



## **Privacy Policy**

**Please read this Privacy Policy carefully to understand how your personal information will be handled by the Marketing Code Authority. Every term of this Policy is material.**

## **1. ABOUT THE MARKETING CODE AUTHORITY**

The MCA is a non-profit self-regulatory body with voluntary membership drawn from manufacturers of medicines, medical devices and in vitro diagnostics ("IVDs") and associate members drawn from other stakeholders. We have prepared and maintain the Code, which lays down ethical rules for the marketing of health products (medicines, complementary medicines, medical devices and IVDs) by our members. Our functions include membership management, as well as Code maintenance, enforcement and certification.

Our contact details:

Address: c/o

Unit 7 Boskruin Business Park,  
Bosbok Rd,  
Randpark Ridge 2169

E-mail: [info@marketingcode.co.za](mailto:info@marketingcode.co.za)

Telephone: +27 (0)63 044 5200

Website: [www.marketingcode.co.za](http://www.marketingcode.co.za)

## **2. INFORMATION OFFICER**

Our Information Officer's contact details:

Name: Ms. Val Beaumont

E-mail: [val@marketingcode.co.za](mailto:val@marketingcode.co.za)

Telephone: +27 (0)82 828 3256

## **3. APPLICATION OF THE PRIVACY POLICY**

This Privacy Policy applies to personal information that we have in our possession or under our control and personal information that we collect or receive from or about you. It stipulates, amongst others, how we collect the information, the type of information collected, why that information is collected, the circumstances under which that information will be shared with others, the security measures that we have

implemented to protect the information and how you may obtain access to and correct your information.

#### **4. TERMS USED**

The following terms have the meanings assigned to them in this Privacy Policy unless the context requires otherwise:

- 4.1 "Board" refers to the Board of the MCA.
- 4.2 "Code" refers to The South African Code of Marketing Practice for Health Products.
- 4.3 "Constitution" refers to the Constitution of the MCA.
- 4.4 "Data subject" has the meaning assigned to it in POPIA and refers to the person to whom the personal information relates and includes both natural and juristic persons.
- 4.5 "MCA" refers to the Marketing Code Authority.
- 4.6 "Member" refers to an entity that has been admitted as a member of the MCA in terms of the Constitution and includes an associate member and "Membership" has a corresponding meaning.
- 4.7 "Officer" refers to a member of the Board, any Committee or a Panel of the MCA.
- 4.8 "PAIA Manual" refers to the Manual compiled by the MCA in terms of section 51 of the Promotion of Access to Information Act (Act 2 of 2000).
- 4.9 "Personal information" has the meaning assigned to it in POPIA and refers to information relating to living human beings and existing juristic persons. It includes information such as race, gender, age, medical information, identity number, contact details and confidential correspondence and "Information" has a corresponding meaning.
- 4.10 "POPIA" means the Protection of Personal Information Act (Act 4 of 2013) and the Regulations issued in terms thereof.
- 4.11 "Processing" has the meaning assigned to it in POPIA and refers to any operation or activity concerning personal information, such as the collection, receipt, recording, storage, updating, alteration, use, distribution, erasure or destruction of the information and "Process" has a corresponding meaning.

4.12 “We” / “us” refers to the MCA.

4.13 “Website” means <http://www.marketingcode.co.za>.

4.14 “You” / “your” refers to the data subject whose personal information is processed by the MCA.

## **5. OUR COMMITMENT**

We understand that your personal information is important to you and that you may be anxious about disclosing it. Your privacy and the security of your information are just as important to us and we want to make sure you understand how your information will be processed. We are committed to conducting our business in accordance with the law. We will, therefore, only process, which includes collect, use, store or disclose, your personal information in accordance with the law or otherwise with your consent and will always strive to keep your information confidential. We take this commitment to look after your personal information seriously. We have implemented a number of processes to make sure that your personal information is used in the right way.

We apply the following principles in order to protect your privacy:

- We only collect the personal information that is necessary;
- We only use personal information for the purposes specified in this Privacy Policy, unless you are advised otherwise;
- We do not keep personal information longer than needed for lawful purposes; and
- We only share your personal information as specified in this Privacy Policy and/or permitted in terms of the law or otherwise as agreed with you.

## **6. WHEN YOU PROVIDE PERSONAL INFORMATION ABOUT ANOTHER INDIVIDUAL / ENTITY**

You must make sure that if you provide personal information about any individual or entity to us, you may lawfully do so (e.g., with their consent). We will accept that you are acting lawfully. You should make sure that they are familiar with this Privacy Policy and understand how we will use and disclose their information.

## **7. COLLECTION OF YOUR PERSONAL INFORMATION**

We collect personal information directly from you when you become a member of the MCA, when you supply information on our website, when you provide information to us or when another person or entity provides information about you to us. Information may also be collected from other sources (e.g., public records), depending on the circumstances, when it is, for example, not possible to obtain the information directly from you, or, when you make information publicly available. The information that we collect is necessary to provide membership or other services (e.g., Code certification), fulfil the objects of the MCA as set out in its Constitution and enforce the Code.

## **8. PROCESSING OF YOUR PERSONAL INFORMATION**

There are various laws that permit the processing of personal information such as POPIA. Employment laws permit the processing of employees' information. We generally process the personal information listed below, if applicable in the circumstances, and retain it as part of our records. Other personal information may be collected and processed, if it is required in the circumstances. We use Sage Online (<https://www.sage.com/en-za/>) to process invoices. You should familiarise yourself with the privacy policy and related matters of Sage.

### Members

- Names, registration numbers, contact details and market segment;
- Names and contact details of relevant persons at members such as the chief executive officers and compliance officers;
- Information supplied on application forms, including members' annual turnovers according to broad fee bands for purposes of determining membership fees;
- Membership fees and payment-related information;
- VAT numbers;
- Company logos;
- Correspondence;

- Information related to complaints, including complaint adjudication and appeals, and all information completed on complaint and appeal documents (for example, the names and surnames, contact details, qualifications and Code certification status of the relevant member's representatives);
- Regulatory information as provided on the application form (e.g., licensing of health products);
- Proxies for member meetings; and
- Other information included on the membership application form or provided to us.

#### Officers and Nominees

- Full names and surnames, titles, identity numbers, age, contact details, nationality, gender, qualifications, positions held at member, photos and other information included on curriculum vitae ("CV") or nomination forms;
- Signatures of official signatories and proof of residence, if required by the bank;
- Bank details;
- Position held at the MCA;
- Records of meeting attendance, minutes of meetings and participation in MCA business-related matters / events; and
- Correspondence.

#### Employees and Job Applicants

- Full names and surnames, titles, identity numbers, age, contact details, positions or roles at the MCA, nationality, gender, race, qualifications, photos, references, next-of-kin and other information included on CVs;
- Relevant medical and disability information;
- Employment-related information such as sick certificates, performance and disciplinary records, salary information, tax numbers and employment history;
- Bank details; and
- Correspondence.

#### Participants at MCA Events, Enrolees in Courses, Presenters and Recipients of Newsletters

- Organisation's name and contact details;
- Full names and surnames, titles and contact details;

- Course completion results and certification records, as may be applicable;
- Invoices and payment information;
- Information supplied during registration process such as identity numbers, dietary preferences and membership of SAAPI (SA Association of Pharmacists in Industry);
- Bank details of presenters;
- Email addresses of newsletter recipients; and
- Correspondence.

#### Suppliers, Vendors and Other Persons or Public and Private Bodies

- Organisation's name and contact details;
- Names and surnames, titles, contact details and positions of contact / authorised persons at the relevant entity;
- CVs submitted (voluntarily);
- Agreements and related information;
- Official documentation, such as newsletters and brochures; and
- Correspondence.

### **9. CONSENT**

If you consent to the processing of your personal information, you may withdraw your consent at any time. This does not affect the processing of personal information that has already occurred. If you withdraw your consent, your personal information will only be processed as provided for in the law.

### **10. OBJECTION TO PROCESSING**

When we process your personal information to protect your legitimate interests or based on the legitimate interests of the MCA or those of a third party to whom we supply the information, you may object to our processing, if it is reasonable to do so. This must occur on the form prescribed by POPIA, available from the Information Officer. This does not affect your personal information that we have already processed. If you object and we agree with your objection, your personal information will only be processed as provided for in the law.

## **11. LINKS TO SOCIAL NETWORKING SERVICES**

We may use social networking services such as WhatsApp, LinkedIn, Twitter and Facebook to communicate with the public about our services. When you communicate with us through these services, the relevant social networking service may collect your personal information for its own purposes. These services have their own privacy policies, which are independent of this Privacy Policy.

## **12. PURPOSE OF PROCESSING YOUR PERSONAL INFORMATION**

We generally process your personal information for the following purposes:

- to meet our objects, such as promoting and enforcing the Code as well as performing Code certification;
- to enrol members, administer membership, collect membership fees and provide membership services;
- for governance purposes (e.g., minutes, attendance registers);
- for Code compliance purposes;
- for communication purposes;
- to engage with regulators and relevant public bodies on behalf of members;
- for marketing purposes (subject to consent);
- to facilitate the supply of services to us;
- for historical, statistical and research purposes;
- for enforcement of our rights; and
- any other lawful purpose related to our business.

## **13. DISCLOSURE OF YOUR PERSONAL INFORMATION**

We will share only relevant personal information about you with the persons and entities specified below, if it is necessary and lawful in the circumstances.

### Members:

- Relevant officers and employees who assist us to provide membership and other services and who perform functions related to our business on a need-to-know basis;



- Suppliers and service providers who must perform functions related to the administration of our business (e.g., membership record maintenance, training and certification platform maintenance, etc.) on a need-to-know basis and subject to confidentiality undertakings;
- Code enforcement structures, such as Adjudicating and Appeal Committees, Ex Parte Committees, regulators and other law enforcement structures (such as the courts and tribunals), as may be appropriate;
- The public (contact information, company logos and names of new members are published on our website);
- Regulatory and other public or private bodies, persons or entities, as permitted in terms of the Constitution, the Code or the member, or as may be required or permitted in terms of the law;
- Our professional and legal advisers;
- Our accountants and auditors. Invoices are processed using Sage Online (<https://www.sage.com/en-za/>);
- Debt collectors / attorneys when membership fees are outstanding;
- Our insurers; and
- Relevant persons or entities as required or permitted by law, where we are under a duty to disclose or share your personal information in order to comply with any legal obligation or to protect the rights, property or safety of our business, employees, the public or others.

#### Officers and Nominees:

- Other officers, employees, service providers, suppliers and vendors who assist us to provide the services and who perform functions related to our business on a need-to-know basis, subject to confidentiality undertakings where applicable;
- The public (names and surnames published on our website);
- Parties to enforcement proceedings (names, surnames and career overviews of committee members);
- Our professional and legal advisers;
- Our accountants and auditors;
- Our insurers;
- Law enforcement structures, including courts and tribunals; and

- Relevant persons or entities as required or permitted by law, where we are under a duty to disclose or share your personal information in order to comply with any legal obligation or to protect the rights, property or safety of our business, employees, the public or others.

#### Employees and Job Applicants

- Other officers, employees, service providers, suppliers and vendors who assist us to provide the services and who perform functions related to our business on a need-to-know basis, subject to confidentiality undertakings where applicable;
- The public (names and surnames and contact details published on our website);
- Next-of-kin in emergency situations;
- Our professional and legal advisers;
- Our accountants and auditors;
- Our insurers;
- Law enforcement structures, including courts and tribunals; and
- Relevant persons or entities as required or permitted by law, where we are under a duty to disclose or share your personal information in order to comply with any legal obligation or to protect the rights, property or safety of our business, employees, the public or others.

#### Participants at MCA Events, Enrolees in Courses and Presenters

- Service providers, suppliers and vendors who assist us to provide the services and who perform functions related to our business;
- Presenters' details are disclosed to participants in courses or events and on our website (publicly accessible);
- Code compliance officers of companies whose employees become Code-certified; and
- Relevant persons or entities as required or permitted by law, where we are under a duty to disclose or share your personal information in order to comply with any legal obligation or to protect the rights, property or safety of our business, employees, the public or others.

#### Suppliers, Vendors, Service Providers, Other Persons, including Public and Private Bodies

- Service providers, suppliers and vendors who assist us to provide the services and who perform functions related to our business;
- Members;
- The public (contact details of regulators published on our website);
- Our professional and legal advisers;
- Our accountants and auditors;
- Our insurers; and
- Relevant persons or entities as required or permitted by law, where we are under a duty to disclose or share your personal information in order to comply with any legal obligation or to protect the rights, property or safety of our business, employees, the public or others.

#### **14. RECORD-KEEPING**

We maintain records of your personal information for as long as it is necessary for lawful purposes related to the conducting of our business, including to fulfil your requests; provide services to you; comply with legal obligations; attend to complaints and appeals; attend to litigation; enforce agreements, our Constitution and the Code; and for historical, statistical and research purposes subject to the provisions of the law. Membership and Code-certification-related information is stored on the membership system hosted by E2, accounting records are stored on Sage Online and contact details for newsletter distribution and marketing purposes are stored with MailChimp.

#### **15. INFORMATION SENT ACROSS THE BORDERS OF THE REPUBLIC OF SOUTH AFRICA**

We process and store your information in records within the Republic South Africa (RSA) and in 'clouds', which may be located outside of the Republic. We currently use Mailchimp (based in the United States of America [USA]) for the distribution of our newsletters and marketing communications. The e-mail addresses of recipients are stored on the servers of Mailchimp and as such in the USA. We use Sage Online for the processing of invoices and related matters. Sage Online may store our records outside of the RSA. Relevant personal information may be sent across the borders of the RSA, if it must, for example, sent to the compliance officers of companies (e.g., members) who are based in other countries. We take great care in the selection of our service

providers to ensure the protection of your personal information. If we must provide your personal information to any third party in another country (other than stipulated), we will obtain your prior consent unless such information may be lawfully provided to that third party.

## **16. SECURITY OF YOUR PERSONAL INFORMATION**

We are committed to ensuring the security of your personal information in order to protect it from unauthorised processing and access as well as loss, damage or unauthorised destruction. We have implemented and continually review and update our information protection measures to ensure the security, integrity, and confidentiality of your information in accordance with industry best practices. These measures include secure storage of records; password control to access electronic records and off-site data back-ups. In addition, only those officers, employees and service providers or suppliers that require access to your information to discharge their functions and to render services to us are granted access to your information and only if they have concluded agreements with us or provided undertakings regarding the implementation of appropriate security measures, maintaining confidentiality and processing the information only for the agreed purposes. We will inform you and the Information Regulator, if any person has unlawfully obtained access to your personal information, subject to the provisions of the law.

## **17. RIGHT TO ACCESS YOUR PERSONAL INFORMATION**

You have the right to request access to your personal information in our possession or under our control and information of third parties to whom we have supplied that information subject to restrictions imposed in legislation. If you wish to exercise this right, please complete the prescribed form, available from the Information Officer, and submit it to the Information Officer. Costs may be applicable to such request, which can be obtained from the Information Officer. Please consult our PAIA Manual for further information.

## **18. ACCURACY OF YOUR PERSONAL INFORMATION**

It is important that we always have accurate information about you on record as it could impact on communication with you and the credibility of information shared with relevant persons in the industry. You must therefore inform us as soon as any of your information has changed or you can change it online, when possible. You may also request us to correct or delete any information. Such a request must be made in writing on the prescribed form to the Information Officer. The form can be obtained from the Information Officer. You must provide sufficient detail to identify the information and the correction / deletion required. Information will only be corrected / deleted, if we agree that the information is incorrect or should be deleted. It may not be possible to delete all the information if we may lawfully retain it. Please contact the Information Officer to discuss how we can assist you with your request. If we correct any information and the corrected information will impact on any decision made or to be made about you, we will send the corrected information to persons to whom the information has been disclosed in the past if they should be aware of the changed information.

## **19. MARKETING OF PRODUCTS AND SERVICES**

If you have given us consent, we may occasionally inform you, electronically or otherwise, about supplementary products and services offered by us that may be useful or beneficial to you. You may at any time withdraw your consent and opt out from receiving such information.

You may not opt-out of membership and/or service-related communications, which are not promotional in nature.

## **20. CHANGES TO THIS POLICY**

We reserve the right in our sole and absolute discretion, to revise or supplement this Privacy Policy from time to time to reflect, amongst others, any changes in our business or the law. We will publish the updated Privacy Policy on our website. It will also be available at our offices. Any revised version of the Policy will be effective as of the date of posting on the website, so you should always refer back to the website for the latest version of the Policy. **It is your responsibility to make sure you are satisfied with any changes before continuing to use our services.**

**21. ENQUIRIES, CONCERNS AND COMPLAINTS**

All enquiries, requests or concerns regarding this Policy or relating to the processing of your personal information by us should be addressed to the Information Officer. You may also lodge a complaint with the Information Regulator at [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za) / +27 (0)10 023 5207 / +27 (0)82 746 4173.

**22. LAWS APPLICABLE TO THIS PRIVACY POLICY**

This Privacy Policy is governed by the laws of the Republic of South Africa.

Unit 7 Boskrui Business Park, Bosbok Rd, Randpark Ridge. 2169

[www.marketingcode.co.za](http://www.marketingcode.co.za)

[info@marketingcode.co.za](mailto:info@marketingcode.co.za)