



**THE OFFICE OF THE OMBUD FOR FINANCIAL SERVICES PROVIDERS
(FAIS Ombud)**

Privacy Statement

November 2022

Purpose

The FAIS Ombud has a legal mandate in terms of the Financial Advisor and Intermediary Services Act No 37 of 2003 (FAIS Act), to consider and dispose of complaints, referred to it, in terms of the FAIS Act and the Rules on Proceedings of the Office of the Ombud for Financial Services Providers.

To achieve its objectives as set out above, the FAIS Ombud must collect and use information, including personal information as defined in the Protection of Personal Information Act No 4 of 2013. Personal information means information which alone or jointly with other factors identifies you as a person. This includes information such as your name, contact details, telephone number, biometric information, registration number and any other information we collect.

The FAIS Ombud treats all personal information they collect through different channels as private and confidential.

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

Right to change this Privacy Statement

The FAIS Ombud may change this Privacy Statement to align with changes in the law or changes in technology which impact on how we process your personal information. We will publish all changes which describes our new practices on our website, and the latest version will replace previous versions.

Collection of personal information

Personal information is collected directly from you and may be collected indirectly from other external sources for purposes of fulfilling our legislative mandate and sector specific obligations.

Due to the key role the FAIS Ombud plays in ensuring that the integrity of the financial services industry is preserved we need to understand the behaviours of financial services providers and that of consumers, be proactive and pre-emptive in effectively identifying risks that impacts on the achievement of our mandate. In order to effectively achieve this, the FAIS Ombud may collect information from multiple sources, examples of sources include:

- Other regulators. These regulators may be inside or outside of South Africa
- 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
- Whistle-blowers
- Our service providers
- Verification agencies

Why do we collect personal information?

We collect your personal information for a number of reasons including the following:

- To process your complaint in terms of the financial sector laws and codes for which the FAIS Ombud is the responsible authority.
- Analyse your suitability for the products and services you render to clients.
- To monitor financial sector trends and market conduct risks.
- Identify possible contravention of sector specific laws and codes.
- Management of third-party relationships and facilitating payment where you are our service provider.
- To manage the employment relationship where you are employed by us.
- For processing your application where you have applied for employment with us

What personal information do we collect?

Each of our department collect and process different attributes of your personal information at specific points of our processes, to fulfil a legislative mandate or for internal business purposes. Please see below a non-exhaustive list of personal information categories that we collect and process.

- Identifying number (employee number; company registration numbers, ID number),
- Email-addresses, physical address, telephone number
- Names, surname, marital status, nationality, age, physical health status, mental health status, well-being, disability status, language, date of birth. Some of the information may be more prevalent in our employment processes than in the core business divisions.
- Biometric information such as facial recognition, particularly in our employment processes.
- Information on your race, ethnic or social origin, criminal recordings/proceedings.

- Education, medical, financial, employment information

We may not be able to carry out our legislative mandate and provide our services to the public, employ you or procure your services without your personal information.

Publication and access to FAIS Ombud registers

The FAIS Ombud makes accessible certain information to the public on its website, such as determinations drafted in complaints submitted to the Ombud. The accessible information includes, but is not limited to, the details of the parties to a complaint, information relating to a financial product, quantum etc.

We will only make accessible limited information that will allow the public the ability to gain an understanding of the responsibilities of financial advisers towards their clients.

The use of Third Parties

The FAIS Ombud will from time to time share your personal information with third parties. We will only disclose your personal information if:

- It is necessary to fulfil our legislative mandate as provided for in the FAIS Act
- For business purposes
- The law requires it
- We have a public duty to disclose the information
- Your legitimate interests require disclosure or
- You have provided consent for us to disclose your information.

These third parties may include but not limited to:

- FAIS Ombud service providers
- Other regulators (including foreign regulators)
- Law enforcement agencies
- Verification agents

Where applicable, we request the third parties with whom we share information with, to take adequate measures and comply with applicable data protection laws and protect the information we are disclosing to them. We do this through contractual arrangements with these third parties. We also take internal measures to ensure that the third parties we appoint have appropriate measures to protect the information we provide to them.

If you want to learn more about our internal measures, please contact the FAIS Ombud Deputy Information Officer on the contact details provided in this statement.

Transborder information flows

Where necessary and appropriate, your personal information may be processed in other countries for:

- Business purposes, in instances where our third parties are located in countries outside of South Africa.
- Sharing with other regulators outside of South Africa for fulfilling a legislative mandate or
- Law enforcement agencies for investigation purposes.

These countries may not have the same level of protection. However, before we transfer personal information outside South Africa, we have stringent processes to ensure that appropriate organisational and security safeguards are put in place to protect the personal information which includes contractual and internal due diligence measures.

Your Rights

You have rights as the data subject which you can exercise in relation to the personal information, we hold about you. The requests must be made in writing, to the Information Officer (Adv. John Simpson) or Deputy Information Officer (Ms. Thobile Masina) at popirequests@faisombud.co.za or refer to our website for the PAIA Manual and Privacy Statement to confirm how we are processing personal information, please visit our website on www.faisombud.co.za

You can exercise your right to:

- Request access to the information we hold about you. Please visit our website on www.faisombud.co.za for our PAIA Manual to learn more about the process for request to access to information. We may, if allowed by law, charge a fee for this.
- Request correction or deletion of Personal Information about the data subject in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully.
- Request the destruction and deletion of your personal information that we are no longer authorised to retain.
- Object to the way in which we process your personal information.
- Complain to us about the way we use your personal information using the contact details of the Deputy Information Officer. If you are not satisfied with how we handle your complaint, you can lodge a complaint with the Information Regulator using their details provided in this statement.
- You have the right to query a decision that we make about some of our services that was made solely by automated means. You can do that by contacting the Deputy Information Officer on the details provided in this statement.

It is important to note that the rights are not absolute and must be balanced against other competing rights. As such they may be limited owing to the nature of our public interest mandate. We may also rely on certain exceptions which may impact on your rights, for example, your right to object or the right of access to information. We will only do this where the interest we are mandated to protect outweighs to a substantial degree interference with your privacy. Where possible in terms of law, we will explain the exception we are relying on and its impact on your rights.

Our Security Practices

Our security systems and controls are designed to maintain confidentiality, prevent loss, unauthorised access and damage to information by unauthorised parties. Our cyber security strategy is aligned to industry standard frameworks to ensure effective cyber security risk management for the organisation. We conduct continuous security vulnerability assessments to improve our security posture and provide assurance to all our stakeholders.

Use of cookies on website

We use cookie technology on our website. Cookies are small files which are stored on a user's computer when you use our website. We have non-essential cookies that enable us to distinguish users, and strict transport security which allows a website to declare itself as a secure host.

Links to other websites on our website

Our website may have links to or from other websites of other regulatory bodies or standards that are not operated by the FAIS Ombud. We request that you read and familiarise yourself with the privacy and security policies of these websites as we are not responsible for the privacy and security of the websites mentioned.

Use and monitoring of electronic communications

It is important that we keep the public abreast of any development that has a public interest. As such we communicate with you and the public using different channels, including the media.

Retention of personal information

Our retention schedule and information policies define how long we keep all types of records, including any personal information we process in the different divisions. Personal information is retained and destroyed as required or authorised by law, and for defined purposes related to the activities of the FAIS Ombud.

How to contact us

If you have any queries, about our privacy notice and how we process your personal information, please contact the FAIS Ombud Information Officer (Adv. John Simpson) or Deputy Information Officer (Ms. Thobile Masina) at popirequests@faisombud.co.za

Physical address:

Financial Advisory and Intermediary Services Ombud (FAIS Ombud)

11th Floor Menlyn Central Office Building

125 Dallas Avenue

Waterkloof Glen

Pretoria

0010

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: Complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/>