



# South African Breastmilk Reserve

*Bringing milk to babies, safely*

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## The South African Breastmilk Reserve Privacy Policy

### **BACKGROUND:**

The South African Breastmilk Reserve (SABR) is committed to protecting your privacy as outlined in the Protection of Personal Information Act (POPIA), other applicable legislation and to only use it in line with our organisation's activities. We strive to ensure that your information is used lawfully and reasonably as highlighted here and consistent with our obligations and your rights under the law.

**This policy references terms and concepts such as Personal Information and Special Personal Information as defined and outlined in POPIA which is available on the Information Regulators website <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-act-2013-004.pdf>. Please visit the site to refer to these definitions, view your rights and the lawful conditions for processing your personal information.**

We may update this policy from time-to-time and will post the latest version on our website. It is your responsibility to periodically refer to this policy.

### **1. Information About Us**

The South African Breastmilk Reserve is a registered Not for Profit Company (NPC)  
Registration Number : 2005/024165/08;

Public Benefit Organisation (PBO)

Registration Number : file 930022715 ref Rg/0113/11/05;

and Not for Profit Organisation (NPO)

Registration Number : 134-418

in South Africa under company number 2005/024165/08

Registered address: The Media Mills, 7 Quince Street, Braamfontein Werf, 2029.

Main trading address: The Media Mills, 7 Quince Street, Braamfontein Werf, 2029.

VAT number: 4160238624.

We have appointed an Information Officer who is responsible for overseeing questions on information privacy. Her contact details are provided below.

Information Officer: Stasha Jordan.

- a) Email address: stasha@sabr.org.za
- b) Telephone number: 011 482 1920.
- c) Postal address: The Media Mills, 7 Quince Street, Braamfontein Werf, 2029.

## 2. **Scope of this Policy**

This Privacy Policy explains how we use your personal information: how it is collected, whether provided by you or obtained through other means when you interact with us and use our website, how it is processed and how it is stored regardless of the device you use when engaging with us.

Processing includes collecting, receiving, recording, organising, collating, storing, updating changing, retrieving, reading, using, sharing and processing your personal information.

The scope of this policy covers both the processing of Personal Information by automated (electronically) and non-automated means (paper based as part of a filing system).

This policy does not apply to the processing of Personal Information from other websites linked to us or any external products, services or advertisements that might appear on our website or on other SABR social media platforms such as Facebook. Please refer to our Website Terms and Conditions for further details.

This Privacy Policy must be read together with any other documents or agreements between you and the SABR. This document supplements the other agreements, consent forms and terms and conditions.

## 3. **Your Rights under POPIA**

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

- a) The right to be informed about our collection and use of your personal information. This Privacy Policy should cover most of what you need to know, but you can always contact us to find out more or to ask any questions using the contact details in Part 11.
- b) The right to access the Personal Information we hold about you. This is called a Subject Access Request (SAR). 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 us is inaccurate or incomplete. Please use the contact details in Part 11 to find out more.

- d) The right under certain circumstances to ask us to delete or otherwise dispose of any of your Personal Information that we hold. Please note that in certain circumstances the SABR may need to retain your information to comply with the other legal obligations such as required by medical and financial legislation.
- e) The right to restrict (i.e., prevent) the processing of your Personal Information.
- f) The right to object to us using your Personal Information for a particular purpose or purposes.
- g) The right to withdraw consent. This means that, if we are relying only on your consent as the legal basis for using your Personal Information, you are free to withdraw that consent at any time. This will not affect the information already consented to.
- h) The right to not have your Personal Information processed for the purposes of direct marketing by means of electronic communication without your consent. The SABR does not participate in direct marketing or soliciting.
- i) The rights relating to automated decision-making and profiling. The SABR does not profile or make use of purely automated means to make decisions.

It is important that your Personal Information is kept accurate and up to date. If any of the Personal Information we hold about you changes, please keep us informed as long as we have that information.

#### **4. What Personal Information is collected and how it is collected?**

We 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. We do 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 to whom donated breastmilk has been prescribed to/or have received donated breastmilk.

Special Personal Information may include information relating to race, ethnical origin, health and biometric information. With your expressed permission as part of the employment recruitment process, we may process information relating to your criminal behaviour.

The Personal Information of children may include the name, surname, date of birth or identity number, gestation age and birth weight of the child.

We collect information as far as practicably possible directly from you, called the data subject when you interact directly with us on the SABR website through for example the donate breastmilk volunteering and donations processes.

Where it is not practicably possible to obtain such information directly from you through our interactions with you, either through automated and passive interactions with you, we would

obtain Personal Information from third parties or public forums where you may have made your Personal Information deliberately public and CCTV and video.

We also require and actively collect information including but not limited to; to enable the effective screening of donors, to comply with pandemic regulations, quoted referees for job applications, to make contact with our partners and employees, to enable agreements to be concluded with us and that is necessary to fulfil our statutory and regulatory obligations. These collections may include Special Personal Information.

## 5. Processing Special Personal information

To process Special Personal Information, we need to have clear justifications and have strong levels of protection. Appropriate policies, procedures and safe-guards as required by law have been implemented and are maintained. The SABR would collect Special Personal Information mostly directly from you and process that with your voluntary, specific, informed and expressed consent. This information would relate mainly to the information needed for the health and safety of our recipients and donors, for developing know-how and research purposes and for statistical calculations.

Information Collected
<b>Identity Information</b> including but not limited to identity numbers, driver’s licences, passport numbers, copies of Identity Documents, names, surnames, company / entity names and registration details, marital status, qualifications, photographs, CCTV footage, biometric information such as fingerprint images for access control.
<b>Contact and location information</b> including but not limited to telephone and fax numbers, email addresses, physical addresses, postal addresses, geographical location data.
<b>Business information</b> including but not limited to job titles, professions, email communication of an implicit or explicit private and confidential nature, affiliations, products, services, statutory registration information.
<b>Payment information</b> including but not limited to transaction history, donations, bank statements, invoices, credit notes, credit / debit card details, bank account numbers, credit ratings.
<b>Data from third parties</b> including the verification of information, stakeholder profiles.
<b>Special Personal Information</b> including but not limited to potential donor samples and recipient health, race, sex and life-style, biometrics.
<b>Communication information</b> including your preferences of contact and communication methods.
<b>Technical Information</b> The technical information collected is very minimal and mainly linked to the information submitted directly by you when you interact on the SABR website. SABR does not collect your IP address, use cookies or track behaviour. Please refer to our Website Terms and Conditions for further information.

We may also collect, process and store aggregated data including statistical data for any purpose related to the activities of the SABR including for know-how and research purposes. Information in this format is not always considered Personal Information as it does not directly or indirectly reveal your identity. Where your data is connected to aggregated data which results in being able to directly and indirectly identify you, we will consider the combined information as Personal Information and treat it in accordance with this policy.

## 6. **How Personal Information is used.**

We must always have a lawful basis for using Personal Information. We may use your Personal Information for a variety of reasons including for:

- Administering our business and executing of our vision and mission.
- Fulfilling your requests.
- Obtaining breastmilk donations, testing, processing and providing viable donated breastmilk to the beneficiaries as directed by medical professionals.
- Making and receiving donations, organising and participating in campaigns and events
- Managing and processing payments.
- Communicating with you.
- Complying with regulatory obligations
- Managing the recruitment of and life-cycle of employees.
- Maintaining records.
- Upgrading our website and operational procedures
- Updating our donor and potential donor database
- Conducting research and increasing know-how.
- With your permission we will use your Personal Information to request breastmilk donations and send information on our activities. We will not sell your information and do not participate in solicitation.

We will only use your Personal Information for the purpose(s) for which it was originally collected unless we reasonably believe that another purpose is compatible with that or those original purpose(s) and need to use your Personal Information for that purpose.

If we do use your Personal Information in this way and you wish us to explain how the new purpose is compatible with the original, please contact us using the contact details in Part 11.

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

In some circumstances, where permitted or required by law, we may process your Personal Information without your knowledge or consent. This will only be done within the bounds of POPIA, your legal rights and any other legislation.

#### 7. **Storing and retaining Personal Information**

We 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 business,
- any period agreed to in a contract,
- the purposes of fulfilment of a contract, or
- any period you may have agreed to.

#### 8. **Sharing Information**

The information supplied by donors or on behalf of recipients remains confidential and anonymous beyond the operational requirements of the organisation. For professional and testing requirements it is shared with appointed healthcare providers and nursing services strictly according to the National Health Act of 1983 and National Health Amendment Act of 2013. The donor consent form provides further details specifically for donors.

Where the SABR shares your Personal Information with service providers, the SABR will require the service providers to take appropriate, reasonable, technical and organisational measures to keep your Personal Information secure.

We will not share any of your Personal Information with any third parties for any purposes, subject to the following exception/s.

- When you consent to the disclosure
- Where such disclosure may protect your legitimate interests
- when such disclosure is necessary to protect the legitimate interests (safety, property or other rights) of SABR, our directors, employees, consultants, or any other person (for example in cases of suspected fraud or defamation);
- For the purposes of *inter alia* fulfilment of an application, contract, rendering of a service or goods.
- In some limited circumstances, we may be legally required to share certain personal information, which might include yours, if we are involved in legal proceedings or complying with legal obligations, a court order, or the instructions of a government authority.
- We may share your anonymised information with other similar organisations for know-how and research purposes. This includes learning institutions such as universities and organisations participating in or processing research results.

If any of your Personal Information is shared with a third party, as described above,

we will take reasonable steps to ensure that your Personal Information is handled safely, securely, and in accordance with your rights.

**9. Storing or Transferring your Personal information**

Personal Information is stored on a secure server on secure premises and will remain as far as possible in South Africa.

Should for some reason your Personal Information need to be transferred outside of 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, we 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. We will only store or transfer Personal Information in or to countries that are deemed to provide an adequate level of protection for personal information.

Please contact us using the details below in Part 11 for further information about the Personal Information protection safeguard/s used by us when transferring your Personal Information to another country.

The security of your Personal Information is essential therefore, we take reasonable technical and organisational measures to secure the integrity and availability of your Personal Information and use acceptable technological and organisational standards to prevent unauthorised access to or disclosure of your Personal Information from misuse, loss, alternation and destruction and to protect your information. We take a number of important security measures. Such as:

- The SABR does not sell information.
- Our website does not collect or store any information.
- The use of firewalls that prevent unauthorised access to information.
- Service Level Agreements have been entered into to ensure POPIA compliance.
- Encryption of information.
- 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.
- Security policies, systems and procedures
- Risk assessments and continuous maintenance and updating of such safeguards to secure your personal information.
- For operational reasons information is backed up on a consistent basis.

**10. How to access your Personal Information.**

If you want to know what Personal Information we have about you, you can ask us for details. This is known as a Subject Access Request (“SAR”).

To make this as easy as possible for you, a Subject Access Request Form is available for you to use (SAR Form 1). This is the easiest way to tell us everything we need to know 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 our administrative costs in responding to your request.

We will respond to your data subject access request within one month. Normally, we aim 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 we receive your request. You will be kept fully informed of our progress.

#### 11. **How Do you Contact us?**

To contact us about anything to do with your Personal Information and the protection of your Personal Information, including to make a subject access request, please use the following details (for the attention of The Information Officer):

- d) Email address: [stasha@sabr.org.za](mailto:stasha@sabr.org.za) and [privacy@sabr.org.za](mailto:privacy@sabr.org.za)
- e) Telephone number: 011 482 1920
- f) Postal Address: The Media Mills, 7 Quince Street, Braamfontein Werf, 2029.

#### 12. **Changes to this Privacy Policy**

We may change this Privacy Policy from time to time. This may be necessary, for example, if the law changes, or if we change our business in a way that affects Personal Information protection.

Any changes will be made available on our website. Please refer to our website periodically

Should you have any concerns or complaints we would welcome the opportunity to resolve these ourselves, so please contact us firstly, using the contact details in Part 11.

If you have any cause for complaint about our use of your Personal Information, you have the right to lodge a complaint with the Information Regulator's Office at the website below. Further information about your rights can also be obtained from the Information Regulator's Office at <https://www.justice.gov.za/infoereg>.

If you have any concern about the privacy policy as it relates to your Personal Information please do not engage further in our website or our services. Instead, you are encouraged to contact our Information Officer at the two email addresses provided with your concern or query.

#### **Disclaimer**

Please note that even though all the above reasonable and practicable measures have been put in place you acknowledge that technology is not absolutely secure and that therefore there is always a risk when processing information electronically or communicating electronically. The SABR is not liable for any loss, claim damage from any unauthorised access, alteration, destruction, disclosure or misuse of Personal Information or any damage or loss you may incur.