



Association of Certified Fraud Examiners

**South Africa Chapter**

# **ACFE SA PRIVACY POLICY**

**(Adopted by the Board of Director, June 25, 2021)**

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## **1 Introduction**

- 1.1 The ACFE SA is committed to protecting Personal Information that it collects and uses regarding our members, customers, website users, and other respective parties. ACFE SA values your right to privacy and security and therefore treat Personal Information that is obtained through the use of this website, as private, and we are committed to providing you with secure access to our online services. This privacy policy notifies you of the following:
  - 1.1.1 Purposes for which we process information;
  - 1.1.2 The information we collect and how we use it;
  - 1.1.3 Parties we share information with;
  - 1.1.4 Your rights concerning your personal data; and
  - 1.1.5 Our contact information.
- 1.2 Please read this Policy to understand how your information will be treated. In keeping in line with our commitment to providing you with secure access, this Policy may be varied from time to time, and we would advise that you check it regularly.
- 1.3 We recognise the importance of protecting your privacy in respect of your Personal Information, as defined in POPIA and the GDPR, collected by us when you use this website.
- 1.4 In adopting this Policy, we wish to balance our legitimate business interests and your reasonable expectation of privacy. Accordingly, we will take appropriate and reasonable technical and organisational steps to prevent unauthorised access to or disclosure of your Personal Information.
- 1.5 You are not required to provide any Personal Information on the public areas of this website. However, you may choose to do so by completing the application forms on various sections of our website, related to, *inter alia*:
  - 1.5.1 Careers;
  - 1.5.2 Publication and newsletter subscriptions;
  - 1.5.3 Webinars, training and/or other events;

- 1.5.4 Make contact with our partners and employees;
  - 1.5.5 Apply to become a member;
  - 1.5.6 Request certain services or products; and
  - 1.5.7 Contact or do business with us.
- 1.6 Please note that you may be requested to provide further information on the website to enable us to attend to the specific needs or requests you may have via our website.
- 1.7 In addition to information collected from our website, we may collect your information through:
- 1.7.1 CPE enrolment forms;
  - 1.7.2 telephone calls;
  - 1.7.3 e-mails;
  - 1.7.4 members and other contacts of the ACFE SA;
  - 1.7.5 from subscription forms; and
  - 1.7.6 surveys.
- 1.8 By continuing to use this website:
- 1.8.1 You agree that we may "collect, collate, process and/or store" your Personal Information and ("process") for, amongst other things, (i) the purposes of providing you with access to the website and the website content and benefits; and (ii) for any other purposes that will enable us to best serve your needs on our website, without deviating from our legitimate business interests.

## **2 *Interpretation and Definitions***

In this Policy-

- 2.1. the headings are for convenience and shall be disregarded in construing this Policy;
- 2.2. unless the context indicates a contrary intention, the singular shall include the plural and vice versa;

- 2.3. a natural person includes a juristic person and vice versa;
- 2.4. where any term is defined within a particular clause other than this **clause 2**, the term so defined shall bear the meaning ascribed to it in that clause wherever it is used in this Policy unless it is clear from the clause in question that such a defined term has limited application to the relevant clause;
- 2.5. any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as amended or substituted from time to time; and
- 2.6. Unless the context clearly indicates a contrary intention, the following expressions shall bear the meanings set opposite them below and cognate expressions shall bear corresponding meanings:
  - 2.6.1. “ACFE” refers to the Association of Certified Fraud Examination International with head office in Texas, USA;
  - 2.6.2. “ACFE SA” means Association of Certified Fraud Examiners South African Chapter, a non-profit organisation registered in the Republic of South Africa, with registration number 1999/014 890/08. The ACFE SA is registered as a professional body in accordance with the National Qualification Framework Act;
  - 2.6.3. “CFE” means the Certified Fraud Examiner, a credential awarded by the Association of Certified Fraud Examiners (ACFE) to individuals who successfully completed and passed the ACFE’s CFE Examination, and met the prescribed criteria and requirements set out by the ACFE;
  - 2.6.4. “CPE” means Continuous Professional Education;
  - 2.6.5. “Compliance” means the management and identification of the ongoing obligations and requirements, exposures, risks and opportunities arising under –
    - 2.6.5.1. legislation and regulations;
    - 2.6.5.2. principles, standards, guidelines;
    - 2.6.5.3. standard codes of practice and conduct (legal and voluntary); and
    - 2.6.5.4. policies and procedures.

Then designing and implementing an effective assurance system and culture so that the obligations, risks and opportunities are properly met and managed;

- 2.6.6. “Consent” means a data subject’s voluntary, specific, informed and unambiguous indication of its wishes by a statement or a clear affirmative action, signifies its agreement to the processing of its Personal Information, as defined in Section 1 of the POPIA and Article 4 of the GDPR, whichever is applicable under the circumstances;
- 2.6.7. “Controller” means:
  - 2.6.7.1. a Controller as defined in Article 4 of the GDPR; and
  - 2.6.7.2. a Responsible Party, as defined in Section 1 of the POPIA; whichever is applicable under the circumstances;
- 2.6.8. “Data Protection Regulatory Framework” means the legislation, regulations, standards and codes of good practices in ACFE SA’s Regulatory Framework in accordance with the protection of Personal Information of data subjects specifically;
- 2.6.9. “Data Subject” means the person to whom the Personal Information relates, as defined in Section 1 of the POPIA and Article 4 of the GDPR, whichever is applicable under the circumstances;
- 2.6.10. “DPO” means a Data Protection Officer as follows:
  - 2.6.10.1. a Data Protection Officer, as defined in Articles 37 to 39 of the GDPR;
  - 2.6.10.2. an Information Officer, as defined in section 1 of the POPIA; whichever is applicable under the circumstances;
- 2.6.11. “Employee” means a permanent-, fixed-term or temporary employee of the ACFE SA;
- 2.6.12. “GDPR” means the General Data Protection Regulation of the (EU) 2016/679;
- 2.6.13. “Personal Data/Information” means information which relates to an identified or identifiable natural person, and where applicable, an identifiable, existing juristic person, in particular by reference to an

identifier factor such as a name, identification number, location data, online identifiers or other specific factors such as the physical, physiological, genetic, mental, economic, cultural or social identity of a natural person, as defined in Section 1 of the POPIA and Article 4 of the GDPR, whichever is applicable under the circumstances;

2.6.14. “POPIA” means the Protection of Personal Information Act, 4 of 2013 and its Regulations, which effective date still have to be determined;

2.6.15. “Processing” means any operation or set of operations performed on Personal Information or sets of Personal Information, as defined in Article 4 of the GDPR and Section 1 of the POPIA, whichever is applicable under the circumstances;

2.6.16. “Processor” means:

2.6.16.1. a Processor, as defined in Article 4 of the GDPR; and

2.6.16.2. an Operator, as defined in Section 1 of the POPIA; whichever is applicable under the circumstances;

2.6.17. “Regulatory Authority” means an institution established to oversee the implementation of particular legislation;

2.6.18. “The/This Policy” means this Privacy Policy document.

### **3 *Purposes for which we process information***

3.1 To manage your membership and provide you with educational opportunities, we need to collect various types of data. We use your personal information to identify when you joined or left the ACFE SA and ACFE, whether you have passed the Certified Fraud Examiner (CFE) Examination and met the qualification criteria to obtain the CFE credential. We further use the said information to establish whether you have met your Continuing Professional Education (CPE) requirements and for similar membership management practices.

3.2 The CFE designation is an achievement that the public relies on to identify a person with anti-fraud experience, knowledge, and professionalism, so we also have a duty to the public to verify whether you are a CFE in good standing.

3.3 Additionally, we provide a host of live training, conferences, online learning,

and other anti-fraud educational materials. We collect your information to process purchases, fulfil orders, issue refunds, issue CPE/CPD certificates, and provide other customer service functions. It is also necessary to collect transactional data to meet our accounting, tax, and regulatory requirements.

- 3.4 We use your contact information to send you communications about the products and services we offer. We understand that communicating with you is a privilege, not a right, and we work hard to be efficient and only send such messages that we think are relevant to you.

#### **4 *Personal Information we collect and process***

- 4.1 Most of the data we collect comes from what you provide to us directly.
- 4.2 The types of Personal Information that we may collect and process includes information necessary for our legitimate business interest and the categories of Personal Information defined in POPIA and GDPR. This may include (amongst other things):
- 4.2.1 name and surname;
  - 4.2.2 gender;
  - 4.2.3 identity or passport numbers;
  - 4.2.4 contact information (phone, email, physical address, phone number, etc.);
  - 4.2.5 payment information;
  - 4.2.6 employer;
  - 4.2.7 job title; and
  - 4.2.8 professional interest.
- 4.3 When necessary, we also collect information from you to verify that you meet the qualifications set by the Board of Regents to become an Associate member or a Certified Fraud Examiner, which can include work and educational history, professional references, and character information.
- 4.4 We will limit the types of Personal Information we process to only that to which you consent and which is necessary for our legitimate business interests.

## **5     *Processing Your Personal Information***

- 5.1     Personal Information may be processed when:
  - 5.1.1    you complete the relevant forms on our website or on paper to subscribe or register for membership, events or complete a survey; and
- 5.2     You acknowledge and consent that all Personal Information processed by us may be stored by us.

## **6     *How do we use your Personal Information?***

- 6.1     Our legitimate business interest may include, but are not limited to:
  - 6.1.1    processing your membership application;
  - 6.1.2    processing your membership renewal;
  - 6.1.3    sending you information on relevant services, webinars, training and events;
  - 6.1.4    sending you information on opportunities created for members with other service providers; and
  - 6.1.5    communicating with you on any issues relevant to your membership or transactions with the Organisation.

## **7     *Sharing of your Personal Information***

- 7.1     The ACFE SA is governed by the PAIA and the GDPR and you can consent to us providing your information in compliance with this Act as and when necessary.
- 7.2     You further consent that we may disclose your Personal Information to the ACFE SA approved third-party service providers (as referred to below in 7.3.1) where necessary.
- 7.3     You agree that once your information has been de-identified, i.e., delete any information that identifies you directly, such Personal Information may be shared under the following circumstances:

- 7.3.1 to our agents, advisers, and service providers;
  - 7.3.2 to monitor web traffic: web servers serving the website automatically collect information about pages you use to visit our website. This information is used for internal review, to tailor information to individual visitors and for traffic audits;
  - 7.3.3 for statistics purposes: we may perform statistical analyses to measure interest in the various areas of the website (for product development purposes); and
  - 7.3.4 to government and law enforcement agencies, where the law requires that we disclose your Personal Information to a party, and where we have reason to believe that a disclosure of Personal Information is necessary to identify, contact or bring legal action against a party who may be in breach of the Privacy Policy or may be causing injury to or interference with (either intentionally or unintentionally) our rights or property, other users, or anyone else that could be harmed by such activities.
- 7.4 We will not sell, rent, trade or otherwise supply to third parties any Personal Information obtained from you without your consent.
- 7.5 We will confirm your membership of ACFE SA and ACFE to members of the public, other professional bodies, and provide contact information to overseas member groups if you are going overseas, only if requested by you to do so.
- 7.6 We give you the following options for accessing and modifying information previously provided:
- 7.6.1 You may gain access to information that the ACFE SA has collected about you, by completing the [POPI Data Subject Request Form](#), in terms of the Data Subject Access Request Procedure and submitting it to the person named below. We will not charge you for responding to such a request;
  - 7.6.2 You can change or update Personal Information online or you can also advise of changes via telephone, e-mail or a letter addressed to the Controller; or
  - 7.6.3 Each year members may update their own information held by the

ACFE SA on file/system by completing their renewal form where they can amend that information. This can be done via our website, cellphone application, or completion of a form.

## **8     *Your legal rights concerning personal data***

8.1     We take your privacy rights seriously and are committed to the transparent collection and use of your information. The following information pertains to your rights to your personal information:

8.2     You may have certain rights under your local law in relation to the personal information we hold about you. In particular, you may have a legal right to:

8.2.1   Obtain confirmation as to whether we process personal data about you, receive a copy of your personal data and obtain certain other information about how and why we process your personal data

8.2.2   The right to request for your personal data to be amended or rectified where it is inaccurate (for example, if you change your address) and to have incomplete personal data completed;

8.2.3   The right to delete your personal data in the following cases:

8.2.3.1   the personal data is no longer necessary in relation to the purposes for which they were collected and processed;

8.2.3.2   our legal ground for processing is consent, you withdraw consent and we have no other lawful basis for the processing;

8.2.3.3   our legal ground for processing is that the processing is necessary for legitimate interests pursued by us or a third party, you object to the processing and we do not have overriding legitimate grounds;

8.2.3.4   you object to processing for direct marketing purposes;

8.2.3.5   your personal data has been unlawfully processed; or

8.2.3.6   your personal data must be erased to comply with a legal obligation to which we are subject.

8.2.4   The right to restrict personal data processing in the following cases:

- 8.2.4.1 for a period enabling us to verify the accuracy of personal data where you contested the accuracy of the personal data;
  - 8.2.4.2 your personal data have been unlawfully processed and you request the restriction of processing instead of deletion;
  - 8.2.4.3 your personal data are no longer necessary pertaining the purposes for which they were collected and processed but the personal data is required by you to establish, exercise or defend legal claims; or
  - 8.2.4.4 for a period enabling us to verify whether the legitimate grounds relied on by us override your interests where you have objected to processing based on it being necessary for the pursuit of a legitimate interest identified by us.
- 8.2.5 The right to object to the processing of your personal data in the following cases:
- 8.2.5.1 our legal ground for processing is that the processing is necessary for a legitimate interest pursued by us or a third party; or
  - 8.2.5.2 our processing is for direct marketing purposes.
- 8.2.6 The right to data portability
- 8.2.6.1 The right to receive your personal data provided by you to us and the right to send the data to another organisation (or ask us to do so if technically feasible) where our lawful basis for processing the personal data is consent or necessity for the performance of our contract with you and the processing is carried out by automated means.
- 8.2.7 The right to withdraw consent
- 8.2.7.1 Where we process personal data based on consent, individuals have a right to withdraw consent at any time. We do not generally process personal data based on consent (as we can usually rely on another legal basis).
  - 8.2.7.2

## **9**     *Security*

- 9.1     We have implemented generally accepted standards of technology and operational security in order to protect personal information from loss, misuse, alteration or destruction. Only authorised persons are provided access to personal information; such individuals have agreed to maintain the confidentiality of this information.
- 9.2     Although we use appropriate security measures once we have received your personal data, the transmission of data over the internet (including by e-mail) is never completely secure. We endeavour to protect personal data, but we cannot guarantee the security of data transmitted to or by us.

## **10**    *Use of cookies*

- 10.1    Cookies are pieces of information a website transfers to a user's hard drive for record-keeping purposes. Cookies make surfing the web easier for you by saving your preferences and tracking your online habits, traffic patterns, and making sure you do not see the same advertisement too often. The use of cookies is an industry-standard.
- 10.2    The system we use may place a cookie on your browser to store and sometimes track information about you.
- 10.3    While most browsers are initially set up to accept cookies, you can reset your browser to refuse all cookies or indicate when a cookie is being sent. Please note that some parts of the website will not function properly if you refuse cookies.

## **11**    *Use of IP address*

- 11.1    An IP address is a number that is automatically assigned to a computer whenever it is connected to the Internet. The IP addresses or the location of computers is logged on the Internet.
- 11.2    Our system may collect IP addresses for the purposes of system administration and to audit the use of the website and attendance of webinars and other events. We do not ordinarily link IP addresses to Personal Information, which means that your session may remain anonymous. However, we cannot guarantee that

this will always be the case, as it may be necessary to identify a particular user when it is necessary to enforce compliance with the Privacy Policy or to protect our website, its users or other interests.

## **12**    *Links to other sites*

When you are using the website, you could be directed to other websites that are beyond our control. These other websites may send their own cookies to you to collect data or solicit Personal Information. We do not control the privacy policies of those third-party websites.

## **13**    *Policy Communication*

This Policy shall be communicated to all applicable users by means of awareness campaigns. All users (including contractors and third parties) are required to agree to be bound by the provision of this policy before gaining access to ACFE SA's network.

## **14**    *Change to this Policy*

This privacy statement was last updated on 28 June 2021.

We may update this privacy statement at any time by publishing an updated version here. So, you know when we make changes to this privacy statement, we will amend the revision date at the top of this page. The new modified or amended privacy policy will apply from that revision date. Therefore, we encourage you to review this privacy statement periodically to be informed about how we are protecting your information.

## **15**    *Effective Date*

This Policy shall come into effect on the date of approval and shall repeal previous ACFE SA Policies which are related to Personal Data Protection.

## **16**    *Contact us*

Please [submit a request](#) to exercise a legal right in relation to your personal data, or an [enquiry](#) if you have a question or complaint about the handling of your personal data.

Requests can be submitted:

- To [delete](#) your acfesa.com or Wild Apricot app account. This process may take up to 30 days.
- To [unsubscribe](#) from ACFE SA marketing.
- or anything else, please use our [general contact form](#).

If you have any questions in relation to this Privacy Policy please contact us at:

Email: [minette@acfesa.co.za](mailto:minette@acfesa.co.za) or [memberservices@acfesa.co.za](mailto:memberservices@acfesa.co.za)

Tel: +27 (12) 346 1913

Post: Block A, De Goedehoop Close Office Park

121 Sovereign Drive

Route 21 Corporate Park

Irene

0157