



WASPA

PRIVACY POLICY AND WEBSITE PRIVACY NOTICE

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Policy owner	Information Officer
Review cycle	At least annually and whenever material processing changes



The Wireless Application Service Providers' Association

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Address Hibiscus House, Fairway Green, 3 Abrey Road, Kloof 3610, Kwa Zulu-Natal

WASPA General Manager: Noelan Rungsamy



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1. PURPOSE AND STATUS OF THIS POLICY

- 1.1 This Privacy Policy and Website Privacy Notice (Hereinafter referred to as this/the “**Policy**”) explains how The Wireless Application Service Providers' Association (Hereinafter referred to as “**WASPA**”, “**We**”, “**Us**” or “**Our**”) collects, receives, records, organises, stores, uses, shares, publishes, archives, restricts, deletes and otherwise processes **Personal Information**.
- 1.2 The **Policy** is intended to give effect to the Protection of Personal Information Act 4 of 2013, as amended (Hereinafter referred to as “**POPIA**”), the Promotion of Access to Information Act 2 of 2000, as amended (Hereinafter referred to as “**PAIA**”), the Electronic Communications and Transactions Act 25 of 2002, as amended (Hereinafter referred to as the “**ECT Act**”) and the Consumer Protection Act 68 of 2008, as amended (Hereinafter referred to as the “**CPA**”) and other applicable South African laws.
- 1.3 The **Policy** applies to the use of the **Website** and to **Personal Information** submitted through, generated by, or subsequently processed in connection with the **Website**, including information submitted by **WASPA** members, prospective members, member representatives, consumers, members of the public, mobile network operator personnel, regulators, service providers, adjudicators and other stakeholders.
- 1.4 This **Policy** is an external privacy notice. It does not limit any rights granted by law and does not replace any more specific privacy notice displayed on a particular form or service. Where a form-specific notice conflicts with this **Policy**, the more specific notice will apply to that processing activity, to the minimum extent allowable in law.
- 1.5 By using the **Website** or submitting information to **WASPA**, a person acknowledges that the information will be processed as described in this **Policy**. Acknowledgement



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of this **Policy** is not, by itself, treated as consent where **POPIA** requires a separate voluntary, specific and informed consent.

2. WHO WASPA IS AND HOW TO CONTACT US

2.1 **WASPA** is a South African nonprofit industry association whose mission includes providing a forum in which its members can address matters of common interest, engaging with industry stakeholders, network operators, government and regulatory bodies, and promoting ethical and reasonable practices in the wireless application services industry.

2.2 For purposes of this **Policy**, **WASPA's** details are:

Name	The Wireless Application Service Providers' Association
NPO number	115-491 NPO
Physical address	C/O First Floor, Block A, One the Boulevard, Westway Office Park, 7 Harry Gwala Road, Westville, 3629, KwaZulu-Natal, South Africa
Website	www.waspa.org.za
Information Officer	Anthony Ekerold
Information Officer email	anthony@waspa.org.za

2.3 **WASPA** may update these details from time to time. The current details displayed on the **Website** will apply if they differ from the details above.

3. SCOPE

3.1 This **Policy** applies to **Personal Information** processed through or in connection with:

3.1.1 the public **WASPA** website and any **WASPA**-controlled subdomain;



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- 3.1.2 the **WASPA** member portal and related account-management functions;
 - 3.1.3 online complaint forms and unsubscribe forms;
 - 3.1.4 any and all files, correspondence and supporting documents uploaded to or generated through the **Website**;
 - 3.1.5 case-management, adjudication, appeal, monitoring, member-administration and regulatory processes initiated through the **Website**;
 - 3.1.6 **Website** logs, cookies, security tools and similar technologies; and
 - 3.1.7 communications and records generated after a person submits information online, including email, telephone and/or written correspondence relating to the submission.
- 3.2 The **Policy** applies to **Personal Information** about natural persons and, where **POPIA** applies, identifiable existing juristic persons.
- 3.3 The **Policy** does not govern a third party's independent processing merely because the **Website** links to that third party or because information is lawfully disclosed to that third party.
- 4. DEFINITIONS AND INTERPRETATION**
- 4.1 "**Child**" refers to a natural person under 18 years who is not legally competent, without the assistance of a **Competent Person**, to take the relevant action or decision concerning his or her **Personal Information**;
- 4.2 "**Competent Person**" refers to a person legally competent to consent to an action or decision concerning a **Child**;
- 4.3 "**Data Subject**" refers to the person to whom **Personal Information** relates;
- 4.4 "**Operator**" refers to a person who processes **Personal Information** for **WASPA** under a contract or mandate without coming under **WASPA's** direct authority;
- 4.5 "**Personal Information**" refers to information relating to an identifiable living natural person and, where applicable, an identifiable existing juristic person, as more fully defined in **POPIA**;





- 4.6 **"Processing"** refers to any operation concerning **Personal Information**, including collection, receipt, recording, organisation, storage, updating, retrieval, consultation, use, sharing, publication, linking, restriction, deletion or destruction;
- 4.7 **"Responsible Party"** refers to the person who, alone or together with others, determines the purpose of and means for **Processing Personal Information**;
- 4.8 **"Special Personal Information"** refers to **Personal Information** concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal behaviour; and
- 4.9 **"Website"** refers to www.waspa.org.za and any online portal, database, subdomain, form or service operated by or on behalf of **WASPA** and expressly made subject to this **Policy**.
- 4.10 Words defined in **POPIA** or **PAIA** have the meanings assigned to them in those **Acts**. References to legislation include amendments, regulations and replacement legislation.

5. WASPA'S ROLE IN PROCESSING PERSONAL INFORMATION

- 5.1 **WASPA** will ordinarily act as the **Responsible Party** when it determines why and how **Personal Information** is **Processed** for its membership, consumer-support, complaints, governance, regulatory, **Website**, security and administrative functions.
- 5.2 A **WASPA** member, mobile network operator, regulator, adjudicator, appeal panel member, professional adviser or other recipient may act as a separate **Responsible Party** for information disclosed to it where it determines its own purposes and means of **Processing**.
- 5.3 Where **WASPA Processes Personal Information** only on the documented instructions of another **Responsible Party**, **WASPA** may act as an **Operator**. The applicable agreement or form-specific notice will govern that **Processing**.
- 5.4 Nothing in this **Policy** makes **WASPA** responsible for a member's independent **Processing** of consumer information outside the **WASPA** process.





6. DATA SUBJECTS COVERED

6.1 WASPA may **Process Personal Information** relating to:

- 6.1.1 website visitors and portal users;
- 6.1.2 consumers, complainants members of the public;
- 6.1.3 a **Child** whose information is lawfully submitted by a **Competent Person**;
- 6.1.4 representatives, employees, officers, directors, owners and contacts of members and prospective members;
- 6.1.5 mobile network operator personnel and customers whose queries are submitted by an operator;
- 6.1.6 adjudicators, the **WASPA** Head of Complaints, appeal panel members, experts and witnesses;
- 6.1.7 regulators, public bodies, industry stakeholders and media representatives;
- 6.1.8 suppliers, contractors, professional advisers and service providers; and
- 6.1.9 any other identifiable person mentioned in a submission, attachment, communication or case record.

7. PERSONAL INFORMATION WASPA MAY COLLECT

7.1 Depending on the service used and the information voluntarily or lawfully provided, **WASPA** may **Process** the following categories:

- 7.1.1 **Identity information:** names, surnames, titles, identity or registration details, age or date of birth where relevant, signatures and proof of identity or authority.
- 7.1.2 **Contact information:** email addresses, mobile and fixed-line numbers, physical and postal addresses, and communication preferences.
- 7.1.3 **Member and business information:** registered and trading names, registration and tax details, websites, logos, public support contacts, addresses, service categories, network relationships, membership category, account status, representatives and billing contacts.
- 7.1.4 **Consumer-service information:** mobile numbers, network operator, billing and subscription details, network logs, short codes, service-provider details,





message content (where allowable in law), dates and times, transaction references, cancellation or refund information, and complaint history.

- 7.1.5 **Complaint and evidentiary information:** allegations, responses, correspondence, witness information, screenshots, recordings, invoices, advertisements, contracts and other supporting material.
 - 7.1.6 **Portal and account information:** usernames, email addresses, password credentials in protected form, access permissions, authentication events, profile information and activity logs.
 - 7.1.7 **Financial and administrative information:** invoices, payments, banking details where necessary, tax records and transaction information.
 - 7.1.8 **Communications:** emails, telephone notes, meeting records, media queries, survey responses and other correspondence.
 - 7.1.9 **Technical information:** IP addresses, browser type, device information, date and time of access, referring pages, session identifiers, cookies, error logs and security events.
 - 7.1.10 **Special personal information:** only where necessary and lawfully authorised, including information about health, race, political views, trade-union membership, alleged criminal conduct or other sensitive matters contained in a complaint or supporting document.
 - 7.1.11 **Children's information:** only where lawfully submitted and **Processed** under clause 13.
 - 7.1.12 **Publicly available information:** information from public company records, member websites, public directories, regulatory publications, media reports and other lawful public sources.
- 7.2 **WASPA** does not require a person to submit bank-card data, account passwords, identity documents or **Special Personal Information** unless a particular process expressly requires it. Persons should redact irrelevant sensitive information before uploading documents.





- 7.3 **WASPA** may create case references, internal classifications, risk indicators, trend information, summaries, reports and de-identified or aggregated information derived from submitted information.

8. HOW WASPA OBTAINS PERSONAL INFORMATION

8.1 **WASPA** may obtain **Personal Information**:

- 8.1.1 directly from the **Data Subject** through a form, portal, email, telephone call, meeting or other communication;
- 8.1.2 from a person acting for or authorised by the **Data Subject**, including a mobile network operator employee lodging a query for a customer;
- 8.1.3 from a **WASPA** member responding to or escalating a query or complaint;
- 8.1.4 from adjudicators, appeal panels, legal advisers, the **WASPA** secretariat, experts and other participants in a **WASPA** process;
- 8.1.5 automatically through use of the **Website** and security or analytics technologies;
- 8.1.6 from public sources, regulators, mobile network operators, industry databases and lawful third-party sources; or
- 8.1.7 from another person where direct collection is not reasonably practicable or an exception in **POPIA** applies.

- 8.2 Where **Personal Information** is not collected directly from the **Data Subject**, **WASPA** will provide the information required by section 18 of **POPIA** before collection or as soon as reasonably practicable afterwards, unless an applicable exception permits otherwise.

- 8.3 Notification at the time of collection - Before collecting **Personal Information** directly from a **Data Subject**, or as soon as reasonably practicable after collecting it from another source, **WASPA** will take reasonably practicable steps to ensure that the **Data Subject** is informed of:

- 8.3.1 the **Personal Information** being collected and, where it is not collected directly from the **Data Subject**, the source from which it is obtained;





- 8.3.2 **WASPA's** name, address and contact details;
 - 8.3.3 the specific purpose for which the information is collected;
 - 8.3.4 whether the provision of the information is voluntary or mandatory;
 - 8.3.5 the reasonably foreseeable consequences of failing to provide the information;
 - 8.3.6 any particular law which authorises or requires its collection;
 - 8.3.7 any intended transfer to a foreign country or international organisation and the safeguards or level of protection applicable to that transfer;
 - 8.3.8 the recipients or categories of recipients to whom the information may be disclosed;
 - 8.3.9 the **Data Subject's** rights of access, correction, deletion, objection and withdrawal of consent, where applicable; and
 - 8.3.10 the right to lodge a complaint with the Information Regulator and the Regulator's contact details.
- 8.4 Mandatory and optional information - Unless a particular form or notice states otherwise, the provision of **Personal Information** to **WASPA** is voluntary. Information marked as "required" or "mandatory" on a form must, however, be provided if the **Data Subject** wishes **WASPA** to process the relevant application, complaint, query, account request or other submission. Failure to provide required information may result in **WASPA** being unable to identify the relevant member or service provider, investigate or adjudicate a complaint, process a membership application, provide portal access, respond to the request or comply with an applicable legal obligation.
- 8.5 Form-specific notices - Where the voluntary or mandatory nature of information, the consequences of non-provision, the applicable legal authority or the intended recipients differ according to the service concerned, **WASPA** will provide a more specific notice on or alongside the relevant **Website** form.

9. PURPOSES FOR WHICH PERSONAL INFORMATION IS PROCESSED

- 9.1 **WASPA** may **Process Personal Information** for one or more of the following purposes:



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- 9.1.1 to operate, maintain, secure, improve and administer the **Website** and member portal;
- 9.1.2 to verify identities, authority, affiliations and account access;
- 9.1.3 to receive, assess, route, investigate, mediate, adjudicate, appeal, resolve, monitor and report on complaints, spam/scam reports and unwanted-billing queries;
- 9.1.4 to identify the relevant **WASPA** member, service provider or mobile network operator;
- 9.1.5 to facilitate cancellations, unsubscribe requests, refunds, corrective action or other complaint outcomes;
- 9.1.6 to process membership applications and administer membership fees, Code of Conduct issues and/or member communications;
- 9.1.7 to communicate with **Data Subjects** about their submissions, accounts, membership, events, meetings, policy matters, regulatory developments or other legitimate **WASPA** activities;
- 9.1.8 to appoint and administer adjudicators, appeal panels, advisers and service providers;
- 9.1.9 to enforce the **WASPA** Constitution, Code of Conduct, membership requirements, rulings and lawful decisions;
- 9.1.10 to compile de-identified or appropriately aggregated statistics, trends, compliance insights and industry reports;
- 9.1.11 to publish member information and adjudication or appeal reports as described in clause 15;
- 9.1.12 to engage with mobile network operators, regulators, government bodies, industry stakeholders and law-enforcement bodies;
- 9.1.13 to comply with legal, regulatory, tax, accounting, audit, governance and record-keeping duties;
- 9.1.14 to establish, exercise or defend legal rights or claims;





- 9.1.15 to prevent, detect and investigate misuse, fraud, security incidents, malicious submissions and unlawful conduct; and
- 9.1.16 for any further compatible purpose permitted by **POPIA** or any additional purpose disclosed to the **Data Subject**.

10. LEGAL JUSTIFICATIONS FOR PROCESSING

- 10.1 **WASPA will Process Personal Information** only where a justification recognised by **POPIA** applies. Depending on the circumstances, this may include:
 - 10.1.1 **Consent:** the **Data Subject** or **Competent Person** has given voluntary, specific and informed permission. Consent may be withdrawn, but withdrawal does not invalidate prior lawful processing.
 - 10.1.2 **Contract: Processing** is necessary to conclude or perform a contract to which the **Data Subject** is party, including membership and service arrangements.
 - 10.1.3 **Legal obligation: Processing** is necessary to comply with an obligation imposed by law.
 - 10.1.4 **Legitimate interests of the Data Subject: Processing** protects or advances a legitimate interest of the **Data Subject**, such as helping resolve an unwanted-billing query.
 - 10.1.5 **Public-law duty: Processing** is necessary for the proper performance of a public-law duty by a public body, where applicable.
 - 10.1.6 **Legitimate interests of WASPA or a third party: Processing** is necessary to pursue a legitimate operational, governance, industry, security, dispute-resolution or legal interest, balanced against the **Data Subject's** rights.
 - 10.1.7 **Other statutory authorisation: Processing of Special Personal Information** or a **Child's** information is authorised by **POPIA** or another law.
- 10.2 **WASPA** will not rely on consent where another lawful justification is more appropriate merely because a form contains a consent checkbox.
- 10.3 Where a person objects to **Processing** based on legitimate interests, **WASPA** will stop that **Processing** unless it can demonstrate a lawful basis to continue, including





compelling legitimate grounds or the establishment, exercise or defence of a legal right.

11. WEBSITE FORMS AND SPECIFIC PROCESSING ACTIVITIES

11.1 Membership applications and member administration

- 11.1.1 **WASPA Processes** organisational information, public member information, representative and contact details, service information, network relationships, logos, billing contacts and related records to assess and administer membership.
- 11.1.2 Information identified on a membership form as public information may be displayed in **WASPA's** public member directory or related service-search tools.
- 11.1.3 **WASPA** may use member contact details for Code of Conduct escalations, billing, governance, voting, meetings, notices, regulatory engagement and member services in a manner consistent with the membership agreement and **WASPA's** governing documents.

11.2 Complaints and formal adjudication

- 11.2.1 **WASPA** may collect the complainant's contact details, mobile numbers, network information, details of the member or service, allegations, affiliations, supporting documents, responses and procedural records to attempt informal resolution or conduct formal adjudication and appeal processes.
- 11.2.2 The information will ordinarily be disclosed to the relevant member and may be disclosed to the secretariat, complaint handlers, independent adjudicators, appeal panel members, Head of Complaints, legal advisers, experts, mobile network operators and regulators to the extent reasonably necessary.
- 11.2.3 A complainant should not expect that a complaint can be investigated anonymously where procedural fairness requires the member to know and answer the material case against it. WASPA may however withhold or redact information where lawful and appropriate.





- 11.2.4 **WASPA** may decline to **Process** a complaint or may request additional information where the available information is insufficient, excessive, irrelevant, unlawful, malicious or outside **WASPA's** jurisdiction.

11.3 Spam/scam and unwanted-billing reports

- 11.3.1 **WASPA Processes** names, contact details, mobile numbers, message or billing information and service-provider information to identify the relevant member, facilitate removal, cancellation or resolution, monitor patterns and support Code compliance.
- 11.3.2 Where a report does not identify a member, the report may be retained in **WASPA's** monitoring database and used to identify patterns, repeat senders, service providers or potential breaches.
- 11.3.3 Where a mobile network operator submits a consumer query, the operator must confirm that it has appropriate authority and has given the consumer the required privacy information. **WASPA** may rely reasonably on that confirmation, without limiting its own obligations.

11.4 General enquiries, media queries and stakeholder engagement

- 11.4.1 **WASPA Processes** contact details and correspondence to respond to enquiries, determine jurisdiction, engage with the media and stakeholders, and refer matters to a more appropriate member, operator, regulator or body where authorised or otherwise lawful.

11.5 Member portal and online accounts

- 11.5.1 **WASPA Processes** account details, credentials, permissions and activity records to authenticate users, provide access to member resources, permit member administrators to manage users, protect systems and maintain audit trails.
- 11.5.2 A member who creates or manages another user's account must be authorised to provide and manage that person's information.
- 11.5.3 Users must keep credentials confidential and notify **WASPA** promptly of suspected unauthorised access.





12. INFORMATION CONCERNING OTHER PERSONS

- 12.1 A person who provides **WASPA** with **Personal Information** about another person must ensure that:
- 12.1.1 the information is accurate, relevant and not excessive;
 - 12.1.2 there is a lawful justification for providing it;
 - 12.1.3 the person has authority to do so, including authority from a **Competent Person** where a **Child** is involved;
 - 12.1.4 the other person has received any privacy notification required by law; and
 - 12.1.5 supporting documents are redacted to remove unrelated **Personal Information**.
- 12.2 **WASPA** may contact the other person to verify authority, provide notice, obtain further information or protect that person's rights.
- 12.3 **WASPA** may remove, restrict or refuse information that appears unlawfully obtained, irrelevant, excessive or unsafe to **Process**.

13. SPECIAL PERSONAL INFORMATION AND INFORMATION OF CHILDREN

- 13.1 **WASPA** does not intentionally solicit **Special Personal Information** or a **Child's** information unless it is reasonably necessary for a particular complaint, legal, governance or employment-related process.
- 13.2 A person submitting such information must disclose only what is necessary and must select or complete any required declaration concerning the information.
- 13.3 **WASPA** may **Process Special Personal Information** only where the **Processing** is permitted by sections 26 to 33 of **POPIA** or another law, including where consent has been obtained, the information is necessary for the establishment, exercise or defence of a right or obligation in law, or the information was deliberately made public by the **Data Subject**.
- 13.4 **WASPA** may **Process Personal Information** concerning a **Child** only where section 35 of **POPIA** or another lawful authorisation applies, including prior consent of a





Competent Person or where **Processing** is necessary for the establishment, exercise or defence of a right or obligation in law.

- 13.5 **WASPA** may request proof of age, guardianship or authority and may suspend **Processing** until adequate proof is provided.
- 13.6 **WASPA** will apply heightened access, disclosure, redaction, retention and security controls where the information creates an increased risk to a **Child** or another vulnerable person.

14. **WEBSITE, PORTAL, COOKIES AND TECHNICAL INFORMATION**

- 14.1 When a person accesses the **Website**, **WASPA** and its **Operators** may automatically **Process** technical information needed to provide, secure, diagnose and improve the service.
- 14.2 The **Website** may use cookies, local storage, session identifiers, scripts, pixels or similar technologies for the categories described in Schedule 3.
- 14.3 Strictly necessary cookies may be used without which the **Website**, portal, forms, security controls or requested functionality cannot operate properly.
- 14.4 Where non-essential technologies **Process Personal Information**, **WASPA** will use an appropriate **POPIA** justification and, where required or selected as the justification, obtain consent. A user may adjust browser or cookie settings, but disabling necessary technologies may impair functionality.
- 14.5 **WASPA** may use anti-spam, bot-detection, content-delivery, hosting, security, analytics and embedded-content services. Those services may receive IP addresses, device details and interaction information. **WASPA** will identify material third-party technologies in its cookie settings or a cookie schedule where reasonably practicable.
- 14.6 **WASPA** does not intentionally use website information for third-party behavioural advertising unless this is clearly disclosed and lawfully authorised.
- 14.7 Portal passwords should be stored only in a protected, non-readable form. **WASPA** will never ask a user to disclose an existing password by email.





15. PUBLIC INFORMATION AND PUBLICATION

- 15.1 **WASPA** may publish information that is intended to be public, including member names, logos, websites, service categories and customer-support details supplied for the public directory.
- 15.2 **WASPA** may publish adjudication and appeal reports to promote transparency, consistency, precedent, consumer protection and Code enforcement.
- 15.3 Before publication, **WASPA** will take reasonably practicable steps to redact or de-identify direct identifiers and information that is not necessary to understand the decision. However, a report may include correspondence, facts or other contextual information necessary for the report to be intelligible, procedurally fair and useful as precedent, including **Personal Information** pertaining to the member and/or the complainant.
- 15.4 **WASPA** will take particular care before publishing information of a **Child, Special Personal Information**, identity numbers, home addresses, personal contact details, bank information or other high-risk information.
- 15.5 Published reports and other public records may be indexed, copied, archived or republished by third parties. **WASPA** cannot guarantee complete removal from third-party systems after lawful publication.
- 15.6 A person may request correction, further redaction or removal of published personal information. **WASPA** will assess the request against **POPIA, PAIA**, procedural fairness, precedent, freedom of expression, public interest and its lawful record-keeping duties.

16. DISCLOSURE OF PERSONAL INFORMATION

- 16.1 **WASPA** may disclose **Personal Information**, to the extent necessary and lawful, to:
 - 16.1.1 the **WASPA** member or prospective member concerned;
 - 16.1.2 other parties to a complaint, query, adjudication or appeal;





- 16.1.3 the **WASPA** secretariat, Board, committees, office bearers and authorised personnel;
 - 16.1.4 independent adjudicators, appeal panel members, experts and witnesses;
 - 16.1.5 legal, regulatory, public-relations, accounting, audit, IT, hosting, security, communications and administrative service providers;
 - 16.1.6 mobile network operators, aggregators and other industry participants able to identify or resolve a matter;
 - 16.1.7 the Information Regulator, ICASA, the National Consumer Commission, the FPB, government departments, courts, tribunals, law-enforcement bodies or other competent authorities;
 - 16.1.8 banks, auditors, insurers and professional advisers where relevant;
 - 16.1.9 a successor, restructuring party or service provider involved in a lawful transfer or continuity arrangement; and
 - 16.1.10 any other person authorised by the **Data Subject** or permitted or required by law.
- 16.2 **WASPA** will seek to disclose only information reasonably necessary for the recipient's role.
- 16.3 **WASPA** may disclose information without consent where another **POPIA** justification applies, including legal obligation, legitimate interests, protection of rights, prevention or investigation of unlawful conduct, or compliance with lawful process.
- 16.4 De-identified or aggregated information that cannot reasonably be re-identified may be shared for statistics, research, policy, industry engagement and public reporting.
- 17. OPERATORS AND SERVICE PROVIDERS**
- 17.1 **WASPA** may appoint **Operators** to host systems, manage forms and case records, provide email and communications, administer the secretariat, support accounts, process payments, provide legal or public-relations services, conduct security monitoring or perform other functions.





17.2 **WASPA** will require an **Operator** that **Processes Personal Information** for **WASPA** to:

- 17.2.1 **Process** the information only with **WASPA's** knowledge or authorisation and in accordance with the applicable mandate;
- 17.2.2 treat the information as confidential;
- 17.2.3 establish and maintain appropriate security safeguards;
- 17.2.4 notify **WASPA** immediately of suspected security compromises;
- 17.2.5 assist **WASPA** with lawful **Data-Subject** requests and compliance duties; and
- 17.2.6 return, delete or securely dispose of information when the service ends, subject to lawful retention.

17.3 Certain professional advisers and independent adjudicators may be separate **Responsible Parties** rather than **Operators** because their professional or adjudicative independence requires them to determine aspects of their own **Processing**.

18. CROSS-BORDER TRANSFERS

18.1 Some **Operators**, cloud services, communications providers or recipients may **Process** or store **Personal Information** outside South Africa.

18.2 **WASPA** will transfer **Personal Information** to a third party in a foreign country only where:

- 18.2.1 the recipient is subject to a law, binding corporate rules or a binding agreement which provides an adequate level of protection substantially similar to the conditions for lawful **Processing** under **POPIA** and includes appropriate safeguards governing further transfers to third parties in other foreign countries;
- 18.2.2 the **Data Subject** consents to the transfer;
- 18.2.3 the transfer is necessary for the performance of a contract between the **Data Subject** and **WASPA**, or for the implementation of pre-contractual measures taken in response to the **Data Subject's** request;
- 18.2.4 the transfer is necessary for the conclusion or performance of a contract



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concluded in the interests of the **Data Subject** between **WASPA** and a third party; or

- 18.2.5 the transfer is for the benefit of the **Data Subject**, it is not reasonably practicable to obtain consent and the **Data Subject** would likely have consented had it been reasonably practicable to obtain consent.

18.3 **WASPA** will take reasonably practicable steps to assess the safeguards applicable to material cross-border services and to impose suitable contractual protections where required.

18.4 Where reasonably practicable and required by section 18 of **POPIA**, **WASPA** will identify in a form-specific notice, cookie schedule or operator schedule the country or international organisation to which **Personal Information** is intended to be transferred and the nature of the protection applicable to that transfer.

19. INFORMATION QUALITY AND UPDATING INFORMATION

19.1 **WASPA** will take reasonably practicable steps, having regard to the purpose for which information is **Processed**, to ensure that **Personal Information** is complete, accurate, not misleading and updated where necessary.

19.2 **Data Subjects** should update information promptly.

19.3 **WASPA** may verify information against member records, public records, network information or other reliable sources where lawful and relevant.

20. SECURITY SAFEGUARDS

20.1 **WASPA** will secure the integrity and confidentiality of **Personal Information** in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised destruction, unlawful access or unlawful **Processing**.

20.2 In giving effect to clause 20.1, **WASPA** will:

- 20.2.1 identify all reasonably foreseeable internal and external risks to **Personal Information** in its possession or under its control;



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- 20.2.2 establish and maintain safeguards appropriate to the risks identified;
 - 20.2.3 regularly verify that those safeguards have been effectively implemented;
 - 20.2.4 continually review and update the safeguards in response to new risks, incidents, technological developments or identified deficiencies; and
 - 20.2.5 have due regard to generally accepted information-security practices and any applicable industry, professional, contractual or regulatory requirements.
- 20.3 Safeguards may include, as appropriate:
- 20.3.1 role-based access controls and least-privilege permissions;
 - 20.3.2 password, authentication and account-management controls;
 - 20.3.3 encryption in transit and, where appropriate, encryption or equivalent protection at rest;
 - 20.3.4 secure backups and recovery procedures;
 - 20.3.5 logging, monitoring, malware protection and vulnerability management;
 - 20.3.6 confidentiality undertakings, staff training and access reviews;
 - 20.3.7 **Operator** due diligence and written data-protection obligations;
 - 20.3.8 secure development, patching and change-control practices;
 - 20.3.9 physical safeguards for devices and records; and
 - 20.3.10 secure deletion, destruction or de-identification.
- 20.4 No electronic transmission or storage system is completely secure. **WASPA** does not guarantee absolute security, but will review safeguards regularly and update them where reasonably necessary.
- 20.5 Users must not upload malicious files, share credentials, attempt unauthorised access or submit information through insecure channels where a secure alternative is available.

21. PERSONAL INFORMATION SECURITY COMPROMISES

- 21.1 Where there are reasonable grounds to believe that personal information has been accessed or acquired by an unauthorised person, **WASPA** will investigate and act in accordance with section 22 of **POPIA**.





- 21.2 **WASPA** will notify the **Information Regulator** and, unless the identity of the affected **Data Subject** cannot be established, the affected **Data Subject** as soon as reasonably possible after discovering the compromise. In determining the timing of notification, **WASPA** may take into account the legitimate needs of law enforcement and measures reasonably required to determine the scope of the compromise and restore the integrity of its information systems.
- 21.3 Notification to an affected **Data Subject** may be delayed only where a public body responsible for preventing, detecting or investigating offences, or the **Information Regulator**, determines that notification would impede a criminal investigation.
- 21.4 Notification to a **Data Subject** will be in writing and may be communicated by email, post, prominent notice on the **Website**, publication in appropriate media or another method directed by the **Information Regulator**.
- 21.5 The notification will contain sufficient information to enable the **Data Subject** to take protective measures and will include, where applicable:
- 21.5.1 a description of the possible consequences of the compromise;
 - 21.5.2 the measures **WASPA** has taken or intends to take to address it;
 - 21.5.3 recommendations to mitigate possible adverse effects; and
 - 21.5.4 where known, the identity of the unauthorised person who may have accessed or acquired the information.
- 21.6 **WASPA** will comply with any direction from the **Information Regulator** requiring the compromise to be publicised in a specified manner.
- 21.7 **Operators**, members and other recipients must notify **WASPA** immediately if a compromise affects information **Processed** for or received through a **WASPA** process.

22. RETENTION, ARCHIVING AND DESTRUCTION

- 22.1 **WASPA** will not retain **Personal Information** longer than is necessary to achieve the purpose for which it was collected or subsequently lawfully processed, unless:
- 22.1.1 retention is required or authorised by law;





- 22.1.2 **WASPA** reasonably requires the record for lawful functions, complaints, precedent, audit, governance, security, legal claims or contractual purposes;
- 22.1.3 a contract requires retention;
- 22.1.4 the **Data Subject** or **Competent Person** consents; or
- 22.1.5 the information is retained for historical, statistical or research purposes with appropriate safeguards.
- 22.2 **WASPA's** current general retention benchmark for website form information is 3 (Three) years, but the applicable period depends on the record and may be shorter or longer as set out in Schedule 2.
- 22.3 When retention is no longer authorised, **WASPA** will destroy, delete or de-identify the information in a manner that prevents reconstruction in an intelligible form.
- 22.4 **WASPA** may restrict information rather than delete it where accuracy is disputed, evidence must be preserved, legal claims are contemplated, or another lawful restriction ground applies.
- 22.5 Backups may retain residual copies for a limited rolling period. Such copies will remain protected and will not ordinarily be restored except for continuity, security or disaster-recovery purposes.
- 22.6 Published adjudication and appeal reports may be retained indefinitely as a historical and precedent archive, subject to appropriate redaction and lawful requests under clause 15.6.

23. DATA SUBJECT RIGHTS

- 23.1 Subject to **POPIA**, **PAIA** and any lawful ground of refusal, a **Data Subject** may:
 - 23.1.1 obtain from **WASPA**, free of charge, confirmation as to whether **WASPA** holds **Personal Information** about the **Data Subject**;
 - 23.1.2 request access to the record or a description of the **Personal Information** and information about categories of recipients;
 - 23.1.3 request correction or deletion of inaccurate, irrelevant, excessive, outdated, incomplete, misleading or unlawfully obtained information;





- 23.1.4 request destruction or deletion of information that **WASPA** is no longer authorised to retain;
 - 23.1.5 object, on reasonable grounds relating to the **Data Subject's** particular situation, to **Processing** based on legitimate interests;
 - 23.1.6 object at any time to **Processing** for direct marketing;
 - 23.1.7 withdraw consent where **Processing** is based on consent;
 - 23.1.8 request restriction while a dispute, verification or legal issue is resolved;
 - 23.1.9 not be subject to certain decisions based solely on automated **Processing**;
 - 23.1.10 be notified of collection and qualifying security compromises; and
 - 23.1.11 lodge a complaint with the Information Regulator or institute proceedings where permitted by law.
- 23.2 These rights are not absolute. **WASPA** may refuse, limit or defer a request where **PAIA**, **POPIA**, privilege, confidentiality, procedural fairness, another person's rights, legal proceedings, law-enforcement interests or another lawful ground applies.
- 23.3 Deleting information may prevent **WASPA** from continuing to **Process** a complaint, provide portal access, administer membership or comply with a legal obligation.

24. HOW TO EXERCISE RIGHTS

- 24.1 A request should be sent to the Information Officer using the details in clause 2 and should clearly identify:
- 24.1.1 the **Data Subject** and, if applicable, the authorised representative;
 - 24.1.2 the information or **Processing** activity concerned;
 - 24.1.3 the right being exercised and the outcome requested;
 - 24.1.4 sufficient information to locate the record; and
 - 24.1.5 the preferred contact method.
- 24.2 **WASPA** may require reasonable proof of identity and authority before disclosing or changing information. Proof will be used only for verification and related compliance purposes.





- 24.3 Requests for access to records must be made in accordance with **PAIA** and **WASPA's PAIA** Manual. Requests for correction, deletion or objection may be made using the prescribed **POPIA** forms or a substantially similar written request.
- 24.4 **WASPA** will respond within the period required by applicable law and may charge only fees lawfully prescribed.
- 24.5 Where a request affects an active complaint, adjudication, appeal or legal process, **WASPA** may preserve or restrict the relevant information until the process and applicable review periods have concluded.

25. DIRECT MARKETING AND COMMUNICATIONS

- 25.1 Operational communications about a complaint, membership, account, meeting, ruling, invoice, regulatory matter or requested service are not treated as direct marketing merely because they are sent electronically.
- 25.2 **WASPA** will not **Process Personal Information** for direct marketing by means of unsolicited electronic communication unless:
- 25.2.1 the **Data Subject** has given valid consent; or
 - 25.2.2 the **Data Subject** is an existing customer of **WASPA** and all the requirements of section 69(3) of **POPIA** are met.
- 25.3 Where consent is required, **WASPA** may approach a **Data Subject** only once to request consent, provided that the **Data Subject** has not previously withheld or withdrawn consent. Consent will be requested in the manner and form prescribed by applicable law.
- 25.4 **WASPA** may rely on the existing-customer exception only where:
- 25.4.1 the contact details were obtained in the context of the sale or provision of a product or service;
 - 25.4.2 the marketing relates to **WASPA's** own similar products or services; and
 - 25.4.3 the **Data Subject** was given a reasonable opportunity, free of charge and without unnecessary formality, to object when the information was collected and in every subsequent marketing communication.





- 25.5 Every direct-marketing communication will identify **WASPA** or the person on whose behalf it is sent and will provide an address or other functional contact mechanism through which the recipient may request that the communications cease.
- 25.6 **WASPA** will honour objections and withdrawals of consent and may retain the minimum suppression information necessary to ensure that the person is not contacted again for the relevant marketing purpose.
- 25.7 A person may opt out of optional communications at any time. **WASPA** may retain the minimum information necessary to record and honour the objection.
- 25.8 Opting out of marketing will not prevent communications necessary to administer membership, an account, a complaint, a legal obligation, the Do-Not-Contact database or another requested service.

26. AUTOMATED DECISION-MAKING

- 26.1 **WASPA** may use automated tools to route forms, detect spam or malicious activity, match information to a member or service, generate case references, prioritise security events or assist administrative review.
- 26.2 **WASPA** does not currently subject a **Data Subject** to a decision which produces legal consequences or affects the **Data Subject** to a substantial degree where that decision is based solely on automated **Processing** intended to create or apply a profile of that person.
- 26.3 Material decisions concerning complaints, membership, sanctions and appeals will not be made solely through automated **Processing** and will be subject to meaningful human consideration.
- 26.4 If **WASPA** introduces automated decision-making falling within section 71 of **POPIA** and relies on an exception permitted by that section, **WASPA** will implement appropriate safeguards, including:
 - 26.4.1 giving the **Data Subject** a reasonable opportunity to make representations concerning the decision; and
 - 26.4.2 providing sufficient information about the underlying logic of the automated





Processing to enable the **Data Subject** to make meaningful representations.

27. THIRD-PARTY WEBSITES AND SERVICES

- 27.1 The **Website** may link to third-party websites or services, including mobile network operators, regulators, members, social-media services, embedded content and a do-not-contact service.
- 27.2 A third-party service may collect information directly from the user and apply its own terms and privacy policy. **WASPA** is not responsible for independent third-party **Processing** that it does not control.
- 27.3 A link does not imply that **WASPA** endorses the third party's privacy practices. Users should review the applicable third-party privacy notice before submitting information.

28. CHANGES TO THIS POLICY

- 28.1 **WASPA** may amend this **Policy** to reflect changes in law, guidance, technology, services, membership processes or **Processing** activities.
- 28.2 The updated **Policy** will be published on the **Website** with a revised effective date. Where a change materially affects an existing **Processing** activity, **WASPA** will take reasonably practicable steps to notify affected persons or obtain fresh consent where required.
- 28.3 Previous versions may be retained for accountability and audit purposes.

29. COMPLAINTS AND CONTACT DETAILS

- 29.1 Questions, objections, requests and complaints should first be directed to **WASPA's**

Information Officer:

Information Officer: Anthony Ekerold

Email: anthony@waspa.org.za

Physical address: First Floor, Block A, One the Boulevard, Westway Office Park, 7 Harry Gwala Road, Westville, 3629, KwaZulu-Natal, South Africa



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29.2 A person who is not satisfied with **WASPA's** response may lodge a complaint with the Information Regulator:

Information Regulator (South Africa)

Physical address: Woodmead North Office Park, 54 Maxwell Drive,
Woodmead, Johannesburg, 2191

Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

General enquiries: enquiries@info regulator.org.za

POPIA complaints: POPIAComplaints@info regulator.org.za

Telephone: 010 023 5200

Toll-free: 0800 017 160

29.3 The Information Regulator's contact details and complaint channels may change. The current details on the Regulator's official website or eServices portal should be used.



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SCHEDULE 1 - PROCESSING ACTIVITIES

Activity	Typical information	Purpose and usual recipients	Primary justification
Website use	IP address, device, browser, logs, cookies, security events	Deliver and secure the Website ; operators such as hosting, security and analytics providers	Legitimate interests; consent where applicable
Member portal	Account details, credentials, permissions, activity logs	Authenticate users, provide member services, audit and secure access; portal operators	Contract; legitimate interests
Membership application	Company details, representatives, support contacts, services, logos, network relationships	Assess and administer membership; Board/secretariat, advisers and relevant operators	Contract steps; legitimate interests; consent where required
Member directory	Member name, logo, website, services and public support details	Publish and maintain public member information	Contract; legitimate interests; consent for optional personal details
Complaints	Complainant details, mobile numbers, allegations, attachments, responses and procedural records	Resolve, adjudicate, appeal and enforce; member, adjudicators, advisers, MNOs and regulators	Legitimate interests; data-subject interests; legal rights; consent where required



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Activity	Typical information	Purpose and usual recipients	Primary justification
Spam/scam reports	Name, mobile number, message content, sender, screenshots	Identify sender, facilitate removal, monitor trends and Code compliance	Data-Subject interests; legitimate interests
Unwanted billing	Name, mobile number, billing/service data, network, case updates	Identify and cancel services, resolve billing query; member/MNO	Data-Subject interests; legitimate interests
General/media enquiries	Name, contact details, organisation, message	Respond, refer or engage with the requester	Consent; legitimate interests
Adjudication publication	Decision, facts and necessary contextual information after redaction	Transparency, precedent, consumer protection and Code enforcement	Legitimate interests; legal rights
Regulatory engagement	Stakeholder contacts, submissions, meeting and policy records	Industry representation, compliance and public-policy engagement	Legitimate interests; legal obligations
Finance/administration	Billing contacts, invoices, payments and tax information	Membership billing, accounting, audit and tax compliance	Contract; legal obligation
Privacy/ PAIA requests	Identity verification, request details and response records	Verify and fulfil rights requests; Information Officer and advisers	Legal obligation
Security/investigations	Logs, account activity, suspicious submissions, incident information	Prevent, detect, investigate and remediate misuse or compromise	Legitimate interests; legal obligation



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SCHEDULE 2 - INDICATIVE RETENTION SCHEDULE

Record category	Indicative period	Notes
Abandoned or incomplete web forms	Up to 90 days	Unless required for security, troubleshooting or a pending submission.
General contact and media enquiries	3 years after closure	May be shorter for routine enquiries with no continuing value.
Spam/scam and unwanted-billing case records	3 years after closure	De-identified trend information may be retained longer.
Informally resolved complaints	3 years after closure	Longer where repeat conduct, enforcement, litigation or audit requires.
Formal adjudication and appeal case files	At least 5 years after final closure, although could also be indefinitely	May be longer for precedent, enforcement or legal claims.
Published adjudication and appeal reports	Indefinite	Subject to redaction, correction and lawful removal requests.
Unsuccessful or withdrawn membership applications	3 years after final decision	Unless a dispute or reapplication justifies longer retention.
Active member and portal records	Membership/account duration plus up to 5 years	Public directory data is removed or updated when membership changes, subject to archive needs.
Financial, tax and accounting records	As required by law, ordinarily at least 5 years	Applicable legislation and audit requirements prevail.



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Record category	Indicative period	Notes
Consent, objections and communication preferences	5 years after last reliance or opt-out	Minimum suppression data may be retained to honour an objection.
Website and security logs	Usually 12 months	May be longer for an incident, investigation or legal requirement.
Security incident and breach records	At least 5 years after closure	Includes investigation, notification and remediation records.
POPIA and PAIA requests	5 years after final response	Longer if a complaint, review or litigation follows.
Operator and supplier records	Contract duration plus up to 5 years	Subject to tax, audit, claims and contractual requirements.
Backups	Rolling period, ordinarily not more than 180 days	Residual copies remain protected and are overwritten in the ordinary cycle.



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SCHEDULE 3 - COOKIE AND SIMILAR TECHNOLOGY CATEGORIES

WASPA may use the following technology categories. The exact names, providers and durations should be made available through a cookie banner, settings tool or current cookie schedule after a technical scan of the Website.

Category	Purpose	Typical duration	Control
Strictly necessary	Session management, form operation, authentication, load balancing and core functionality	Session or short persistent period	Usually cannot be disabled without impairing the service
Security and anti-abuse	Bot detection, rate limiting, fraud prevention and protection against malicious submissions	Session to limited persistent period	Necessary or legitimate-interests processing; third-party controls may apply
Preferences	Remember language, display or user choices	Session to 12 months	Can ordinarily be cleared through browser or cookie settings
Analytics/performance	Measure visits, errors, page performance and aggregate usage to improve the Website	Typically up to 24 months	Consent or another appropriate justification; opt-out where applicable
Embedded content	Display maps, video, social-media or external content	Determined by provider	May require consent; provider's privacy notice also applies

END OF POLICY



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