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South African Music Performance Rights Association

MEMBER PRIVACY NOTICE

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MEMBER 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 members.
- 1.2. We value our members’ Personal Information. This Notice describes how we collect and process your Personal Information as a member 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 as a performer or a record company that represents performers. We process this information in relation to your SAMPRA membership.
- 1.4. Personal Information is information, or a combination of pieces of information, that could identify you such as your contact details and residential address, your membership number, 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. When you sign up as a member of SAMPRA, you provide us with a mandate to collect royalties on your behalf. Failure to provide this information may prevent or delay the fulfilment of SAMPRA’s mandate.

2. What types of Personal Information do we collect?

- 2.1. Information we collect directly from you or obtain throughout your membership:
 - 2.1.1. personal details (e.g., name, identity number, or passport number, date of birth);
 - 2.1.2. contact details (e.g., phone number, email address, business and postal address or mobile number);
 - 2.1.3. details relating to your business (e.g., name, registration number, or officers and directors’ information);

- 2.1.4. financial information (e.g., your bank account details or tax information);
- 2.1.5. information relating to your membership with SAMPRA (e.g., list of your recordings or performances);
- 2.1.6. information concerning remuneration that may or has been distributed to you;
- 2.1.6.1.
- 2.1.7. information relating to your legally appointed agents or representatives;
- 2.1.8. information relating to your spouse or child for the purpose of distributing benefits owed to you by virtue of the SAMPRA Development Fund;
- 2.1.9. 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 from other Collective Management Organisations from whom SAMPRA obtains funds in order to make distributions to you; and
 - 2.2.2. information on internet or web-based platforms on which your work is published.
- 2.3. Special categories of Personal Information:
- 2.4. 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 SAMPRA Development Fund. In any case, we will process this information in accordance with applicable laws.
- 2.5. In certain instances, we may collect Personal Information of children. A child is a person under the age of 18 years who is not legally competent, without the assistance of an adult, to take any action or decision in respect of any matter concerning him or herself. We process Personal Information of children where a member is a child or for the purposes of administering benefits under the SAMPRA Development Fund.

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 process applications for memberships;

- 3.1.2. inclusion of your information in a database for the purposes of creating financial reports, distribution histories, auditing, membership data reports, and other reports;
- 3.1.3. to collect, to administer, and to distribute funds for you and for other SAMPRA members;
- 3.1.4. to comply with obligations that we have to Collective Management Organisations;
- 3.1.5. to comply with our legal obligations and to comply with tax laws and other laws;
- 3.1.6. to deal with your enquiries and requests;
- 3.1.7. to detect and to prevent fraudulent or improper activity and to foster compliance with SAMPRA's mandate;
- 3.1.8. 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
- 3.1.9. to generally perform our obligations and exercise rights under SAMPRA's mandate.

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 membership.
 - 4.1.2. 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 SAMPRA's mandate.
 - 4.1.3. to meet our legitimate interests. 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.
- 4.2. 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. 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 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, we may share your information with our cloud service providers in order to administer your rights under SAMPRA's mandate. We partner with other companies to analyse information to improve performance or for external advice provided by law firms or accountants;
 - 6.1.2. other Collective Management Organisations in foreign jurisdictions. Please see below the section on "Do we share your Personal Information with parties outside South Africa" for more information; and
 - 6.1.3. 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 member. If you decide to terminate your membership, 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. pay you any outstanding royalties due to you;
 - 8.1.4. defend or bring any existing or potential legal claims; and
 - 8.1.5. 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 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.
- 9.3. SAMPRA may share your Personal Information with other Collective Management Organisations in order to collect royalties on your behalf. These parties may process your Personal Information outside the borders of the Republic of South Africa.

- 9.4. We have put in place Data Sharing Agreements with these Collective Management Organisations to ensure that your Personal Information is adequately protected.

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 member 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@sampira.org.za