

# PROTECTION OF PERSONAL INFORMATION POLICY



## POLICIES AND PROCEDURES

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## 1. PREAMBLE

Whereas Mphotho Community Development Centre NPO processes personal information of its employees, members, clients, suppliers, and other data subjects from time to time. As such, it is obliged to comply with the Protection of Personal Information Act No. 4 of 2013 (“POPIA”) as well as the Promotion of Access to Information Act No. 2 of 2000 (“PAIA”).

The POPIA **requires organizations to take reasonable steps to ensure that personal information is kept accurate and up to date**. It is the responsibility of all employees who work with personal information to take reasonable steps to ensure that it is kept as accurate and up to date as possible. In line with this, the Centre is committed to protecting its members’ / clients’ / suppliers’ / employees and other data subjects’ privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws. This policy seeks:

1. To ensure legislative compliance (POPIA and PAIA) in respect of all personal information that the Mphotho Community Development Centre collects and processes.
2. To inform employees and clients as to how their personal information is used, disclosed and destroyed.
3. To ensure that personal information is only used for the purpose for which it was collected.
4. To prevent unauthorised access to and use of personal information.

## 2. POLICY STATEMENT

This Policy sets out the manner in which Mphotho Community Development Centre deals with such personal information and provides clarity on the general purpose for which the information is used, as well as how data subjects can participate in this process in relation to their personal information.

In addition to this policy, the Centre has also developed a manual and made it available as prescribed under the PAIA Act. Where parties/requesters submit requests for information disclosure in terms of this manual, internal measures have been developed, together with adequate systems to process requests for information or access thereto.

### **3. LEGAL FRAMEWORK**

For correct interpretations, and understanding, this policy should be read with the following pieces of legislation.

- Protection of Personal Information Act No. 4 of 2013
- Promotion of Access to Information Act No. 2 of 2000.
- National Child Care and Protection Policy 2019
- Home Education Policy 2018
- The Independent Code of Governance for Non-Profit Organizations 2012
- National Education Policy Act, 1996
- South African Constitution, Act 108 of 1996

### **4. SCOPE OF APPLICATION**

Mphotho Community Development Centre collects and processes various items of information pertaining to its employees, members, clients, suppliers and other data subjects. The information collected is based on need and it will be processed for that need/purpose only. Whenever possible, Mphotho Community Development Centre will inform the relevant party of the information required (mandatory) and which information is deemed optional.

#### **4.1. Collection of information**

The employee, member or client will be informed of the consequence/s of failing to provide such personal information and any prejudice which may be incurred due to non-disclosure. For example, Mphotho Community Development Centre may not be able to employ an individual without certain personal information relating to that individual or the organisation may not be in a position to render services to a client in the absence of certain information which is required.

When appointing new employees/contractors, Mphotho Community Development Centre requires information, including, but not limited to that listed below, from prospective employees/contractors, in order to process the information on the system/s. Such information is reasonably necessary for the Centre's record purposes, as well as to ascertain if the prospective employee/contractor meets the requirements, for the position which he/she is being appointed to/contracted for and is suitable for appointment.

Examples of the personal information Mphotho Community Development Centre collects includes, but is not limited to:

- Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of an employee;

- Information relating to the education or the medical, financial, criminal or employment history (this includes disciplinary action) of an employee;
- Banking and account information;
- Contact information;
- Trade union membership and political persuasion;
- Any identifying number, symbol, email address, telephone number, location information, online identifier or other particular assignment related to the employee, member or client;
- The biometric information of the employee, member, client or data subject; and
- The personal opinions, views or preferences of an employee (also performance appraisals or correspondence) and the views or opinions of another individual about the person.

#### **4.2. Processing of Information**

Mphotho Community Development Centre will process information in a manner that is lawful and reasonable (i.e., will not infringe the privacy of the individual or company).

Where consent is required for the processing of information, such consent will be obtained.

Information will be processed under the following circumstances:

- When carrying out actions for the conclusion or performance of a contract;
- When complying with an obligation imposed by law on the Centre;
- For the protection of a legitimate interest of the data subject;
- Where necessary, for pursuing the legitimate interests of the Centre or of an authorised third party to whom the information is supplied.

Mphotho Community Development Centre shall not process special personal information without complying with the specific provisions of the POPI Act. Special information includes personal information concerning:

- the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health, sex life or biometric information of a data subject; or
- the criminal behaviour of a data subject, where such information relates to the alleged commission by a data subject of any offence committed or the disposal of such proceedings

Mphotho Community Development Centre will use and process such employee information, as set out below, for purposes including, but not limited to, its employment records and to make lawful decisions in respect of that employee and its business.

#### *4.2.1. Use of employee information*

For the purposes of this Policy, employees include potential, past and existing employees of Mphotho Community Development Centre . Independent contractors are treated on the same basis where the collection of information is concerned.

Employees' personal information will only be used for the purpose for which it was collected and intended. This includes, but is not limited to:

- Submissions to the Department of Labour;
- Submissions to the Receiver of Revenue;
- For audit and recordkeeping purposes;
- In connection with legal proceedings;
- In connection with and to comply with legal and regulatory requirements;
- In connection with any administrative functions of the Centre;
- Disciplinary action or any other action to address the employee's conduct or capacity;
- In respect of any employment benefits that the employee is entitled to;
- Pre- and post-employment checks and screening; and
- Any other relevant purpose of which the employee has been notified.

Should information be processed for any other reason; the employee will be informed accordingly. Collection of

#### *4.2.2. Use of Member/Client/Supplier information*

For purposes of this Policy, clients include potential, past and existing members and clients. Suppliers include all vendors which contract with Mphotho Community Development Centre, whether once off or recurring, in respect of products and services.

The Mphotho Community Development Centre also collects and processes member/clients' personal information for marketing purposes in order to ensure that its products and services remain relevant to its clients and potential clients. The member/client/supplier's personal information will only be used for the purpose for which it was collected and as agreed. This may include, but not be limited to:

- Providing products or services to members/clients;
- In connection with sending accounts and communication to a member/client in respect of services rendered;
- Payment of suppliers and communication in respect of services rendered;
- Referral to other service providers;
- Confirming, verifying and updating member/client/supplier details;
- Conducting market or customer satisfaction research;
- For audit and record keeping purposes;
- In connection with legal proceedings; and
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

### **4.3. Disclosure of personal information**

Mphotho Community Development Centre may share employees' and member/clients/suppliers' personal information with authorised third parties as well as obtain information from such third parties for reasons set out above.

The Mphotho Community Development Centre may also disclose employees' or member/clients/suppliers' information where there is a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect the rights of the organisation or it is in the interests of the data subject.

### **4.4. Protecting personal Information**

Mphotho Community Development Centre shall review its security controls and processes on a regular basis to ensure that personal information is secure.

It will take appropriate, reasonable technical and organisational measures to prevent loss or damage or unauthorised destruction of personal information, and unlawful access to or processing of personal information. This will be achieved by –

- Identifying internal and external risks;
- Establishing and maintaining appropriate safeguards;
- Regularly verifying these safeguards and their implementation;
- Updating the safeguards; and
- Implementing generally accepted information security practices and procedures.

Mphotho Community Development Centre shall appoint an Information Officer and Deputy Information Officer who is/are responsible for compliance with the conditions of the lawful processing of personal information and other provisions of POPIA.

#### *4.4.1. Information Officer details*

Name: Ramoloi Jacob Maxalaba, Chairperson and Director

Telephone number: 082 043 1924

Physical address: 20226 Serobege Section, Manamakgotheng Village, Saulspoor, 0318

Email address: [mphothocdc@gmail.com](mailto:mphothocdc@gmail.com)

#### *4.4.2. Deputy Information Officer*

Name: Anna Nkele Phago, Secretary and Programs Manager

Telephone number: 071 625 3002

Physical address: 20226 Serobege Section, Manamakgotheng Village, Saulspoor, 0318

Email address: [bokamosolsn2005@gmail.com](mailto:bokamosolsn2005@gmail.com)

#### *4.4.3. Duties of the information officer and his/her deputy*

The specific responsibilities of the Information Officer and his/her Deputy include –

- The development, implementation, monitoring and maintenance of a compliance framework;
- The undertaking of a personal information impact assessment to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;
- The development, monitoring and maintenance of a manual, as well as the making available thereof, as prescribed in section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- The development of internal measures, together with adequate systems, to process requests for information or access thereto; and
- To ensure that Centre staff awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Regulator.

Employment contracts/addendums thereto, containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPIA, must be signed by every employee.

On an ongoing basis, all suppliers, insurers and other third-party service providers are required to sign a service level agreement guaranteeing their commitment to the Protection of Personal Information.

Consent to process client/member/supplier information is obtained from clients/members (or a person who has been given authorisation from the client/member to provide the client/member's personal information) and suppliers at sign on/appointment/contracting.

## **5. DEVIATION AND BRIDGES**

Should Mphotho Community Development Centre detect a security breach on any of its systems that contain personal information, it shall take the required steps to assess the nature and extent of the breach in order to ascertain if any information has been compromised.

Mphotho Community Development Centre shall notify the affected parties should it have reason to believe that their information has been compromised. Such notification shall only be made where the organisation can identify the data subject to which the information relates. Where it is not possible it may be necessary to consider website publication and whatever else the Information Regulator prescribes.



Notification will be provided in writing by means of either:

- Email;
- registered mail; or
- the organisation's website

The notification shall provide the following information where possible:

- Description of possible consequences of the breach;
- Measures taken to remedy the breach;
- Recommendations to be taken by the data subject to mitigate adverse effects;
- The identity of the party responsible for the breach.

In addition to the above, Mphotho Community Development Centre shall notify the Regulator of any breach and/or compromise to personal information in its possession and work closely with and comply with any recommendations issued by the Regulator.

The following will apply in this regard:

- The Information Officer will be responsible for overseeing the investigation;
- The Information Officer will be responsible for reporting to the Information Regulator within 3 working days of a breach/ compromise to personal information;
- The Information Officer will be responsible for reporting to the Data Subject(s) within 3 working days, as far as is reasonable and practicable, of a breach/ compromise to personal information.
- The timeframes above are guidelines and depending on the merits of the situation may require earlier or later reporting.

## **6. AMENDMENTS AND REVIEWS**

Amendments to this Policy will take place from time to time subject to the discretion of Mphotho Community Development Centre and pursuant to any changes in the law. Such changes will be brought to the attention of employees, members and clients where it affects them.