy practices.

### 2 Changes to Privacy Notice

NAPTOSA may change or update this Privacy Notice from time to time. Any updated versions of this Privacy Notice will be posted on our Websites and will be effective from the date of posting. Where practical, and at NAPTOSA's discretion, notice of the change will be displayed on the Websites.

### 3 What personal information does NAPTOSA handle?

3.1 When used in this Notice, the term “personal information” has the meaning given to it in the Protection of Personal Information Act, 2013 (POPIA).

- a) Personal information is any information that can be used to personally identify a natural or juristic person.
- b) Special personal information is any information that is considered by law to be particularly sensitive information.

This includes information related to your health, sex life, race, ethnic origin, religious or philosophical beliefs, trade union membership, political persuasion, criminal behaviour and biometric information. More restrictions apply to the handling of special personal information and the information of children because they are particularly sensitive.

3.2 We may collect, use, store and otherwise handle by any means (also known as “processing”) the following personal information, whether that information is provided by you or by a third party:

- a) **Your biographical information:** including your name, gender, date of birth, language, nationality;
- b) **Your contact information:** including your telephone number(s), address, email address, your contact information if you are the emergency contact or next of kin of a member or a member of staff;
- c) **Your identification information:** including your national identity details, company registration number, persal number, NAPTOSA membership number, death, marriage or birth certificate;
- d) **Your preferences:** including meal or marketing preferences;
- e) **Financial, legal and qualification information:** including your bank account information, Value Added Tax number where you are a service provider to NAPTOSA, bank statements (in the case of queries or refunds), financial and qualification background checks conducted when you apply to us for employment;
- f) **Professional information:** including, if you are a member, your qualifications, subject phase grade, type of school taught in;
- g) **Service provider (Supplier) onboarding information:** including contact details, address, banking details and references;
- h) **Communications:** including membership application forms, surveys and other correspondence with you;
- i) **Website information:** including information collected through cookies when you use our websites to which our cookies policy applies, or other information you provide to us when using our websites;
- j) **Special Personal Information:** including
  - i. Health/medical information(for example allergies, disabilities, dietary requirements), so that we can provide you with assistance and support should you require it during events, meetings, when booking flights or transport on your behalf;
  - ii. Biometric information such as fingerprints, so that we can implement security and access control measures at our premises and voice recordings of telephone conversations for record and evidentiary purposes;
  - iii. Religious beliefs such as information about religious dietary requirements;

- iv. Criminal behaviour and offences namely details of criminal behaviour and offences committed in any facility for which we bear responsibility or criminal background checks conducted when you apply to us for employment; and
  - v. Photographs and CCTV footage
- k) In addition, we may collect any other information relating to you which we lawfully receive, and which may be relevant to your dealings with NAPTOSA. If the information that NAPTOSA collects personally identifies you, or you are reasonably identifiable from it, NAPTOSA will treat it as personal information.

#### **4 Personal Information of third parties**

4.1 You should not disclose the personal information of third parties to NAPTOSA unless:

- a) There is a reason why NAPTOSA needs to have that information;
- b) you are permitted by the third party to disclose their personal information to NAPTOSA or you must be their parent or guardian; and
- c) you have brought this privacy policy to the attention of the third party.

4.2 An example of when you may disclose a third party's personal information to us is when you, either as a NAPTOSA member in good standing or a member of staff, provide us with the details of the person to whom we must pay the funeral benefit when you pass on.

4.3 When you give us the personal information of a third party, please provide a copy of this Privacy Notice to that person so that they can also be made aware of the conditions under which their personal information is handled by us.

4.4 NAPTOSA has no way of checking that you have complied with the requirements relating to the disclosure of third party's personal information and therefore must assume that you have done so.

#### **5 When does NAPTOSA collect your personal information?**

5.1 NAPTOSA collects your personal information directly from you in the following ways, including but not limited to:

- a) access to and use of our websites,
- b) interacting with us on social media or through direct messaging systems,
- c) visiting of NAPTOSA offices or other premises,
- d) registering as a member with us,
- e) using or purchasing services from NAPTOSA (e.g. register for a workshop),
- f) making a special meal request to NAPTOSA for religious or dietary reasons,
- g) addressing a query to us,
- h) referring a labour matter to us,
- i) entering a promotional competition run by us,
- j) responding to a survey run by us,
- k) applying to NAPTOSA for employment,
- l) communicating with NAPTOSA in any way,
- m) having a business relationship with NAPTOSA.

5.2 NAPTOSA also collects your personal information from third parties when they register for services on your behalf or where a school principal, family member, spouse, doctor, caregiver, parent, guardian or referee provides information about you to us and as well as public information sources.

## **6 What happens if you do not permit NAPTOSA to collect your personal information?**

If you do not provide NAPTOSA with your personal information where NAPTOSA requires it, you may not be able to apply to NAPTOSA for membership or employment, or use the products or services available to members, do business with NAPTOSA, enter NAPTOSA's premises or access certain portions of the Websites or our mobile or social media platforms and applications and this may restrict your dealings with NAPTOSA.

## **7 For what purposes does NAPTOSA handle your personal information?**

7.1 The law permits us to handle personal information where there is a lawful purpose and justification for doing so. Justifications include where we have your consent, where it is necessary to perform or conclude a contract with you, where it is in our or your legitimate interests or where the law requires us to do so. The purposes for which we handle personal information are set out below.

7.2 We are only permitted to handle your special personal information and the personal information of children under limited circumstances. We will only do so with consent or where we are otherwise permitted by the law.

7.3 We will only handle your personal information for the purposes for which we have obtained it and on a ground of justification stated in POPIA. The purposes include:

- a) **To manage our relationship with you;** to ensure compliance with laws and to be able to conduct our business with you, engage with you or market and provide our products and services to you, authenticate your identity, to enable us to communicate with you and provide information to you and keep our records updated.

### **Justification:**

- i. To comply with the law including the following laws and their regulations: Labour Relations Act 66 of 1995; Employment of Educators Act 76 of 1998; South African Schools Act 84 of 1996, Basic Conditions of Employment Act 75 of 1997, Occupational Health and Safety Act 85 of 1993; Unemployment Insurance Act 63 of 2001; Income Tax Act 21 of 1994, Value Added Tax Act 89 of 1991; Consumer Protection Act 2008; Electronic Communications and Transactions Act 2002;
- ii. To conclude or perform in terms of a contract with you;
- iii. Your consent where we ask for it and no other ground of justification applies.

- b) **To manage recruitment;** including eligibility for membership or employment, processing job applications, vetting, hires.

**Justification:** Your consent

- c) **To comply with policies;** including in relation to funeral claims, labour cases referred to us and legal processes or requirements as well as conducting investigations and incident response.

**Justification:**

- i. Our legitimate interest;
- ii. To conclude or perform in terms of a contract with you;
- iii. Your consent where we ask for it and no other ground of justification applies.

- d) **To maintain a safe working environment;** we may collect and use personal information to provide a safe and healthy working environment for our staff, members and service providers whilst on our premises. Where appropriate, we may share this information with governmental and law enforcement agencies. This may include special personal information such as:

- Health information, to make provision for disabilities, allergies, illnesses and injuries, including the provision of such information to third parties such as insurers or medical professionals where appropriate; or
- Details of criminal offences, so that we can prevent and detect crime.

**Justification:**

- i. Our legitimate interest;
- ii. To comply with the law including the occupational Health and Safety Act, 1993;
- iii. To conclude or perform in terms of a contract with you

- e) **To comply with our legal obligations;** we collect personal information to comply with the following laws and their regulations that govern the education and trade union sectors: Employment of Educators Act 76 of 1998, Labour Relations Act 66 of 1995, South African Schools Act 84 of 1996, Basic Conditions of Employment Act 75 of 1997, Occupational Health and Safety Act 85 of 1993. We also collect personal information to deal with funeral and pension claims. We may disclose your personal information in connection with proceedings or investigations anywhere to third parties, such as public authorities, law enforcement agencies, regulators and third-party litigants. You should note that these third parties will handle your personal information for their own purposes and not on our instructions.

**Justification:**

- i. To enable us to comply with legal obligations;
- ii. Our legitimate interest.

7.4 Where we cannot rely on an alternative legal justification for our handling of your personal information above, we will rely on your consent. Where we do so, you are free to withdraw your consent at any time by contacting us in writing. However, where you withdraw your consent, the consequences in section 6 may apply.

7.5 Generally, where you are our member, employee or service provider, we handle your personal information on the basis that it is necessary to do so in connection with our contract with you. We may also handle your personal information to further our legitimate interests, such as to optimise the working environment, and our other business interests or in terms of the law. In all instances we will have a lawful justification to handle your personal information.

## **8 To whom does NAPTOSA disclose your personal information?**

8.1 NAPTOSA may disclose your personal information to:

- a) our members of staff, affiliates, contractors and third-party service providers who are involved in the delivery of products or services to you;
- b) our business partners which provide services to you or with which you may interact as part of your dealings with us;
- c) financial institutions in the case of membership fee collection;
- d) persons to which we transfer our rights and obligations under our contracts with you;
- e) our insurers and our professional advisors, including our auditors, lawyers, business advisors and consultants;
- f) employment agencies, past employers or companies that contracted you to us, credit bureau;
- g) law enforcement or regulatory bodies where we have a duty or right to disclose in terms of law or industry codes; and
- h) any other juristic or natural person for any authorised purpose with your consent.

8.2 We may disclose the personal information of other persons where necessary (for example, another person on whose behalf you booked a workshop or your nominated beneficiary for a pension or funeral benefit) to our service providers and business partners.

8.3 We have agreements in place to ensure that third parties to whom we disclose your personal information comply with the privacy requirements contained in the Protection of Personal Information Act.

8.4 We will never sell personal information.

## **9 Direct marketing**

9.1 If you are a member or customer of NAPTOSA we may send you marketing communications from time to time that may be of interest to you. Each time you receive such a communication from us, there will be a simple and convenient method of opting out of receiving future marketing communications from us.

9.2 If you are not a member or customer of NAPTOSA we may request your permission to send you marketing communications from time to time that may be of interest to you. If you decline the request, NAPTOSA will not send you marketing communications.

## **10 Security and storage**

10.1 We may hold personal information in either electronic or hard copy form. In both cases we will take reasonable and appropriate steps to ensure that the personal information is protected from misuse and loss and from unauthorised access, modification, or disclosure.

10.2 We keep personal information for as long as we need to achieve the purpose for which it was collected and any other permitted linked purpose (for example your personal information which is relevant to a transaction may be retained until the time limit for claims in respect of the transaction has expired or to comply with regulatory requirements regarding the retention of such information). If personal information is handled for two or more purposes, we will retain

it until the purpose with the latest period expires but we will stop using it for the purpose with a shorter period once that period expires.

- 10.3 Personal information is destroyed or irreversibly anonymised when no longer needed or when we are no longer required by law to retain it (whichever is the later).
- 10.4 We restrict access to the personal information to those authorised persons who need to use it for the relevant purpose(s).
- 10.5 When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that the personal information that we remain responsible for, is kept secure.
- 10.6 We will ensure that anyone to whom we pass your personal information agrees to treat your information with the same level of protection as we are obliged to.

## **11 How can you exercise your rights?**

- 11.1 You have the right to contact us at any time requesting:
  - a) confirmation that we have your personal information;
  - b) access to the records containing your personal information or a description of the personal information that we hold about you; and
  - c) the identity or categories of third parties who have had, or currently have, access to your personal information.
- 11.2 You also have the right to object to our handling of your personal information on reasonable grounds where our justification for doing so is our or your legitimate interests. However, where you withdraw your consent, the consequences in section 6 may apply.
- 11.3 When making a request we require it to be in writing and with adequate proof of identity which will include providing a certified copy of your identity or registration document/s.
- 11.4 We will try to provide you with suitable means of accessing information, where you are entitled to it, by for example, posting or emailing it to you.
- 11.5 There may be instances where we cannot grant you access to your personal information. For example, if your access would interfere with the privacy of others or would result in a breach of confidentiality, we may need to refuse access. If we refuse access, we will give written reasons for our refusal.
- 11.6 If you believe that any personal information that we hold about you is inaccurate, irrelevant, outdated, incomplete or misleading, you may request us in writing to correct it. If you believe that any personal information that we hold about you is excessive or has been unlawfully obtained or that we are no longer authorised to retain the information, you may request that we destroy or delete it. We will consider if the information requires correction, deletion or destruction and if we do not agree that there are grounds for action, you may request that we add a note to the personal information stating that you disagree with it.

- 11.7 We may charge a reasonable fee to cover our administrative and other reasonable costs in providing the information to you. We will not charge you for simply making the request or for us making any corrections to the personal information.
- 11.8 You are encouraged to submit your complaints/enquiries which relate to the processing of your Personal Information, directly to NAPTOSA instead of approaching the Information Regulator, in order to give NAPTOSA the opportunity to swiftly and efficiently address the complaint/enquiry. You may direct a challenge regarding an alleged infringement of your rights to NAPTOSA's Information Officer at: [InformationOfficer@naptosa.org.za](mailto:InformationOfficer@naptosa.org.za)
- 11.9 When contacting us, please provide your name, persal, ID or NAPTOSA membership number, province that you reside in and other identifying information that you know we have in connection with you and a means through which we may reply to you (preferably an email address and contact number) so that we can deal with your communication efficiently.
- 11.10 You also have the right to complain to the Information Regulator where you believe that we are not handling your personal information in accordance with the law. Complaints may be sent to the following email address: [complaints.ir@justice.gov.za](mailto:complaints.ir@justice.gov.za)

## **12 Unlawful access to your personal information**

If you believe that your personal information has been unlawfully accessed or acquired, you may contact NAPTOSA's Information Officer at [InformationOfficer@naptosa.org](mailto:InformationOfficer@naptosa.org) and provide details of the incident so that NAPTOSA can investigate it.

When contacting us, please provide your name, persal, ID or NAPTOSA membership number, province where you reside and other identifying information that you know we have in connection with you and a means through which we may reply to you (preferably an email address and contact number) so that we can deal with your communication efficiently.

## **13 Changes to personal information**

We are required to take steps to ensure that the personal information we hold is accurate, complete, relevant, not misleading and up to date. Should your personal information (or the personal information you provide) change, you must inform us and provide us with all changes as soon as reasonably possible to enable us to update the personal information.

## **14 Contact information**

If you have any questions about this Privacy Notice, or you wish to update your personal information or exercise any of your data subject rights you may contact NAPTOSA's Information Officer at: [InformationOfficer@naptosa.org.za](mailto:InformationOfficer@naptosa.org.za)

When contacting us, please provide your name, persal, ID or NAPTOSA membership number, province where you reside and other identifying information that you know we have in connection with you and a means through which we may reply to you (preferably an email address and contact number) so that we can deal with your communication efficiently.