



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF SOCIAL DEVELOPMENT

PRIVACY POLICY

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1. INTRODUCTION

1.1 The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act, 2013 (Act No. 04 of 2013 ("POPIA")).

1.2 POPIA aims to promote the protection of privacy through providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner.

1.3 The Social Development Sector provides social protection services and leads government efforts to forge partnerships through which vulnerable individuals, groups and communities become capable and self-reliant participants, through the provision of services, Department of Social Development is necessarily involved in the collection, use and disclosure of certain aspects of the personal information of beneficiaries, clients, customers, employees, and other stakeholders.

1.4 A person's right to privacy entails having control over his or her personal information and being able to conduct his or her affairs relatively free from unwanted intrusions.

1.5 Given the importance of privacy, Department of Social Development is committed to effectively managing personal information in accordance with POPIA's provisions.

2. DEFINITIONS

2.1 **Personal Information** - Personal information is any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning;

2.1.1 race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person;

2.1.2 information relating to the education or the medical, financial, criminal or employment history of the person;

2.1.3 any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

- 2.1.4 the biometric information of the person;
- 2.1.5 the personal opinions, views or preferences of the person;
- 2.1.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 2.1.7 the views or opinions of another individual about the person;
- 2.1.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 2.2 **Data Subject** - This refers to the natural or juristic person to whom personal information relates, such as an individual client, customer or a company that supplies Department of Social Development with services, products or other goods.
- 2.3 **Responsible Party** - The responsible party is the entity that needs the personal information for a particular reason and determines the purpose of and means for processing the personal information. In this case, Department of Social Development is the responsible party.
- 2.4 **Operator** - An operator means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party. For example, a third-party service provider that has contracted with Department of Social Development to shred documents containing personal information. When dealing with an operator, it is considered good practice for a responsible party to include an indemnity clause.
- 2.5 **Information Officer** - The Information Officer is responsible for ensuring Department of Social Development's compliance with POPIA. Where no Information Officer is appointed, the head of Department of Social Development will be responsible for performing the Information Officer's duties. The Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties. Deputy Information Officers shall also be appointed to assist the Information Officer.

- 2.6 **Processing** - The act of processing information includes any activity or any set of operations, whether or not by automatic means, concerning personal information and includes:
- 2.6.1 The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use.
- 2.6.2 Dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as any restriction, degradation, erasure or destruction of information.
- 2.7 **Record** - Means any recorded information, regardless of form or medium, including:
- 2.7.1 Writing on any material.
- 2.7.2 Information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored.
- 2.7.3 Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means.
- 2.7.4 Book, map, plan, graph or drawing.
- 2.7.5 Photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced.
- 2.8 **Filing System** - Means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria.
- 2.9 **Unique Identifier** - Means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.
- 2.10 **De-Identify** - This means to delete any information that identifies a data subject, or which can be used by a reasonably foreseeable method to identify, or when linked to other information, that identifies the data subject.
- 2.11 **Re-Identify** - In relation to personal information of a data subject, means to resurrect any information that has been de-identified that identifies the data

subject, or can be used or manipulated by a reasonably foreseeable method to identify the data subject.

2.12 **Consent** - Means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

2.13 **Direct Marketing** - Means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:

2.13.1 Promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or requesting the data subject to donate any kind for any reason.

2.14 **Biometrics** - Means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.

2.15 **Child** – A child is a person who is defined as a child by Children’s Act and who has not been recognised as an adult by the courts.

3. **POLICY PURPOSE**

3.1 The purpose of this policy is to protect Department of Social Development from the compliance risks associated with the protection of personal information which includes:

3.1.1 Breaches of confidentiality. For instance, Department of Social Development could suffer loss in credibility and trustworthy where it is found that the personal information of data subjects has been shared or disclosed inappropriately.

3.1.2 Failing to offer choice. For instance, all data subjects should be free to choose how and for what purpose Department of Social Development uses information relating to them.

3.1.3 Reputational damage. For instance, Department of Social Development could suffer a reputational damage following an adverse event such as a computer hacker deleting the personal information held by Department of Social Development.

3.1.4 This policy demonstrates Department of Social Development’s commitment to protecting the privacy rights of data subjects in the following manner:

3.1.4.1 Through stating desired behaviour and directing compliance with the provisions of POPIA and best practice.

- 3.1.4.2 By cultivating an organisational culture that recognises privacy as a valuable human right.
- 3.1.4.3 By developing and implementing internal controls for the purpose of managing the compliance risk associated with the protection of personal information.
- 3.1.4.4 By creating business practices that will provide reasonable assurance that the rights of data subjects are protected and balanced with the legitimate business needs of Department of Social Development.
- 3.1.4.5 By assigning specific duties and responsibilities to control owners, including the appointment of an Information Officer and where necessary, Deputy Information Officers to protect the interests of Department of Social Development and data subjects.
- 3.1.4.6 By raising awareness through training and providing guidance to individuals who process personal information so that they can act confidently and consistently.

4. POLICY APPLICATION

4.1 This policy and its guiding principles applies to:

4.1.1 Department of Social Development employees, volunteers, contractors, suppliers and other persons acting on behalf of Department of Social Development.

4.2 The policy's guiding principles find application in all situations and must be read in conjunction with Promotion of Access to Information (PAIA) and Protection of Personal Information Act (POPIA).

4.3 The legal duty to comply with POPIA's provisions is activated in any situation where there is:

4.3.1 A processing of Personal information is entered into a record by or for a responsible person who is domiciled in South Africa.

4.3.2 POPIA does not apply in situations where the processing of personal information is concluded in the course of purely personal or household activities, or where the personal information has been de-identified.

5. RIGHTS OF DATA SUBJECTS

5.1 Where appropriate, Department of Social Development will ensure that its clients and beneficiaries are made aware of the rights conferred upon them as data subjects.

- 5.2 Department of Social Development will ensure that it gives effect to the following seven rights.
- 5.2.1 **The Right to Access Personal Information**
- 5.2.1.1 Department of Social Development recognises that a data subject has the right to establish whether Department of Social Development holds personal information related to him, her or it includes the right to request access to that personal information. (A Personal Information Request Form is attached under Annexure A).
- 5.2.2 **The Right to have Personal Information Corrected or Deleted**
- 5.2.2.1 The data subject has the right to request, where necessary, that his, her or its personal information must be corrected or deleted where Department of Social Development is no longer authorised to retain the personal information.
- 5.2.3 **The Right to Object to the Processing of Personal Information**
- 5.2.3.1 The data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information.
- 5.2.3.2 In such circumstances, Department of Social Development will give due consideration to the request and the requirements of POPIA.
- 5.2.3.3 Department of Social Development may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information.
- 5.2.4 **The Right to Object to Direct Marketing**
- 5.2.4.1 The data subject has the right to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communications.
- 5.2.5 **The Right to Complain to the Information Regulator**
- 5.2.5.1 The data subject has the right to submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information. (POPIA Complaint Form is attached under Annexure B)
- 5.2.6 **The Right to be Informed**

5.2.6.1 The data subject has the right to be notified that his, her or its personal information is being collected by Department of Social Development.

5.2.7 The Right to be Notified

5.2.7.1 The data subject also has the right to be notified in any situation where Department of Social Development has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person.

6. GENERAL GUIDING PRINCIPLES

6.1 All employees, interns, contract employees, volunteers and persons acting on behalf of Department of Social Development will always be subject to, and act in accordance with, the following guiding principles:

6.1.1 Accountability

6.1.1.1 Failing to comply with POPIA could potentially damage Department of Social Development's reputation or expose Department of Social Development to a civil claim for damages.

6.1.1.2 The protection of personal information is therefore everybody's responsibility.

6.1.1.3 Department of Social Development shall ensure that the provisions of POPIA and the guiding principles outlined in this policy are complied with through the encouragement of desired behaviour.

6.1.1.4 However, Department of Social Development shall take appropriate sanctions, which may include disciplinary action, against those individuals who through their intentional or negligent actions and/or omissions fail to comply with the principles and responsibilities outlined in this policy.

6.1.2 Processing Limitation

6.1.2.1 Department of Social Development will ensure that personal information under its control is processed in a fair, lawful and non-excessive manner, and only with the informed consent of the data subject, and only for a specifically defined purpose.

6.1.2.2 Department of Social Development will inform the data subject of the reasons for collecting his, her or its personal information and obtain written consent prior to processing personal information.

6.1.2.3 Alternatively, where services or transactions are concluded over the telephone or electronic video feed, Department of Social Development will

maintain a voice recording of the stated purpose for collecting the personal information followed by the data subject's subsequent consent.

6.1.2.4 Department of Social Development will under no circumstances distribute or share personal information between separate legal entities, associated organisations or with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected.

6.1.2.5 Where applicable, the data subject must be informed of the possibility that their personal information will be shared with other aspects of Department of Social Development's business and be provided with the reasons for doing so. (POPIA Notice and Consent Form" can be found under Annexure C).

6.1.3 **Purpose Specification**

6.1.3.1 All Department of Social Development's business units and operations must be informed by the principle of transparency.

6.1.3.2 Department of Social Development will process personal information only for specific, explicitly defined, and legitimate reasons.

6.1.3.3 Department of Social Development will inform data subjects of these reasons prior to collecting or recording the data subject's personal information.

6.1.4 **Further Processing Limitation**

6.1.4.1 Personal information will not be processed for a secondary purpose unless that processing is compatible with the original purpose.

6.1.4.2 Therefore, where Department of Social Development seeks to process personal information it holds for a purpose other than the original purpose for which it was originally collected, and where this secondary purpose is not compatible with the original purpose, Department of Social Development will first obtain additional consent from the data subject.

6.1.5 **Information Quality**

6.1.5.1 Department of Social Development will take reasonable steps to ensure that all personal information collected is complete, accurate and not misleading.

6.1.5.2 The more important it is that the personal information be accurate and the greater the effort will put into ensuring its accuracy.

- 6.1.5.3 Where personal information is collected or received from third parties, Department of Social Development will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.
- 6.1.6 **Open Communication**
- 6.1.6.1 Department of Social Development will take reasonable steps to ensure that data subjects are notified (are always aware) that their personal information is being collected including the purpose for which it is being collected and processed.
- 6.1.6.2 Department of Social Development will ensure that it establishes and maintains a "contact us" facility, for instance via its website or email for data subjects who want to enquire whether Department of Social Development holds related personal information, or request access to related personal information, or request Department of Social Development to update or correct related personal information, or make a complaint concerning the processing of personal information.
- 6.1.7 **Security Safeguards**
- 6.1.7.1 Department of Social Development will manage the security of its information to ensure that personal information is adequately protected. To this end, security controls will be implemented in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction.
- 6.1.7.2 Security measures shall also be applied in a context-sensitive manner.
- 6.1.7.3 Department of Social Development will continuously review its security controls which will include regular testing of protocols and measures put in place to combat cyber-attacks on Department of Social Development's Information Technology network.
- 6.1.7.4 Department of Social Development will ensure that all paper and electronic records comprising personal information are securely stored and made accessible only to authorised individuals.
- 6.1.7.5 All new employees will be required to sign employment contracts containing contractual terms for the use and storage of employee information.

- 6.1.7.6 Confidentiality clauses will also be included to reduce the risk of unauthorised disclosures of personal information for which Department of Social Development is responsible.
- 6.1.7.7 All existing employees will, after the required consultation process has been followed, be required to sign an addendum to their employment containing the relevant consent and confidentiality clauses.
- 6.1.7.8 Department of Social Development's operators and third-party service providers will be required to enter into service level agreements with Department of Social Development where both parties pledge their mutual commitment to POPIA and the lawful processing of any personal information pursuant to the agreement. (Employee Consent and Confidentiality Clause for inclusion in Department of Social Development's employment contracts is attached under Annexure D; and SLA Confidentiality Clause for inclusion in Department of Social Development's service level agreements is attached under Annexure E.
- 6.1.8 **Data Subject Participation**
- 6.1.8.1 A data subject may request the correction or deletion of his, her or its personal information held by Department of Social Development.
- 6.1.8.2 Department of Social Development will ensure that it provides a facility for data subjects who want to request the correction or deletion of their personal information.

7. PROCESSING OF PERSONAL INFORMATION OF CHILDREN

- 7.1 The Department of Social Development may process the personal information of children if the law permit.
- 7.2 The Department of Social Development may process the personal information of children if any one or more of the following applies:
 - a) A person with the ability to sign legal agreements has consented to the processing, being the parent or guardian of the child;
 - b) The processing is needed to create, use or protect a right or obligation in law.
 - c) The child's personal information was made public by the child with the consent of a person who can sign legal agreements.
 - d) The processing is for statistical or research purposes and all legal conditions are met.

8. WHEN, HOW AND WITH WHOM DOES THE DEPARTMENT OF SOCIAL DEVELOPMENT SHARE DATA SUBJECT'S PERSONAL INFORMATION?

8.1.1 In general the Department of Social Development will share data subject's personal information if any one or more of the following apply:

- a) If the data subject has consented to this.
- b) If it is necessary to conclude or perform under legitimate services for the data subjects.
- c) If the law requires the personal information.
- d) If it is necessary to protect or pursue the data subject's; the Department of Social Development and third party's legitimate interest.

8.1.2 Where required the Department of Social Development may share data subject's personal information with the parties that the Department of Social Development engages with as independent responsible parties, joint responsible parties or operators.

8.1.3 These parties have an obligation to keep data subject's personal information secure and confidential.

9. UNDER WHAT CONDITIONS WILL THE DEPARTMENT OF SOCIAL DEVELOPMENT TRANSFER DATA SUBJECT PERSONAL INFORMATION

9.1 The Department of Social Development will only transfer the data subject's personal information to third parties in another country in any one or more of the following circumstances:

- a) Where the data subject's personal information will be adequately protected under the other country's laws or an agreement with the third party recipient.
- b) Where the transfer is necessary to enter into, or perform, under a contract with the data subject or a contract with a third party that is in the data subject's interest.
- c) Where the data subject has consented to the transfer.
- d) Where it is not reasonably practical to obtain the data subject's consent, but the transfer is in the data subject's interest.

9.2 The transfer will happen only within the requirements and safeguards of applicable laws or privacy rules that bind the Department of Social Development.

9.3 Where possible the party processing data subject's personal information will agree to apply the same level of protection as available by law in the data subject's

country or if the other country's laws provide better protection, the other country's laws would be agreed to and applied.

10. INFORMATION OFFICER

10.1 Department of Social Development's Information Officer is the Accounting Officer and designated Deputy Information Officers shall be appointed in writing to perform the duties of the Information Officer.

10.2 Department of Social Development's Information Officer is responsible for ensuring compliance with POPIA and PAIA.

10.3 Consideration will be given on an annual basis or when the need arise to re-appointment or replacement of the Information Officer and the reappointment or replacement of any Deputy Information Officers.

10.4 Department of Social Development registered the Information Officer and designated Deputy Information Officers with the South African Information Regulator established under POPIA prior to performing his or her duties.

11. SPECIFIC DUTIES AND RESPONSIBILITIES

11.1 Information Officer

11.1.1 Department of Social Development's Information Officer is responsible for the following:

- a) Taking steps to ensure Department of Social Development's reasonable compliance with the provision of POPIA.
- b) Keeping the Risk and Ethics Management Committee, Management Committee (MANCO) and Executive Committee (EXCO) updated about Department of Social Development's information protection responsibilities under POPIA. For instance, in the case of a security breach, the Information Officer must inform and advise the Information Regulator about the security breach.
- c) Continually analysing privacy regulations and aligning them with Department of Social Development's personal information processing procedures. This will include reviewing Department of Social Development's information protection procedures and related policies.
- d) Ensure that POPIA Audits are scheduled and conducted on a regular basis.
- e) Ensure that Department of Social Development makes it convenient for data subjects who want to update their personal information or submit

POPIA related complaints to Department of Social Development. For instance, maintaining a "contact us" facility on Department of Social Development's website.

- f) Approving any contracts entered with operators, employees and other third parties which may have an impact on the personal information held by Department of Social Development. This will include overseeing the amendment of Department of Social Development's employment contracts and other service level agreements.
- g) Encouraging compliance with the conditions required for the lawful processing of personal information.
- h) Ensuring that employees and other persons acting on behalf of Department of Social Development are fully aware of the risks associated with the processing of personal information and that they remain informed about Department of Social Development's security controls.
- i) Organising and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of Department of Social Development.
- j) Addressing employees' POPIA related questions.
- k) Addressing all POPIA related requests and complaints made by Department of Social Development's data subjects.
- l) Working with the Information Regulator in relation to any ongoing investigations.
- m) The Information Officers will therefore act as the contact point for the Information Regulator authority on issues relating to the processing of personal information and will consult with the Information Regulator where appropriate, regarding any other matter.
- n) The scheduling of a periodic POPIA Audit to accurately assess and review the ways in which Department of Social Development collects, holds, uses, shares, discloses, destroys, and processes personal information.

11.1.2 The Deputy Information Officer

- 11.1.2.1 The Deputy Information Officer will assist the Information Officer in performing his or her duties delegated by the Information Officer.

11.1.3 Director: Information Technology

11.1.3.1 Department of Social Development's Director: Information Technology is responsible for the following:

- a) Ensure that Department of Social Development's Information Technology infrastructure, filing systems and any other devices used for processing personal information meet acceptable security standards.
- b) Ensure that all electronically held personal information is kept only on designated drives and servers and uploaded only on approved computing services.
- c) Ensure that servers containing personal information are sited in a secure location, away from the general office space.
- d) Ensure that all electronically stored personal information is backed-up and tested on a regular basis.
- e) Ensure that all back-ups containing personal information are protected from unauthorised access, accidental deletion and malicious hacking attempts.
- f) Ensure that personal information being transferred electronically is encrypted.
- g) Ensure that all servers and computers containing personal information are protected by a firewall and the latest security software.
- h) Perform regular Information Technology audits to ensure that the security of Department of Social Development's hardware and software systems are functioning properly.
- i) Perform regular Information Technology audits to verify whether electronically stored personal information has been accessed or acquired by any unauthorised persons.
- j) Perform a proper due diligence review prior to contracting with operators or any other third-party service providers to process personal information on Department of Social Development's behalf.

11.1.4 The Records Manager

11.1.4.1 The Records Manager is responsible for the following:

- a) Determination of retention periods in consultation with the National Archives Records Service (NARS) and taking into account the functional, legal and historical need of the DSD to maintain records.
- b) Providing interventions as are necessary to ensure that the DSD's record keeping and Records Management practices comply with the Records Management principles contained in the National Archives and Records Service Act.
- c) Ensuring that all records created and received by DSD are classified accordingly, and that a written disposal authority is obtained from them from the NARS.

11.1.5 Director: Security Management

11.1.5.1 The Director: Security Management is responsible for the physical security of all records.

11.1.5.2 The Director: Security Management shall be responsible for information security requirements, responsibilities and control mechanisms to be applied to DSD information in order to ensure the availability, integrity and confidentiality of records.

11.1.6 Chief Director: Communication

11.1.6.1 The Chief Director: Communications is responsible for the following:

- a) Approve and maintain the protection of personal information statements and disclaimers that are displayed on Department of Social Development's website, including those attached to communications such as emails and electronic newsletters.
- b) Address any personal information protection queries from journalists or media outlets such as newspapers.
- c) Where necessary, work with persons acting on behalf of Department of Social Development to ensure that any outsourced marketing initiatives comply with POPIA.

11.1.7 Employees and other Persons or organisations acting on behalf of Department of Social Development.

11.1.7.1 Employees and other persons acting on behalf of Department of Social Development will during the performance of their services, gain access to and become acquainted with the personal information of certain clients and beneficiaries and other employees.

- 11.1.7.2 Employees and other persons acting on behalf of Department of Social Development are required to treat personal information as a confidential business asset and to respect the privacy of data subjects.
- 11.1.7.3 Employees and other persons acting on behalf of Department of Social Development may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within Department of Social Development or externally, any personal information, unless such information is already publicly known or the disclosure is necessary in order for the employee or person to perform his or her duties.
- 11.1.7.4 Employees and other persons acting on behalf of Department of Social Development must request assistance from their line manager or the Information Officer if they are unsure about any aspect related to the protection of a data subject's personal information.
- 11.1.7.5 Employees and other persons acting on behalf of Department of Social Development will only process personal information where the data subject, or a competent person where the data subject is a child, consents to the processing; or the processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party; or the processing complies with an obligation imposed by law on the responsible party; or the processing protects a legitimate interest of the data subject; or the processing is necessary for pursuing the legitimate interests of Department of Social Development or of a third party to whom the information is supplied.
- 11.1.7.6 Furthermore, personal information will only be processed where the data subject clearly understands why and for what purpose his, her or its personal information is being collected; and has granted Department of Social Development with explicit written or verbally recorded consent to process his, her or its personal information.
- 11.1.7.7 Employees and other persons acting on behalf of Department of Social Development will consequently, prior to processing any personal information, obtain a specific and informed expression of will from the data subject, in terms of which permission is given for the processing of personal information.

- 11.1.7.8 Informed consent is therefore when the data subject clearly understands for what purpose his, her or its personal information is needed and who it will be shared with.
- 11.1.7.9 Consent can be obtained in written form which includes any appropriate electronic medium that is accurately and readily reducible to printed form.
- 11.1.7.10 Alternatively, Department of Social Development will keep a voice recording of the data subject's consent in instances where transactions are concluded telephonically or via electronic video feed.
- 11.1.7.11 Consent to process a data subject's personal information will be obtained directly from the data subject, except where the personal information has been made public, or where valid consent has been given to a third party, or the information is necessary for effective law enforcement.
- 11.1.7.12 Employees and other persons acting on behalf of Department of Social Development will under no circumstances process or have access to personal information where such processing or access is not a requirement to perform their respective work-related tasks or duties.
- 11.1.7.13 Employees and other persons performing duties on behalf of Department of Social Development shall not save copies of personal information directly to their own private computers, laptops or other mobile devices like tablets or smart phones. All personal information must be accessed and updated from Department of Social Development's central database or a dedicated server.
- 11.1.7.14 Employees and other persons performing duties on behalf of Department of Social Development shall not share personal information informally. Where access to personal information is required, this may be requested from the relevant line manager and the Information Officer must be notified.
- 11.1.7.15 Employees and other persons performing duties on behalf of Department of Social Development shall not transfer personal information outside of South Africa without the express permission from the Information Officer.
- 11.1.7.16 Employees and other persons acting on behalf of Department of Social Development are responsible for keeping all personal information that they encounter secure, by taking sensible precautions and following the guidelines outlined within this policy; ensuring that personal information is held in as few places as is necessary.

- 11.1.7.17 No unnecessary additional records, filing systems and data sets should therefore be created.
- 11.1.7.18 Employees and other persons performing duties on behalf of Department of Social Development shall ensuring that personal information is encrypted prior to sending or sharing the information electronically. The Director: Information Technology will assist employees and where required, other persons acting on behalf of Department of Social Development, with the sending or sharing of personal information to or with authorised external persons.
- 11.1.7.19 Employees and other persons performing duties on behalf of Department of Social Development shall ensure that all computers, laptops and devices such as tablets, flash drives and smartphones that store personal information are password protected and never left unattended. Passwords must be changed regularly and may not be shared with unauthorised persons.
- 11.1.7.20 Employees and other persons performing duties on behalf of Department of Social Development shall ensure that their computer screens and other devices are switched off or locked when not in use or when away from their desks.
- 11.1.7.21 Employees and other persons performing duties on behalf of Department of Social Development shall ensure that where personal information is stored on removable storage media such as external drives, CDs or DVDs that these are kept locked away securely when not being used.
- 11.1.7.22 Employees and other persons performing duties on behalf of Department of Social Development shall ensure that where personal information is stored on paper, that such hard copy records are kept in a secure place where unauthorised people cannot access it. For instance, in a locked drawer of a filing cabinet.
- 11.1.7.23 Employees and other persons performing duties on behalf of Department of Social Development shall ensure that where personal information has been printed out, that the paper printouts are not left unattended where unauthorised individuals could see or copy them. For instance, close to the printer.

- 11.1.7.24 Employees and other persons performing duties on behalf of Department of Social Development shall take reasonable steps to ensure that personal information is kept accurate and up to date. For instance, confirming a data subject's contact details when the client or beneficiary phones or communicates via email. Where a data subject's information is found to be out of date, authorisation must first be obtained from the relevant line manager or the Information Officer to update the information accordingly.
- 11.1.7.25 Employees and other persons performing duties on behalf of Department of Social Development shall take reasonable steps to ensure that personal information is stored only for as long as it is needed or required in terms of the purpose for which it was originally collected. Where personal information is no longer required, authorisation must first be obtained from the relevant line manager or the Information Officer to delete or dispose of the personal information in the appropriate manner.
- 11.1.7.26 Employees and other persons performing duties on behalf of Department of Social Development shall undergoing POPIA Awareness training from time to time.
- 11.1.7.27 Where an employee, or a person acting on behalf of Department of Social Development, becomes aware or suspicious of any security breach such as the unauthorised access, interference, modification, destruction or the unsanctioned disclosure of personal information, he or she must immediately report this event or suspicion to the Information Officer or the Deputy Information Officer.

12. POPIA OVERSIGHT COMMITTEE

- 12.1 The POPIA Oversight Committee shall be established and will comprise of officials at management level representing each branch of the department.
- 12.2 The terms of reference for POPIA Oversight Committee shall be established and approved by the Information Officer.

13. POPIA AUDIT

- 13.1 Department of Social Development's Information Officer will schedule periodic POPIA Audits.
- 13.2 The purpose of a POPIA audit is to:
- a) Identify the processes used to collect, record, store, disseminate and destroy personal information.

- b) Determine the flow of personal information throughout Department of Social Development and other associated organisations.
- c) Redefine the purpose for gathering and processing personal information.
- d) Ensure that the processing parameters are still adequately limited.
- e) Ensure that new data subjects are made aware of the processing of their personal information.
- f) Re-establish the rationale for any further processing where information is received via a third party.
- g) Verify the quality and security of personal information.
- h) Monitor the extent of compliance with POPIA and this policy.
- i) Monitor the effectiveness of internal controls established to manage Department of Social Development's POPIA related compliance risk.
- j) In performing the POPIA Audit, Information Officers will liaise with line managers to identify areas within in Department of Social Development's operation that are most vulnerable or susceptible to the unlawful processing of personal information.
- k) Information Officer will be permitted direct access to and have demonstrable support from line managers in performing their duties.

14.REQUEST TO ACCESS PERSONAL INFORMATION PROCEDURE

- 14.1.1 Data subjects have the right to request what personal information Department of Social Development holds about them and why; request access to their personal information; and be informed how to keep their personal information up to date.
- 14.1.2 Access to information requests can be made by email, post or hand delivered addressed to the Information Officer. The Information Officer will provide the data subject with a "Personal Information Request Form".
- 14.1.3 Once the completed form has been received, the Information Officer will verify the identity of the data subject prior to handing over any personal information.
- 14.1.4 All requests will be processed and considered against Department of Social Development's PAIA Manual.
- 14.1.5 The Information Officer will process all requests within a reasonable time as stipulated in the PAIA Manual.

15. POPIA COMPLAINTS PROCEDURE

- 15.1 Data subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon.
- 15.2 Department of Social Development takes all complaints very seriously and will address all POPIA related complaints in accordance with the following procedure:
 - 15.2.1 POPIA complaints must be submitted to Department of Social Development in writing.
 - 15.2.2 Where so required, the Information Officer will provide the data subject with a "POPIA Complaint Form".
 - 15.2.3 Where the complaint has been received by any person other than the Information Officer, that person will ensure that the full details of the complaint reach the Information Officer within 1 working day.
 - 15.2.4 The Information Officer will provide the complainant with a written acknowledgement of receipt of the complaint within seven working days.
 - 15.2.5 The Information Officer will carefully consider the complaint and address the complainant's concerns in an amicable manner.
 - 15.2.6 In considering the complaint, the Information Officer will endeavour to resolve the complaint in a fair manner and in accordance with the principles outlined in POPIA.
 - 15.2.7 The Information Officer must also determine whether the complaint relates to an error or breach of confidentiality that has occurred and which may have a wider impact on Department of Social Development's data subjects.
 - 15.2.8 Where the Information Officer has reason to believe that the personal information of data subjects has been accessed or acquired by an unauthorised person, the Information Officer will consult with the affected data subjects and the Information Regulator will be informed of this breach.
 - 15.2.9 The Information Officer will revert to the complainant within seven working days of receipt of the complaint. In all instances, Department of Social Development will provide reasons for any decisions taken and communicate any anticipated deviation from the specified timelines.
 - 15.2.10 The Information Officer's response to the data subject may comprise any of the following:
 - 15.2.10.1 A suggested remedy for the complaint.
 - 15.2.10.2 A dismissal of the complaint and the reasons as to why it was dismissed.

- 15.2.10.3 An apology (if applicable) and any disciplinary action that has been taken against any employees involved.
- 15.2.11 Where the data subject is not satisfied with the Information Officer's suggested remedies, the data subject has the right to complain to the Information Regulator.
- 15.2.12 The Information Officer will review the complaints process to assess the effectiveness of the procedure on a periodic basis and to improve the procedure where it is found wanting. The reason for any complaints will also be reviewed to ensure the avoidance of occurrences giving rise to POPIA related complaints.
- 16. DISCIPLINARY ACTION**
- 16.1 Where a POPIA complaint or a POPIA infringement investigation has been finalised, Department of Social Development may recommend any appropriate administrative, legal and/or disciplinary action to be taken against any employee reasonably suspected of being implicated in any non-compliant activity outlined within this policy.
- 16.2 In the case of ignorance or minor negligence, Department of Social Development will undertake to provide further awareness training to the employee.
- 16.3 Any gross negligence or the wilful mismanagement of personal information, will be considered a serious form of misconduct for which Department of Social Development may summarily dismiss the employee. Disciplinary procedures will commence where there is sufficient evidence to support an employee's gross negligence.
- 16.4 Examples of immediate actions that may be taken subsequent to an investigation include:
- a) A recommendation to commence with disciplinary action.
 - b) A referral to appropriate law enforcement agencies for criminal investigation.
- 17. COMPLIANCE MONITORING AND EVALUATION**
- 17.1 The Information Officer must monitor adherence to this policy with regard to its implementation and effectiveness.
- 17.2 Identify and report areas of non-compliance and recommend steps to rectify problems.

17.3 Identify deficiencies within the existing policy and to recommend corrective measures.

17.4 Ensure that applicable procedures flowing from this policy are established and implemented.


18. Implementation of the Policy

18.1 This policy will be implemented once approved by the Director-General.

19. Policy Review

20. This policy will be reviewed after annually and or when the need arise

21. Policy Approval

Signed  on the 29 day of June year 2021 at Pretoria, and shall be effective from 01 July 2021 (date).

Information Officer
Mr Linton Mchunu
Department of Social Development

ANNEXURE A: PERSONAL INFORMATION REQUEST FORM

PERSONAL INFORMATION REQUEST FORM
<p>Please submit the completed form to the Information Officer:</p> <p>Name:</p> <p>Contact Number:</p> <p>Email Address:</p> <p>Please be aware that we may require you to provide proof of identification prior to processing your request.</p> <p>There may also be a reasonable charge for providing copies of the information requested.</p>
<p>A. Particulars of Data Subject</p> <p>Name & Surname:</p> <p>Identity Number:</p> <p>Postal Address:</p> <p>Contact Number:</p> <p>Email Address</p>
<p>B. Request</p> <p>I request Department of Social Development to:</p> <p>(a) Inform me whether it holds any of my personal information <input type="checkbox"/></p> <p>(b) Provide me with a record or description of my personal information <input type="checkbox"/></p> <p>(c) Correct or update my personal information <input type="checkbox"/></p> <p>(d) Destroy or delete a record of my personal information <input type="checkbox"/></p>
<p>C. Instructions</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Signature:</p> <p>Date:</p>

ANNEXURE B: POPIA COMPLAINT FORM

POPIA COMPLAINT FORM
We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.
Please submit your complaint to the Information Officer: Name: Contact Number: Email Address:
Where we are unable to resolve your complaint, to your satisfaction you have the right to complaint to the Information Regulator. The Information Regulator Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 Email address: Complaints.IR@justice.gov.za General enquiries email address: infoereg@justice.gov.za
A. Particulars of Complainant Name & Surname: Identity Number: Postal Address: Contact Number: Email Address:
B. Details of Complaint
C. Desired Outcome
Signature:
Date:

ANNEXURE C: POPIA NOTICE AND CONSENT FORM

POPIA NOTICE AND CONSENT FORM	
<p>We understand that your personal information is important to you and that you may be apprehensive about disclosing it. Your privacy is just as important to us and we are committed to safeguarding and processing your information in a lawful manner. We also want to make sure that you understand how and for what purpose we process your information. If for any reason you think that your information is not processed in a correct manner, or that your information is being used for a purpose other than that for what it was originally intended, you can contact our Information Officer.</p> <p>You can request access to the information we hold about you at any time and if you think that we have outdated information, please request us to update or correct it.</p>	
Our Information Officer's Contact Details	
Name	Mr Linton Mchunu
Contact	Number 012 312 7721 / 071 606 5131
Email address	LintonM@dsd.gov.za
Purpose for Processing your Information	
<p>We collect, hold, use and disclose your personal information mainly to provide you with access to the services that we provide. We will only process your information for a purpose you would reasonably expect, including:</p> <ul style="list-style-type: none">• Providing you with advice on services that suit your needs as requested.• To verify your identity and to conduct criminal and reference checks.• To confirm, verify and update your details.• To comply with any legal and regulatory requirements. <p>Some of your information that we hold may include, your first and last name, email address, a home, postal or other physical address, other contact information, your title, birth date, gender, occupation, qualifications, past employment, residency status, income, next of kin, medical information and your banking details.</p>	

Consent to Disclose and Share your Information

We may need to share your information to provide advice, reports, analyses, or services that you have requested.

Where we share your information, we will take all precautions to ensure that the third party will treat your information with the same level of protection as required by us. Your information may be hosted on servers managed by a third-party service provider, which may be located outside of South Africa.

I hereby authorize and consent to Department of Social Development to process my personal information or personal information of the office bearers in my organization..

Name & Surname

Signature

Date:

ANNEXURE D: EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE

EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE

1. "Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person whether the information is recorded electronically or otherwise.
2. "POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
3. The employer undertakes to process the PI of the employee only in accordance with the conditions of lawful processing as set out in terms of POPIA and in terms of the employer's relevant policy available to the employee on request and only to the extent that it is necessary to discharge its obligations and to perform its functions as an employer and within the framework of the employment relationship and as required by South African law.
4. The employee acknowledges that the collection of his/her PI is both necessary and requisite as a legal obligation, which falls within the scope of execution of the legal functions and obligations of the employer. The employee therefore irrevocably and unconditionally agrees:
 - 4.1 That he/she is notified of the purpose and reason for the collection and processing of his or her PI insofar as it relates to the employer's discharge of its obligations and to perform its functions as an employer.
 - 4.2 That he/she consents and authorises the employer to undertake the collection, processing and further processing of the employee's PI by the employer for

- the purposes of securing and further facilitating the employee's employment with the employer.
- 4.3 Without derogating from the generality of the afore stated, the employee consents to the employer's collection and processing of PI pursuant to any of the employer's Internet, Email and Interception policies in place insofar as PI of the employee is contained in relevant electronic communications.
 - 4.4 To make available to the employer all necessary PI required by the employer for the purpose of securing and further facilitating the employee's employment with the employer.
 - 4.5 To absolve the employer from any liability in terms of POPIA for failing to obtain the employee's consent or to notify the employee of the reason for the processing of any of the employee's PI.
 - 4.6 To the disclosure of his/her PI by the employer to any third party, where the employer has a legal or contractual duty to disclose such PI.
 - 4.7 The employee further agrees to the disclosure of his/her PI for any reason enabling the employer to carry out or to comply with any business obligation the employer may have or to pursue a legitimate interest of the employer in order for the employer to perform its business on a day to day basis.
 - 4.8 The employee authorises the employer to transfer his/her PI outside of the Republic of South Africa for any legitimate business purpose of the employer within the international community. The employer undertakes not to transfer or disclose his/her PI unless it is required for its legitimate business requirements and shall comply strictly with legislative stipulations in this regard.
 5. The employee acknowledges that during the course of the performance of his/her services, he/she may gain access to and become acquainted with the personal information of certain clients, suppliers and other employees. The employee will treat personal information as a confidential business asset and agrees to respect the privacy of clients, suppliers and other employees.
 6. To the extent that he/she is exposed to or insofar as PI of other employees or third parties are disclosed to him/her, the employee hereby agree to be bound by appropriate and legally binding confidentiality and non-usage obligations in relation to the PI of third parties or employees.

7. Employees may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within Department of Social Development or externally, any personal information, unless such information is already publicly known or the disclosure is necessary in order for the employee or person to perform his or her duties on behalf of the employer.

ANNEXURE E: SLA CONFIDENTIALITY CLAUSE

SLA CONFIDENTIALITY CLAUSE

1. "Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; the views or opinions of another individual about the person whether the information is recorded electronically or otherwise.
2. "POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
3. The parties acknowledge that for the purposes of this agreement that the parties may come into contact with, or have access to PI and other information that may be classified, or deemed as private or confidential and for which the other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this agreement. Further, it is acknowledged and agreed by the parties that they have the necessary consent to share or disclose the PI and that the information may have value.
4. The parties agree that they will at all times comply with POPIA's Regulations and Codes of Conduct and that it shall only collect, use and process PI it comes into contact with pursuant to this agreement in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this agreement.
5. The parties agree that it shall put in place, and at all times maintain, appropriate physical, technological and contractual security measures to ensure the protection and confidentiality of PI that it, or its employees, its

contractors or other authorised individuals comes into contact with pursuant to this agreement.

6. Unless so required by law, the parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, and notwithstanding anything to the contrary contained herein, shall any party in no manner whatsoever transfer any PI out of the Republic of South Africa.

ADDITIONAL FORMS FROM THE INFORMATION REGULATOR

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS
OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT,
2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2017

[Regulation 2(1)]

Note:

1. Affidavits or other documentary evidence in support of the objection must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number....

A	DETAILS OF DATA SUBJECT	
Name and surname of data subject:		
Residential, postal or business address:		
	Code ()	
Contact number(s):		
Fax number:		
E-mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural):		
Residential, postal or business address:		

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017

[Regulation 3(2)]

Note:

1. *Affidavits or other documentary evidence in support of the request must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number....

Mark the appropriate box with an "x".

Request for:

- ☐ Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- ☐ Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	

B		DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural person):		
Residential, postal or business address:		
	Code()	
Contact number(s):		
Fax number:		
E-mail address:		
Name of public or private body (if the responsible party is not a natural person):		
Business address:		
	Code ()	
Contact number(s):		
Fax number:		
E-mail address:		
C	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)	

* Delete whichever is not applicable

Signed at this day of.....20.....

.....
Signature of Data subject

FORM 4

**APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE
PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT
MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF
PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2017**

[Regulation 6]

TO:

(Name and address of data subject)

FROM:

Contact

number(s):

Fax number:

E-mail address:

(Name, address and contact details of responsible party)

Dear *Mr/Ms/Dr/Adv/Prof _____

PART A

1. In terms of section 69 of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), the processing of personal information of a data subject (the person to whom personal information relates) for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail is prohibited unless written consent to the processing is given by the data subject. You may only be approached once for your consent by this responsible party. After you have indicated your wishes in Part B, you are kindly requested to submit this Form either by post, facsimile or e-mail to the address, facsimile number or e-mail address as stated above.

2. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

- (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- (b) dissemination by means of transmission, distribution or making available in any other form; or

- (c) merging, linking, as well as restriction, degradation, erasure or destruction of information.

3. "Personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

- (a) 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 the person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- (d) the biometric information of the person;
- (e) the personal opinions, views or preferences of the person;
- (f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- (g) the views or opinions of another individual about the person; and
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

(Signature of person authorised by responsible party)

Full names and designation of person signing on behalf of responsible party:

Date: _____

PART B

I, _____ *(full names)* hereby:

Consent to goods and services to be marketed by means of unsolicited electronic communication.

SPECIFY GOODS AND SERVICES:

SPECIFY METHOD OF COMMUNICATION:

FAX:

E – MAIL:

SMS:

OTHERS – SPECIFY:

☐☐

Give my consent.

Do not give my consent.

Signed at this day of20.....

.....
Signature of data subject