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South African Music Performance Rights Association

LICENSEE PRIVACY NOTICE

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LICENCEE PRIVACY NOTICE

1. Purpose

- 1.1. South African Music Performance Rights Association (“**SAMPRA**” or “**we**” or “**us**”) is a collective management organisation. In the course of our business, we collect and process Personal Information relating to a range of Data Subjects, including our licencees.
- 1.2. We value our licencees’ Personal Information. This Notice describes how we collect and process your Personal Information as a licencee of SAMPRA, how we use and protect this information, and your rights in relation to this information, in accordance with the Protection of Personal Information Act, 4 of 2013 (“**POPIA**”).
- 1.3. This Notice applies to all Personal Information we collect or process about you in relation to your licence.
- 1.4. Personal Information is information, or a combination of pieces of information, that could identify you such as your contact details and business address, and your financial details.
- 1.5. We may be required as a consequence of our relationship with you, or by law, to collect certain Personal Information about you or your employees. Failure to provide this information may prevent or delay the fulfilment of SAMPRA’s obligations under the licence.

2. What types of Personal Information do we collect?

- 2.1. Information we collect directly from you or obtain relating to the licence you hold:
 - 2.1.1. details relating to your business (e.g., name, registration number, or officers and directors information);
 - 2.1.2. contact details (e.g., phone number, email address, business and postal address or mobile numbers);
 - 2.1.3. financial information (e.g., your bank account details or tax information);

- 2.1.4. information relating to your licence with SAMPRA (e.g., licence application forms, other information you may provide to us for calculating your licence fee, usage statistics, or revenue information);
- 2.1.5. correspondence you had with us and any other information you have given us.
- 2.2. Information we collect from other sources:
 - 2.2.1. information on the internet or web-based platforms about your business;
 - 2.2.2. information that our music inspectors collect relating to the use of music from our repertoire;
- 2.3. Where SAMPRA processes Special Personal Information, we will usually do so on the basis that it is necessary for reasons of carrying out obligations in terms of the law. In any case, we will process this information in accordance with applicable laws.

3. How do we use your Personal Information?

- 3.1. We use your Personal Information for any of the following purposes:
 - 3.1.1. to verify music usage under the terms of the licence, or to establish whether a licence is required;
 - 3.1.2. to collect funds from you and from other SAMPRA licencees;
 - 3.1.3. to distribute funds received from SAMPRA licencees;
 - 3.1.4. to respond to any comments, complaints, enquiries or requests you may send us, and to send you important information about SAMPRA;
 - 3.1.5. to maintain and administer licensee records;
 - 3.1.6. to conduct the business of SAMPRA and to do things that are ordinary, necessary, desirable, or ancillary for or to the purposes of conducting business; and
 - 3.1.7. for legal claims, compliance, regulatory and investigative purposes (for example, debt recovery) as necessary (including disclosure of such information in connection with legal processes or litigation).

4. What is the legal basis for Processing your Personal Information?

- 4.1. We only process your Personal Information if there is a legal basis for us to do so. In most cases the legal basis will be one of the following:
- 4.1.1. to fulfil our contractual obligations to you in connection with your licence, for example to obtain information relating to your music usage and for the collection of licensee fees.
 - 4.1.2. to meet our legitimate interests, for example to provide you with a valid licence. When we process Personal Information to meet our legitimate interests, we put in place robust safeguards to ensure that your privacy is protected and to ensure that our legitimate interests are not overridden by your interests or fundamental rights and freedoms.
 - 4.1.3. to comply with our legal obligations, for example obtaining proof of your identity to enable us to meet our anti-money laundering obligations which ensures that we meet our obligations under the licence.
- 4.2. We may obtain your explicit consent to collect and use certain types of Personal Information when we are required to do so by law (for example, when we process some categories of Special Personal Information).

5. What are your rights over your Personal Information?

- 5.1. You have certain rights regarding your Personal Information, subject to applicable law. These include the following rights to:
- 5.1.1. access your Personal Information;
 - 5.1.2. rectify your Personal Information held by us;
 - 5.1.3. delete your Personal Information;
 - 5.1.4. restrict the processing of your Personal Information subject to certain conditions;
 - 5.1.5. on reasonable grounds, object to the Processing of your Personal Information;
 - 5.1.6. withdraw your consent to any processing based on consent at any time;

- 5.1.7. to be notified where your Personal Information has been accessed or acquired by an authorised person; and
- 5.1.8. lodge a complaint with the Information Regulator if you believe that we have not been able to assist with your complaint.
- 5.2. If you feel that we are not dealing with your Personal Information fairly and lawfully, you may complain to the Information Regulator at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, P.O Box 31533, Braamfontein, Johannesburg, 2017, or email complaints.JR@justice.gov.za .
- 5.3. Please first allow us to resolve any complaint by contacting the details below. Your complaint should include a brief description of what happened, when it happened, and what Personal Information was unlawfully Processed.
- 5.4. Should you need to exercise any of the rights above, please make a request in writing by following the procedure set out under SAMPRA's PAIA Manual available on the website, alternatively, contact the Information Officer with any privacy related questions and/or comments to the email address listed below.
- 5.5. We encourage you to contact us to update or correct your Personal Information if it changes or if the Personal Information we hold about you, is inaccurate.
- 5.6. Please be aware, we may need you to provide additional information (to confirm what information you wish to access) in order to process your request.

6. Do we share your Personal Information with third parties?

- 6.1. We may share your Personal Information with third parties under the following circumstances:
 - 6.1.1. service providers and business partners. We may share your Personal Information with our service providers and business partners that perform business operations for us. For example, in order to collect royalties owed to our members, we partner with our attorneys for collection purposes. We partner with other companies to analyse information to improve performance or for external advice provided by law firms or accountants; and
 - 6.1.2. any law enforcement agency, court, regulator, government authority or other third party. We may share your Personal Information with these parties where we

believe this is necessary to comply with a legal or regulatory obligation, or otherwise to protect our rights or the rights of any third party.

- 6.2. We have put in place a Personal Information Sharing Policy which dictates how we share your Personal Information with third parties.

7. How do we secure your Personal Information?

- 7.1. We implement technical and organisational measures to ensure a level of security appropriate to the risk to the Personal Information we process. These measures are aimed at ensuring the on-going integrity and confidentiality of Personal Information and preventing your Personal Information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. In addition, we limit access to your Personal Information to those employees, agents, contractors and other third parties on a need-to-know basis only. Any third party who processes your Personal Information on our instructions is subject to a duty of confidentiality and subject to the terms and conditions of a Data Sharing Agreement. We evaluate these measures on a regular basis to ensure the security of the Processing.

8. How long do we keep your Personal Information?

- 8.1. We will keep your Personal Information for as long as you remain a licensee. Upon the termination of your licence, we will retain your Personal Information for a period of time that enables us to:
 - 8.1.1. maintain business records for analysis and/or audit purposes;
 - 8.1.2. comply with record retention requirements under the law;
 - 8.1.3. defend or bring any existing or potential legal claims; and
 - 8.1.4. deal with any queries or complaints you may have.

- 8.2. We will delete your Personal Information when it is no longer required for these purposes. If there is any information that we are unable, for technical reasons, to delete entirely from our systems, we will put in place appropriate measures to prevent any further Processing or use of the data. SAMPRA has an Information and Records Management Policy in place which dictates the retention and destruction periods of information that we keep.

9. Do we share your Personal Information with parties outside South Africa?

- 9.1. We may transfer your Personal Information to third-party service providers outside of South Africa with whom we engage business or whose services or products we elect to use, including cloud services hosted in international jurisdictions.
- 9.2. Before transferring Personal Information across borders, we take steps to ensure that the third party who is the recipient of the information is located in a country which provides an adequate level of protection for your Personal Information or that there is an agreement or binding corporate rules which satisfies the applicable requirements for the transfer of Personal Information across borders.

10. Changes to this Notice

- 10.1. We may modify or update this Notice from time to time. If we change this Notice, we will notify you of the changes.
- 10.2. Where changes to this Notice will have a fundamental impact on the nature of the Processing or otherwise have a substantial impact on you, we will give you sufficient advance notice so that you have the opportunity to exercise your rights (e.g., to object to the Processing).

11. How to contact us regarding the processing of your Personal Information

- 11.1. As a licensee of SAMPRA, it is your responsibility to ensure that any changes in personal details are communicated in writing to immediately, or as soon after the change as is practicable.

- 11.2. If you require access to or rectification of your Personal Information or if you have any other questions or concerns regarding the way in which your Personal Information is used, please contact our Information Officer, on the address below.
- 11.3. Postal Address: P.O. Box 31600, Braamfontein, 2017
- 11.4. Street Address: Sunnyside Office Park, Building B, 2nd Floor, 32 Princess of Wales Terrace, Parktown, 2193
- 11.5. Telephone Number: 011 561 9660
- 11.6. Email: companysecretary@sampra.org.za