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Privacy Policy and POPI Manual of the Engineering College of Science and Technology

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1. Introduction

The Protection of Personal Information Act 4 of 2013 (POPI Act), and the Regulations promulgated thereunder give effect to the right to privacy provided by section 14 of the Bill of Rights of the Constitution of the Republic of South Africa 1996. The Act and Regulations require the Engineering College of Science and Technology (ECST) and the Information Officer, as defined under the Act to develop, implement, monitor and maintain a compliance framework.

This Privacy Policy and POPI Manual aims to ensure compliance with the POPI Act, its requirements and to demonstrate ECST's commitment to complying with the Act, by respecting the rights of Data Subjects to have their Personal Information protected as set out in the Act.

2. Purpose and Scope

The purpose of this Privacy Policy and POPI Manual is to educate Employees of their rights with regards to their personal information.

This document outlines the Privacy Policy and POPI Manual of the Engineering College of Science and Technology (ECST), herein referred to as the Company, and it applies to all Managers and Employees, of the Company and third parties.

This document is intended to aid the Managers and Employees by setting forth guidelines in relation to The Protection of Personal Information Act 4 of 2013.

3. Roles And Responsibilities

3.1. The Head of College is responsible for the maintenance and implementation of this Privacy Policy and POPI Manual.
3.2. This document is to be reviewed by the Head of College and senior managers, in consultation with the Information Control Officer.
3.3. Approval of this document rests with the Governance Board of the Company.
3.4. The Company reserves the right to change, extend, revise, revoke, or continue this document at its discretion.
3.5. This Privacy Policy and POPI Manual applies to all Employees of the Company and to anyone who may process Personal Information for and on behalf of the Company. This document applies to all situations and business processes where Personal Information is processed and where such information may be made accessible to third parties.

4. Company Requirements for Processing Personal Information

4.1. All processing of Personal Information must be done after a written and signed consent form has been received from the Data Subject. Where there is a legal or contractual requirement to disclose Personal Information, consent is not required

by law.

5. **Notifications**

5.1. The Company will inform all persons whose information is being processed of the fact, regardless of whether this is done internally or by external parties.

5.2. The rights of Data Subjects are as follows:

5.2.1. Notification when personal information is being collected, the type of information collected, for what purpose, whether the information is to be supplied voluntarily or is mandatory, and whether the information would be transferred to a third party and the protections afforded therein.

5.2.2. Notified if there has been unlawful access or acquisition of his/her/its personal information.

5.2.3. Request access to their Personal Information that is stored by the Company.

5.2.4. Request the correction and destruction of their Personal Information.

5.2.5. Object to the processing of their Personal Information.

5.2.6. Exercise the right to withdraw their consent to processing, if voluntarily given.

5.2.7. Submit a complaint to the Information Regulator at complaints.IR@justice.gov.za.

6. **Conditions of Lawful Processing of Personal Information**

6.1. Section 4(1) of the Act requires that all processing of Personal Information be done in a lawful manner. Anyone who processes Personal Information for and on behalf of the Company must do so in terms of the conditions below to ensure compliance with the Act:

6.1.1. Ensure that all the conditions and measures giving effect to conditions of the lawful processing of Personal Information as set out in the Act and this Privacy Policy and POPI Manual are complied with at the time of the determination of the purpose and means of the processing.

6.2. Personal Information can only be processed with the consent of the Data Subject or for a legitimate purpose that is related to the functions and activities of the Company that falls under statutory obligations or to abide contractual obligations.

6.2.1. All purposes for processing and/or notifications of processing will be reviewed by designated persons. In cases of uncertainty, the Information Control Officer will be contacted for support. Where standard consent forms or notifications have been developed, the designated persons are obligated to use those.

6.2.2. In the event of a requirement to use Personal Information outside the consented purpose, ("further processing"), then further consent for the processing must be obtained from the Data Subject prior to such further processing.

6.2.3. Personal Information must be collected directly from the Data Subject, and should there be a need to collect the information from another source, the consent of the Data Subject must be obtained prior thereto.

6.2.4. Only up-to-date and correct Personal Information can be processed. When Personal Information is no longer up to date the Data Subjects must request the correction of their Personal Information.

6.2.5. Only relevant Personal Information required for the specified purpose should be collected; nothing more than that.

6.2.6. The data fields (see definition of "personal information" and "special information")

in all existing and new databases and types of information (e.g. contracts, financial information, marketing lists, etc.) will be evaluated as to whether that specific data field is:

6.2.6.1. Necessary, given the specific purpose for which the personal information will be used.

6.2.6.2. Relevant for that purpose. Red flag data fields are titles (relevant for communication, but not necessarily for the allocation of benefits), family relation (relevant for membership, but not for communication, etc.), information on race, gender, ethnicity, physical address, and contact details (only what the Data Subject has consented to and what is relevant for that database to be kept), etc.

6.2.7. Information related to changes to Company Policies, or any right or legitimate expectation of an Employee/Data Subject or any information needed that is directly related to their contractual relationship with the Company cannot be opted out of or withdraw consent from.

6.2.8. All requests for Personal Information and other information from any person or entity whatsoever shall be dealt with in accordance with the provisions of this Privacy Policy and POPI Manual.

6.2.9. The Data Subjects must be provided access to their Personal Information related upon written request. A requester who wishes to be granted access to personal information must complete the Request for Access to Records Form and submit it to the Head of College.

7. Collection of Personal Information

7.1. The Company collects Personal Information from various Data Subjects for varying purposes, however this information is largely collected and used to fulfil legal compliance matters and contractual obligations. Such information must be collected in accordance with the provisions of the POPI Act and this Privacy Policy and POPI Manual.

7.2. Some Personal Information from contractors, suppliers and customers is also processed largely for purposes of facilitating the goods and services to be rendered.

7.3. The information of persons responsible for finances, maintenance, Key Account Managers and the likes are processed by the Company for legitimate business purposes.

8. Purpose and Use of Personal Information

8.1. In cases where processing is mandated by law, describe in a notification what that specific law says, and how processing will take place.

8.2. Personal Information about children and special personal information: The Company may hold the personal information of children (person up till the age of 18) for the purposes relating to Family Responsibility Leave claims. For dependents who are over the age of 18 and therefore classified as an adult, the Company will require their consent to store and use their personal information for the purposes of fulfilling requirements where applicable.

8.3. The Company will take all reasonable measures to protect the confidentiality of adult dependents and children who also have the right to confidentiality.

8.4. The Company will only share information with third parties under the following circumstances:

8.4.1.1. Upon specific consent of the Data Subject in terms of the POPI Act, and

8.4.1.2. To comply with any applicable Law.

8.5. When Processing Personal Information as part of any activity, the Responsible Party must:

8.5.1. Identify the nature and extent to which one will deal with the Personal Information, i.e. assess whether it is relevant, necessary and not excessive and then amend its processing accordingly.

8.5.2. Identify the types of processing that will take place e.g. collection, dissemination and destruction or collection, recording and storage.

8.5.3. Identify the purpose for which the specific processing is undertaken, clearly indicating whether such purpose is permitted by a law, e.g. invoicing requiring a VAT number.

8.5.4. Obtain consent from the Data Subjects.

9. Security and Access

9.1. The Company uses the following security measures to secure Personal Information in its possession:

9.1.1. Electronic information is secured by password secured access and anti-virus software. The IT Systems Manager is responsible for the security of electronic records.

9.1.2. Physical records are kept in ECST's strong room, where they are protected by the Head of College.

9.1.3. Only designated personnel have access to Personal Information.

9.1.4. The office building has 24-hour security surveillance. The buildings are locked after hours and can only be accessed with security codes.

9.1.5. Regular verification that the safeguards in place are effectively implemented and continually updated in response to any new risks or deficiencies.

9.1.6. Notification in writing to the affected Data Subjects and reporting to the Information Regulator, should the Personal Information relating to the Data Subject/s be compromised or should there be a suspicion that the Personal Information is compromised.

9.1.7. All security and access breaches or suspected or potential breaches of personal information must be reported to the Information Regulator immediately after such breach or potential breach becomes known.

10. Storage and Destruction of Personal Information

10.1. All Personal Information in the possession of the Company must be stored, retained and destroyed in accordance with the legislation applicable to the specific information and according to the PAIA (Promotion of Access to Information Act) and this Privacy Policy and POPI Manual.

10.2. Personal Information shall not be retained longer than required to fulfil the purpose for the processing or longer than is required by applicable legislation. Once the purpose for processing or the retention period provided under the applicable legislation expires, the Personal Information must be destroyed and/or deleted

and/or returned to the Data Subject as may be required by the applicable law and in a manner that complies with such applicable law.

10.3. Personal Information retention periods are stipulated in the Retention periods of Personal Information Form.

10.4. Electronic Personal Information for any Employee of the Company that is stored electronically will be deleted by designated personnel and these deletions will be confirmed by the IT Department. All hard copy Personal Information will be shredded by the relevant designated personnel. All archiving and destruction of Personal Information will be documented in the Destruction of Personal Information register.

11. Compliance

11.1. The Information Control Officer of the Company is indicated in the table.

Name & Surname	Liza Rootman
Registered Address	Unit 3 Elevation Gardens, Waterfall Office Park, Bekker Road, Midrand, South Africa
Registered Postal Address	As above
Telephone Number	011 024 5520
Fax Number	N/A
Email	enquiry@ecst.ac.za
Website	https://www.ecst.ac.za

11.2. The Information Control Officer shall maintain a report in relation to the POPI Act and the Promotion of Access to Information Act, 2000 (PAIA) regarding steps and remedial steps taken in instances of non-compliance, including but not limited to:

- Rewording of consents, standard clauses and notifications
- Reporting loss, breach and/or unauthorised access of Personal Information to the relevant authorities
- The destruction of personal information
- The de-identification of personal information
- The implementation of specific security measures
- The implementation of (additional or new) access control measures.
- Research and verification of legislative mandates
- Addenda to contracts and service level agreements within business activities and/or with third parties and contractors
- Amendments to contract templates
- Disciplinary action against Employees violating this Privacy Policy and POPI Manual
- Obtaining expert assistance, where required
- Undergoing additional or further training the POPI Act and PAIA.

12. Complaints

Data Subjects are encouraged to make immediate contact with the Information Control Officer if they are uncomfortable or not satisfied with the way the Company has handled their personal information. The objection/complaint will be formally recorded, and the matter will be investigated. Upon completion of the investigation a finding will be presented to the Data Subject who lodged the objection/complaint.

Should an Employee not be satisfied with the finding or resolution of the objection/complaint lodged with the Information Control Officer, he/she may lodge a complaint with the Information Regulator at complaints.IR@justice.gov.za.

13. Training and Communication

All existing Employees, contractors, customers and any person who may process Personal Information for and/or on behalf the Company, shall be trained on an annual basis on this Privacy Policy and POPI Manual and underlying legal sources on which it is based.

All Employees shall also receive training on the POPI Act so that they are fully aware of their rights and the Company requirements. The training will also form part of the new Employee induction process.

14. Related Policies and Procedures

The Privacy Policy and POPI Manual must be implemented in accordance with the following related ECST policies:

- Academic Honesty and Plagiarism Policy
- Academic Records and Certification Policy
- Assessment and Moderation Policy and Procedures
- Equity Policy for Students and Staff
- Monitoring and Evaluation of Learning and Teaching Policy
- Quality Assurance Policy
- Recognition of Prior Learning and Credit Accumulation and Transfer Policy and Procedures
- Staff Recruitment, Management and Development Policy
- Student Recruitment, Selection, Admission and Enrolment Policy
- Student Support Policy and Procedures.

15. Review and Amendment

15.1. This Privacy Policy and POPI Manual shall be reviewed every three years or more frequently as may be required and may be amended from time to time as may be required by law or for corrections of material errors.

16. **Accountability**

The Governance Board is accountable for the implementation of this policy and overseeing its review every three years, or when the need arises. The Governance Board is responsible for review and approval of this Privacy Policy and POPI Manual. The document must be communicated to staff during induction and training and made available to students and ECST's community via the Company's website.

Annexure A: Definitions

Term	Definition
Applicable Legislation	All legislation applicable to the Company, including the POPI Act, Income Tax Act 58 of 1962, Labour Relations Act 66 of 1995, Basic Conditions of Employment Act 75 of 1997, Employment Equity Act 55 of 1998, Skills Development Levies Act 9 of 1999 and Unemployment Insurance Act 63 of 2001.
Data Subject	The person to whom personal information relates as defined under the Act.
Employee	For the purposes of this document, any person employed permanently (full-or part-time), temporary, or on a fixed-term contract, and includes contractors that maycome into contact with, use, process or otherwise deal with Personal Information.
Personal Information	Shall mean, for purposes of this document and as defined under the Act, information about an identifiable, natural person, and in so far as it is applicable, juristicperson, including, but 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 the person • Information relating to the education or the medical, criminal or employment history of the person or information relating to financial transactions in which the person has been involved; where applicable • Any identifying number, symbol or other particular indicator assigned to the person • The address, fingerprints or blood type of the person • The personal opinions, views or preferences of the person, except where they are about another individual or about a proposal for a grant, an award of a prize to made to another individual • 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 • The views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the person, but excluding the name of the other individual where it appears with the views or opinions of

	the other individual • The name of the person where it appears with other personal information relating to the person or where the disclosure of the name itself would reveal information about the person • But excludes information about a natural person who has been dead, or a juristic person that has ceased to exist, for more than 20 years. • "Policy" means this Privacy Policy and POPI Manual developed in terms of the Act and Regulations thereto.
Processing	Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including but not limited to the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, transmission, distribution, making available in any other form, merging, linking, as well as restriction, degradation, erasure of destruction of information.
Purpose	The Company's purpose to process Personal Information as set out under the Privacy Policy and POPI Manual.
Responsible Party	For purposes of this Privacy Policy and POPI Manual, all persons to whom this document applies, whom, whether alone or in conjunction with others determines the purpose and means of processing Personal Information.
Special Personal Information	Information relating to a person's religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject and criminal behaviour, as defined under the POPI Act.