



# Budgerigar Society of South Africa

Established 1936

## Budjievereniging van Suid-Afrika

Gestig 1936

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## BUDGERIGAR SOCIETY OF SOUTH AFRICA PRIVACY POLICY – BSSA RULES

### 1. INTRODUCTION

- 1.1. South Africa recently implemented a “Protection of Personal Information Act 4 of 2013” (POPI) which directly impacts on how the Budgerigar Society of South Africa (BSSA) protects information obtained from members.
- 1.2. The basic principles of data protection are:
  - 1.2.1. For all data collected, be it statistics, personal information, images, etc., there should be a stated purpose.
  - 1.2.2. Information collected from an individual cannot be disclosed to other organizations or individuals unless specifically authorized by law or by consent of the individual.
- 1.3. In terms of South African law, the right to privacy is protected in terms of the common law and section 14 of the Constitution of South Africa 1996. In both instances, the right to privacy is limited, and to prove an infringement will most probably be fairly difficult. There is also established case law on:
  - 1.3.1. bodily privacy,
  - 1.3.2. the privacy of communications, and
  - 1.3.3. territorial privacy.
- 1.4. The Protection of Personal Information Act (called the POPI Act or POPIA) regulates the use and processing of personal information. POPIA is essentially the South African Data Protection Bill or Data Protection Act.

### 2. OVERVIEW OF THE POPI ACT

- 2.1. This chapter in the BSSA Rules does not intend to cover all aspects of the laws on the protection of privacy. This introduction to the laws on the protection of privacy will only provide an overview of the POPI Act. The POPI Act recognises the right to privacy enshrined in the South African Constitution and gives effect to this right by mandatory procedures and mechanisms for the handling and processing of personal information.
- 2.2. The POPI Act is in line with current international trends and laws on privacy. ‘Processing’ is broadly defined, including the *‘collection, recording, organisation, storage, updating or modification, retrieval, consultation, use, dissemination by means of transmission, distribution or making available in any other form, merging, linking, as well as blocking, erasure, or destruction of personal information.’*
- 2.3. The POPI Act provides eight information protection principles to govern the processing of personal information.
- 2.4. There are specific provisions for:
  - 2.4.1. direct marketing,
  - 2.4.2. automated decision making,
  - 2.4.3. the processing of cross-border flows of data (see section 72 of the POPI Act).
- 2.5. The need for an Information Regulator to enforce the provisions of the POPI Act has also been recognised, and provision is made for penalties and offences in certain instances.
- 2.6. The eight principles of the POPI Act People often provide information for one reason and do not realise that it may be used for other purposes as well. Therefore, POPIA prescribes eight specific principles for the lawful processing and use of personal information. In a nutshell, the POPIA principles are:
  - 2.6.1. The processing of information is limited which means that personal information must be obtained in a lawful and fair manner.
  - 2.6.2. The information can only be used for the specified purpose it was originally obtained for.

- 2.6.3. The POPI Act limits the further processing of personal information. If the processing takes place for purposes beyond the original scope that was agreed to by the data subject, the processing is prohibited.
- 2.6.4. The person who processes the information must ensure the quality of the information by taking reasonable steps to ensure that the information is complete, not misleading, up to date and accurate.
- 2.6.5. The person processing the personal information should have a degree of openness. The data subject and the Information Regulator must be notified that data is being processed.
- 2.6.6. The person processing data must ensure that the proper security safeguards and measures to safeguard against loss, damage, destruction and unauthorised or unlawful access or processing of the information, have been put in place.
- 2.6.7. The data subject must be able to participate. The data subject must be able to access the personal information that a responsible party has on them and must be able to correct the information.
- 2.6.8. The person processing the data is accountable to ensure that the measures that give effect to these principles are complied with when processing personal information.
- 2.7. The introduction of these defined principles will limit the processing of personal information to a very large extent, subject to the exclusions provided for in the POPI Act.

### **3. CROSS-BORDER DATA FLOWS AND DATA PRIVACY**

- 3.1. The electronic flow of data cross-border has led to a concern that data protection legislation will simply be circumvented by the transfer of personal information to countries where privacy protecting legislation will not apply and where information will be processed without any hindrance.
- 3.2. POPIA only permits the transferring of personal information across borders under the specific circumstances mentioned in section 72 of the POI Act.
- 3.3. In essence, the country where the information will be processed or the recipient of the information must be subject to rules or regulations effectively similar to the principles stated in POPIA.
- 3.4. This can be done by means of legislation or a personal contractual relationship between the parties. In countries where no such rules or regulations exist, for example in most African countries, the parties can enter into an agreement, outlining the duties on the party processing or receiving the information in the country without data protection legislation, in line with the principles of POPIA. A party's prior consent to a cross-border transfer of its personal information may also be obtained.

### **4. OFFENCES AND PENALTIES REGARDING DATA PRIVACY IN SOUTH AFRICA**

- 4.1. The POPI Act established the Information Regulator, the supervisory authority or body for South Africa. Part "A" of Chapter 5 of POPI has 17 sections (section 39-54), that relate to all aspects of this new body.
- 4.2. The offences and penalties in POPIA are quite limiting, for example, hindering and obstruction of the Information Regulator in the execution of its obligations and duties, or failing to protect an account number may lead to penalties. A person convicted of these offences will be subject to a fine or to imprisonment for a period not exceeding 10 years, or to both a fine and imprisonment.

### **5. CONCLUSION REGARDS DATA PROTECTION IN SOUTH AFRICA**

- 5.1. The regulation of the collection, use, and processing of personal information through legislation is an internationally accepted practice. Not only will individuals and organisations in the private sector gain with data privacy legislation or a data protection Act but it is also important for trade, as concerns around information privacy can create barriers to international trade.

## **6. HOW DOES THE NEW PRIVACY ACT IMPACT ON THE BUDGERIGAR SOCIETY OF SOUTH AFRICA?**

- 6.1. The Budgerigar Society of South Africa (BSSA) takes the protection of the data and images that BSSA holds about members, judges and officials seriously, and will do everything possible to ensure that data is collected, stored, processed, maintained, cleansed and retained in a compliant manner.
- 6.2. All Members are kindly requested to read this privacy policy carefully to see how BSSA will treat the personal information that is provided by Members to BSSA, or collected by BSSA from Members, or collected by Clubs from members on its various communication platforms, e.g. website, social media, e-mails, media releases, publications, etc. or structures e.g. membership forms, entry forms, show program, judges training, meetings, competitions, etc. BSSA will take reasonable care to keep the information of members secure, and to prevent any unauthorised access.
- 6.3. Although the maintenance of BSSA communication platforms, in some cases is outsourced, the service providers are held accountable by the same laws mentioned above. For the purposes of data protection legislation, BSSA is the data controller.
- 6.4. This policy explains how the information BSSA collects about Members is used and kept securely. It also explains privacy choices of Members when using the BSSA website as well as your right to access your information under Data Protection Legislation.

## **7. THE INFORMATION WE COLLECT ABOUT MEMBERS**

- 7.1. BSSA may collect the following information about Members through various communication platforms, e.g.: Name, contact telephone number, email address, postal address and any other information the Member voluntarily provides to BSSA.

## **8. THE INFORMATION PROVIDED TO BSSA.**

- 8.1. In becoming a registered member, Judge, BSSA will collect certain information about you as Members which will include your name, date of birth, gender, ring number, email address, address, telephone number, names of the BSSA affiliated clubs that you are a member of.
- 8.2. Where you are registered through an affiliated club, the club will collect your details and pass them to BSSA to be able to register you.
- 8.3. Once registered, BSSA will also access information via the Paid-up Membership Lists sent in by Clubs.
- 8.4. For all BSSA approved shows information regarding shows you participate in (the date, name and venue of competitions, your personal results, records, status) will be collected.

## **9. HOW BSSA USES YOUR INFORMATION**

BSSA may use your personal information for several purposes, including:

- 9.1. Administer your involvement in BSSA.
- 9.2. To notify you about important updates and information about the membership or service you have paid for.
- 9.3. To deal with your requests and enquiries.
- 9.4. To contact you for reasons related to your enquiry or in case of emergency.
- 9.5. To gather browsing behaviours of visitors to BSSA websites. We will not use your IP address to identify you in any way.
- 9.6. To create meaningful, actionable analysis on an anonymised basis.
- 9.7. To create results for competitions. Show Marked catalogues and Administrators report.

## **10. BSSA's LEGAL BASES FOR PROCESSING YOUR INFORMATION**

- 10.1. BSSA's key purpose is to encourage and enable participation in breeding and showing at all status levels.
- 10.2. BSSA therefore, will process it on the basis of legitimate interest of administering your involvement in the hobby of show budgies to ensure the hobby is running itself efficiently, with the minimum of bureaucracy.
- 10.3. This will include the following:
  - 10.3.1. The use of a show entry form to obtain name, surname, partnership name, address and ring code to check and validate membership at point of entry to shows.
  - 10.3.2. The transfer of registered members from one club to another. You will maintain the same record, but the club name associated with the record will change.
- 10.4. If you are a club secretary or club official, the club will provide essential information regarding your affiliation to the Budgerigar Society of South Africa (BSSA) and visa versa.
- 10.5. There is an administration portal where a selected number of staff can access data to help to respond to queries, update data and perform necessary administration activity.

- 10.6. Providing relevant and necessary information via email, text, post to you about the following:
  - 10.6.1. Changes to rules and regulation.
  - 10.6.2. Updates to advice and guidance relating to specific roles held within BSSA.
  - 10.6.3. Transactional information relating to club affiliation and transfers, registrations, competition and events.
  - 10.6.4. Continuing Judging Development to document the skills, knowledge and experience that you gain both formally and informally making use of judges training and testing.
  - 10.6.5. Record keeping, research and analysis.
  - 10.6.6. Maintaining records of participation in the budgerigar hobby.
  - 10.6.7. Maintaining details of discipline and misconduct.
  - 10.6.8. Maintaining statistics and conducting analysis on the make-up of BSSA members.
  - 10.6.9. Communicating with you to ask for your opinion on BSSA initiatives and services.
- 10.7. Website personalisation
  - 10.7.1. Providing access to all the relevant services that you have access to as a registered member through our website.
  - 10.7.2. Providing you with personalised information about your participation in shows through the BSSA website.
- 10.8. Member registration
  - 10.8.1. In relation to member registration specifically we also have a contractual obligation to you as a member to provide the service you are registering and paying for. Therefore, BSSA may contact you about important information about the services and exclusive benefits that form part of the members registration that you are paying for.
- 10.9. Sharing data
  - 10.9.1. If you become a registered member, club official or judge, we may share your membership Data with the following bodies as part of the administration of your involvement in the hobby and for purposes of delivering the tasks outlined above:
    - 10.9.1.1. BSSA.
    - 10.9.1.2. Other members, provinces, areas or associates.
    - 10.9.1.3. Selected members of the BSSA Management Committees, Disciplinary Committee and Constitutional Committee.
    - 10.9.1.4. BSSA Affiliated club officials.
    - 10.9.1.5. Third party data managers who support BSSA in managing the hobby.
  - 10.9.2. We will share only what is needed for those purposes and, where possible, will anonymise the data before sharing. If we would like to share your information for any other purpose, we will ask for your consent.
  - 10.9.3. BSSA may also share your personal information with the police and other law enforcement agencies for the purposes of crime prevention or detection.
  - 10.9.4. If we disclose your information, we ask the organisation to demonstrate that the data will assist in the prevention or detection of crime, or that BSSA is legally obliged to disclose it.
  - 10.9.5. This is done on a strictly case by case basis and through a tightly controlled process to ensure we comply with Data Protection Legislation.
- 10.10. Marketing
  - 10.10.1. When BSSA collects information from you, BSSA will ask you whether you would like to receive information about BSSA products and services, prize draws and competitions and information from sponsors. BSSA will give you the opportunity to opt in to any such communications and will tell you how you can opt-out at any time.
  - 10.10.2. Where you have opted in to additional communications and marketing, BSSA will process your Membership Data on the basis of consent. When this policy is first issued BSSA will have communicated to you about the changes and will have set your preferences to ensure you do not receive any marketing communication that you have not consented to.
  - 10.10.3. BSSA may also share your personal information with the police and other law enforcement agencies for the purposes of crime prevention or detection.
  - 10.10.4. If BSSA discloses your information, BSSA will ask the organisation to demonstrate that the data will assist in the prevention or detection of crime, or that BSSA is legally obliged to disclose it. This is done on a strictly case by case basis and through a tightly controlled process to ensure we comply with Data Protection Legislation.

- 10.11. Protecting your information
  - 10.11.1. The data that BSSA collects from you may be transferred to a destination external to BSSA's own secure network. BSSA will not transfer your data outside of the South African Economic Area.
  - 10.11.2. By submitting your personal data, you agree to this transfer, storing or processing. BSSA will take all reasonable steps to ensure that your data is treated securely and in accordance with this privacy policy. The Internet is not generally a secure medium for communication and therefore BSSA cannot guarantee the security of any information you send to BSSA over the Internet, e-mail, social media, or other communication platforms. BSSA use up-to-date industry procedures to protect your personal information. BSSA also protect the security of BSSA's data using Secure Sockets Layer (SSL) encryption technology.
- 10.12. Email Sending Provider (ESP)
  - 10.12.1. BSSA may use a third-party provider to deliver BSSA's regular communications. If you consent to BSSA sending you BSSA's monthly minutes, communications like show invites, articles and items deemed of interest, BSSA will let you know who the third-party provider is at that time if not the Society Administrator.
- 10.13. Third Party Links
  - 10.13.1. The BSSA Site may contain links to and from the websites of other budgie organisations. If you follow a link to any of these websites, please note that these websites have their own privacy policies and that BSSA do not accept any responsibility or liability for these policies. Please check these policies before you submit any personal data to these websites.

## 11. YOUR RIGHTS

- 11.1. Finding out what information BSSA holds about you
  - 11.1.1. Under the Data Protection Legislation, you can ask to see any personal information that BSSA hold about you. Such requests are called data subject access requests. If you would like to make a subject access request, please contact BSSA at [administrator@showbudgies.co.za](mailto:administrator@showbudgies.co.za)
- 11.2. Service and marketing messages
  - 11.2.1. If you are currently receiving service messages or marketing communications from BSSA and no longer wish to do so, please notify BSSA accordingly.
- 11.3. Right to be forgotten
  - 11.3.1. In certain circumstances you can request BSSA to delete all information BSSA holds which identifies you. You can make this request at any time by emailing [administrator@showbudgies.co.za](mailto:administrator@showbudgies.co.za) , but please note BSSA may be compelled to maintain your information for record purposes or due to specific legislative or regulatory requirements.
- 11.4. Data corrections
  - 11.4.1. You have the right to require BSSA to correct any inaccuracies in your data free of charge. You can also exercise this right at any time by contacting BSSA at [administrator@showbudgies.co.za](mailto:administrator@showbudgies.co.za) , and
  - 11.4.2. providing BSSA with enough information to identify you; and specifying the information that is incorrect and what it should be replaced with.
- 11.5. Data portability
  - 11.5.1. You have the right to request a copy of your personal data for you to reuse for your own purposes across different services. You can also exercise this right at any time by contacting BSSA at [administrator@showbudgies.co.za](mailto:administrator@showbudgies.co.za)
- 11.6. Data retention
  - 11.6.1. Any data that BSSA collects from you will be deleted in accordance with timescales set out below:

Type of Data	Date of Deletion
Membership Data	5 years after an individual has resigned or left the hobby
Members Ring Code	5 years after an individual has left the hobby ring code will be deleted and made available for reallocation
Members Awards	For the period member was a member of BSSA plus any number of years thereafter that the data is deemed relevant to the Society
Judges data	For the period judge was a member of BSSA plus any number of years thereafter that the data is deemed relevant to the Society

#### 11.7. Complaints and contacts

- 11.7.1. If you have any concerns or complaints in relation to how the BSSA collects and/or processes your personal data, you should contact BSSA in the first instance, who will direct any concerns or complaints to the BSSA Management Committee.
- 11.7.2. Please use the same details to contact BSSA with regard to anything included in the Privacy Policy.

### **12. CHANGES TO OUR PRIVACY POLICY**

- 12.1. BSSA regularly reviews its Privacy Policy and updates will appear on this page when necessary.

# POPI CONSENT

## MEMBERSHIP BUDGERIGAR SOCIETY OF SOUTH AFRICA (BSSA)

I, the undersigned,

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(FULL NAME AND SURNAME)

hereby agree to provide my personal information to the BSSA, on the express understanding that:

1. This constitutes my consent, as required under Section 11(1)(a) of the Protection of Personal Information Act 4 of 2013 ("POPI").
2. The Management of the BSSA, including the Administrator of the BSSA, will have access to my personal details which have been furnished to them for the purposes of being a member of the BSSA.
3. The BSSA is authorised to release my personal information with regards to membership, shows, results of show and all other matters as mentioned in the Constitution of the BSSA.
4. The personal data will be used only for the purposes in 2 and 3 above of this consent.
5. The BSSA will in addition to its POPI compliance, store my details.
6. I have read and accept the Budgerigar Society of South Africa Privacy Policy. (<https://www.showbudgies.co.za>)

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DATE

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SIGNATURE

INITIALS AND SURNAME

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