



## **SCHEDULE B: PRINCIPLES RELATING TO DIRECT MARKETING**

Version 1

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This document contains 10 Pages

Approved by the Board of Trustees on 28 July 2022

SIGNED BY THE CEO:

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Date: \_\_\_\_\_

POLICY REVISION LOG

<b>File Name</b>	Privacy Policy Schedule B- Principles relating to direct marketing
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<b>Business Unit/ Policy Owner</b>	Legal and Compliance
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## 1. DEFINITIONS AND ACRONYMS

Unless the context indicates a contrary intention, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings-

- 1.1. “**Allowed Times**” means any days and times that do not form part of the Prohibited Times;
- 1.2. “**ARC**” means the Audit and Risk Committee, a sub-committee of the Board;
- 1.3. “**Board**” means the Board of trustees of the GPF;
- 1.4. “**Consent**” any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information;
- 1.5. “**Consumer**” means a person to whom particular goods or services are marketed in the ordinary course of the supplier’s business; a person who has entered into a transaction with a supplier in the ordinary course of the supplier’s business unless the transaction is exempt in terms of the CPA; if the context so requires or permits, a user of those particular goods or a recipient or beneficiary of those particular services, irrespective of whether that user, recipient or beneficiary was a party to a transaction concerning the supply of those particular goods or services; and a franchisee in terms of a franchise agreement, to the extent applicable in terms of the CPA;
- 1.6. “**CPA**” means the Consumer Protection Act 68 of 2008 as well as the Regulations made pursuant thereto;
- 1.7. “**Direct Marketing**” means to approach a person, either in person or by mail or electronic communication, for the direct or indirect purpose of
  - 1.7.1. promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
  - 1.7.2. requesting the data subject to donate any kind for any reason
- 1.8. “**Direct Marketer**” a supplier who employs direct marketing as an advertising mechanism;
- 1.9. “**Direct Marketing Rights**” means the right to restrict unwanted direct marketing which entails that the right of every person to privacy, including the right to (a) refuse to accept; (b) require another person to discontinue; or (c) in the case of an approach other than in person, to pre-emptively block, any approach or

communication to that person, if the approach or communication is primarily for the purpose of direct marketing;

- 1.10. **“Direct Marketing Campaign” means** an advertising campaign which targets consumers and involves the use of Direct Marketing;
- 1.11. **“Electronic Communications”** means, in terms of the POPIA - any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient and in terms of the CPA - communication by means of electronic transmission, including by telephone, fax, SMS, wireless computer access, email or any similar technology or device;
- 1.12. **“Employee ”** means any permanent or temporary Employee , officer, agent, or independent contractor , who works for the GPF or on a temporary or permanent basis and who receives, or is entitled to receive, any remuneration; and any other person who in any manner assists in carrying on or conducting the business of the GPF and the term 'employed', and 'employment' will have a corresponding meaning;
- 1.13. **“Exco”** means the Executive Committee of the GPF;
- 1.14. **“GPF”** means the Gauteng Partnership Fund;
- 1.15. **“Policy”** means this Direct Marketing Policy;
- 1.16. **“POPIA or “Act”** means the Protection of Personal Information Act No. 4 of 2013;
- 1.17. **“Principles”** means the Principles Relating to Direct Marketing contained in this document, as amended, and updated from time to time;
- 1.18. **“Process/ Processing”** means any operation or activity whether or not by automatic means, concerning Records including collecting, receiving, recording, organizing, collating, storing, updating, modifying, retrieving, altering, consulting or using, disseminating, distributing or making available and merging, linking, blocking, degrading, erasing, destroying information;
- 1.19. **“Personal Information”** means information relating to any Data Subject, including but not limited to
- 1.19.1. views or opinions of another individual about the Data Subject; and
- 1.19.2. information relating to such Data Subject's –

- (a) Race, sex, gender, sexual orientation, pregnancy, marital status, nationality, ethnic or social origin, color, age, physical or mental health, well-being, disability, religion, conscience, belief, cultural affiliation, language, and birth;
- (b) Education, medical, financial, criminal or employment history;
- (c) Names, identity number and/or any other personal identifier, including any number(s), which may uniquely identify a Data Subject, account or client number, password, pin code, customer or Data Subject code or number, numeric, alpha, or alpha-numeric design or configuration of any nature, symbol, email address, domain name or IP address, physical address, cellular phone number, telephone number or other particular assignment;
- (d) Blood type, fingerprint, or any other biometric information;
- (e) Personal opinions, views, or preferences;
- (f) Correspondence that is implicitly or expressly of a personal, private, or confidential nature (or further correspondence that would reveal the contents of the original correspondence); and
- (g) Corporate structure, composition, and business operations (in circumstances where the Data Subject is a juristic person) irrespective of whether such information is in the public domain or not; and

1.20. **“Prohibited Times”** means the following days and times:

- 1.20.1. Sundays or public holidays contemplated in the Public Holidays Act, 1994;
- 1.20.2. Saturdays before 09h00 and after 13h00; and
- 1.20.3. All other days between the hours of 20h00 and 08h00 the following day

## 2. OBJECTIVE

- 2.1. POPIA and the CPA impose obligations on Direct Marketers in relation to observing Direct Marketing Rights of Consumers when approaching Consumers for the purposes relating to Direct Marketing.
- 2.2. The purpose of this Policy is to inform Consumers about how the GPF may use their Personal Information for Direct Marketing purposes and how GPF will generally conduct its Direct Marketing Campaigns.

- 2.3. The Policy also informs Consumers of the mechanisms available to them to exercise their Direct Marketing Rights.

### **3. SCOPE OF APPLICATION**

- 3.1. This Policy is applicable to the GPF, all its Employees and any third parties that conduct Direct Marketing activities on behalf of the GPF.
- 3.2. This Policy should be read in conjunction with all other relevant policies of the GPF regulating privacy and protection of information.

### **4. LEGISLATIVE FRAMEWORK**

- 4.1. Constitution of the Republic of South Africa, 1996;
- 4.2. General Data Protection Regulations;
- 4.3. Protection of Personal Information Act, 2013;
- 4.4. Promotion of Access to Information Act, 2000;
- 4.5. Public Finance Management Act no 1 of 1999 (PFMA)
- 4.6. Other Policy Links
- 4.6.1. Privacy Policy;
  - 4.6.2. Records Management Policy;
  - 4.6.3. Schedule A: Principles Relating to Records Retention and Disposal;
  - 4.6.4. Schedule C: Principles Relating to Data Breach Response; and
  - 4.6.5. Schedule D: Data Protection and Privacy Policy.

### **5. POLICY PRINCIPLES RELATING TO DIRECT MARKETING**

#### **5.1 USE OF DIRECT MARKETING BY THE GPF**

- 5.1.1 The GPF engages in Direct Marketing using communications including telemarketing, physical direct mail, e-mail, e-marketing, social media, WhatsApp, and SMS to send information directly to Consumers.
- 5.1.2 Information is sent subject to the GPF's "opt-in" policy, in terms of which such information is sent where the Consumer has given express Consent for The GPF to do so.
- 5.1.3 The GPF will only process a Consumer's Personal Information for Direct Marketing purposes where a Consumer Consents thereto or is a customer of the GPF.

5.1.4 The GPF need not acquire a Consumer's Consent where that Consumer is a customer of the GPF and the GPF has obtained the Consumer's contact details from the Consumer –

- a) in the context of a sale of a product or service;
- b) for the purposes of Direct Marketing GPF's own similar products or services; and
- c) provided that the Consumer has been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality at both the time when the information was collected and upon each communication with the Consumer for the purposes of Direct Marketing (where the Consumer has not initially refused Direct Marketing.

5.1.5 Consumers who elect not to give their Consent will not be contacted again for Direct Marketing purposes.

5.1.6 The GPF only uses one on one communications including telemarketing, physical direct mail, e-mail, e-marketing, social media, WhatsApp, and SMS to conduct Direct Marketing. No other methods of communication shall be used for this purpose.

5.1.7 Any communication by the GPF to a Consumer for the purposes of Direct Marketing will be accompanied by GPF's address and other contact details to enable the Consumer to send a request that such communications be ceased.

5.1.8 All applications for Consumer Consent by the GPF shall be made using a physical or digital communication that generally conforms to the GPF Form "Application for the Consent of a Consumer for the Processing of Personal Information for Direct Marketing Purposes" in Annexure "A".

## **5.2 OPTING OUT OF DIRECT MARKETING**

5.2.1 Consumers shall always have the option to withdraw their Consent to receive Direct Marketing information which they previously opted in.

5.2.2 All Direct Marketing information shall include an option to "unsubscribe" which should be easily accessible and easy to use.

5.2.3 All requests to opt-out of GPF's Direct Marketing Campaigns shall be confirmed in writing.

### **5.3 TIMES OF CONTACT FOR PURPOSES OF DIRECT MARKETING**

5.3.1 The GPF will not engage in any Direct Marketing communication with any Consumer at the Consumer's home during Prohibited Times and will not automate any direct marketing communication to be delivered to the Consumer during Prohibited Times, except where the Consumer has specifically given Consent to or requested Direct Marketing communication from the GPF during such Prohibited Times.

5.3.2 Consumers who have given their Consent to receive Direct Marketing information will only receive such information from the GPF during Allowed Times.

5.3.3 Should the GPF send out Direct Marketing information during the Allowed Times and the Consumer for any reason only receives the Direct Marketing information during the Prohibited Times, such Direct Marketing information will not be deemed to have been sent during Prohibited Times

### **5.4 QUERIES AND COMPLAINTS**

All queries and complaints in connection with this Policy or GPF's Direct Marketing practices may be referred to the Information Officer of the GPF , whose contact details are:

The Information Officer  
Gauteng Partnership Fund  
82 Grayston Drive  
Sandton  
2196

E-mail: [complaints@gpf.org.za](mailto:complaints@gpf.org.za)

Telephone: 011 685 6600



## 6. CHANGES TO THE POLICY

This Policy may be amended from time to time, after which the amendments will be notified to Consumers.

## 7. DEVIATIONS

Any deviations from this policy must receive prior approval in writing from the Board.

## 8. BREACH OF POLICY

Breach of any clause contained in the policy shall be subjected to GPF disciplinary procedures without prejudice to any other rights that GPF may have in law to recover any damages suffered as a result of such non-compliance.

If any Employee do not understand sections, descriptions or concepts contained within this document, it is the responsibility of the individual to obtain clarity.

## 9. MONITORING, REVIEW AND COMPLIANCE

### 9.1. Policy Audit

The Information Officer and/or the Deputy Information Officer shall report on the progress and specific problems experienced in the implementation thereof.

### 9.2. Policy Review

This Policy is subject to review on an annual basis or as and when the need may arise.

### 9.3. Policy amendments

No amendment (s) may be made to any section(s) of this policy without such amendment (s) first being discussed and validated against prevailing acts, standards, best practices, and regulations by the Policy Owner supported by Exco and ARC.

#### 9.4. Policy Compliance

The Legal and Compliance Unit will play a monitoring and evaluation role to determine whether the approved policy provisions will provide compliance assurance and determine whether the approved policy provisions are put in place in each Business Unit within GPF as well as ensure legislative compliance.

### 10. APPROVAL

This policy is approved by the Board after consideration and recommendation from Exco and ARC.

**ANNEXURE "A"**

**APPLICATION FOR THE CONSENT OF A CONSUMER FOR THE PROCESSING OF PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES**

To: (Name and address of data subject)

From: **Gauteng Partnership Fund**

Contact number(s): [insert contact number]

Fax number: [insert fax number]

E-mail address: [insert e-mail address]

Dear Mr/Ms/Mrs [insert Consumer]

**PART A**

- 1 The processing of personal information of a data subject (the person to whom personal information relates) for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by the Gauteng Partnership Fund.
- 2 After you have indicated your wishes in Part B, kindly submit this Form either by data message, electronic communication, post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

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(Signature of person authorised by Gauteng Partnership Fund)

Date:

**PART B**

I, \_\_\_\_\_ (full names) hereby:

Give my consent

To receive direct marketing of goods and/or services to be marketed to me by the Gauteng Partnership Fund by means of electronic communication.

**Specify Goods or Services:** [insert description]

**Specify Method of Communication:**

Fax:

E-mail:

SMS:

Others – Specify:

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_.

\_\_\_\_\_  
Signature of Consumer