



CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

PROTECTION OF PERSONAL INFORMATION POLICY

**POLICY ADOPTED BY COUNCIL ON 27 MAY 2021 AT
ITEM C.15.2**

TABLE OF CONTENTS

1. PREAMBLE
2. PURPOSE
3. SCOPE
4. DEFINITIONS AND ABBREVIATIONS
5. LIST OF PERSONAL INFORMATION
6. RESPONSIBILITIES
7. POPIA COORDINATING COMMITTEE
8. GENERAL STAFF GUIDELINES
9. RIGHTS OF DATA SUBJECTS
10. LAWFUL PROCESSING
11. CONSENT
12. COLLECTION OF PERSONAL INFORMATION
13. SPECIFIC PURPOSE AND UTILISATION OF PERSONAL INFORMATION
14. RETENTION AND RESTRICTION OF RECORDS
15. FURTHER PROCESSING
16. QUALITY OF INFORMATION

17. NOTIFICATION OF COLLECTION
18. SECURITY, INTEGRITY AND SAFEGUARDING
19. SHARING PERSONAL INFORMATION
20. PROCESSING OF PERSONAL INFORMATION ON BEHALF OF THE DISTRICT MUNICIPALITY AND THIRD-PARTY INSURANCE
21. PUBLIC PARTICIPATION AND SERVICE DELIVERY COMMUNICATIONS
22. MUNICIPAL WEBSITE
23. NOTIFICATION OF SECURITY COMPROMISES
24. ACCESS TO PERSONAL INFORMATION
25. CORRECTION OF PERSONAL INFORMATION
26. SPECIAL PERSONAL INFORMATION
27. PROCESSING OF SPECIAL PERSONAL INFORMATION
28. PERSONAL INFORMATION OF CHILDREN
29. TRANSFERS OF PERSONAL INFORMATION OUTSIDE REPUBLIC
30. BREACHES OF THE ACT OR POLICY
31. MAINTENANCE AND UPDATING OF THIS PRIVACY POLICY

1. PREAMBLE

- 1.1 The Cape Winelands District Municipality is committed to protecting all persons' privacy and recognises that it needs to comply with statutory requirements whenever it collects, processes and distributes personal information.
- 1.2 The Constitution of the Republic of South Africa, 1996 provides that everyone has the right to privacy and the Protection of Personal Information Act, 2013 (Act No 4 of 2013) enforces the right to protection against unlawful collection, retention, dissemination and use of personal information and also regulates all organisations who process personal information.
- 1.3 In order to perform its functions, the District Municipality needs to gather, process and use certain personal information about individuals and juristic persons (collectively referred to as "data subjects") with which it deals and interacts with from time-to-time.
- 1.4 The District Municipality may also be obligated by Law or governing bodies to process such information for reporting, statistical or other purposes.
- 1.5 The Cape Winelands District Municipality strives to balance the right to privacy with other competing rights, such as the right to access to information and the free flow of information.
- 1.6 The Cape Winelands District Municipality regards the protection of personal information as very important and wishes to ensure that all personal information kept by the District Municipality is effectively safeguarded in accordance with the Personal Information Act, 2013 (Act No 4 of 2013).

2. PURPOSE

2.1 The purpose of this policy is to demonstrate the District Municipality's commitment to safeguarding personal information of all persons, including juristic persons, with whom it interacts and to ensure that the District Municipality and its employees comply with the requirements imposed by the Protection of Personal Information Act, 2013 (Act No 4 of 2013).

2.2 Without limiting the generality of the aforementioned purpose, the further purposes are to:

2.2.1 Establish a policy that will provide direction with respect to the manner of compliance with the Protection of Personal Information Act, 2013 (Act No 4 of 2013).

2.2.2 Give effect to the right to privacy and at the same time balance the right to privacy against other rights such as the right to access to information, and to protect the rights of "data subjects" and important interests such as the free flow of information.

2.2.3 Regulate the manner in which personal information may be processed.

2.2.4 Establish measures to ensure respect for and to promote, enforce and fulfil the rights protected.

2.2.5 Protects itself from the risks of security breaches in any form.

3. SCOPE

- 3.1 This policy applies to all employees, councillors and any other person or entity working for or on behalf of the Cape Winelands District Municipality and will govern all business activities that involve the collection and processing of personal information, including special personal information, for or on behalf of the Cape Winelands District Municipality, in connection with the services it offers.
- 3.2 This includes information collected offline through Helplines and call centres, and online through the website, branded pages on third party platforms and applications accessed or used through the websites or third-party platforms which are operated by or on behalf of the District Municipality.
- 3.3 This policy does **not** apply to:
- 3.3.1 Information collected by third party websites, platforms and/or applications (“Third Party Sites”) which are not controlled by the District Municipality.
 - 3.3.2 Information collected by Third Party Sites accessed via links on District Municipality sites.
 - 3.3.3 Banners, sweepstakes and other advertisements or promotions on Third Party Sites that the Cape Winelands District Municipality may sponsor or participate in.

4. DEFINITIONS AND ABBREVIATIONS

- 4.1 “**Act**” means the Protection of Personal Information Act, 2013 (Act No 4 of 2013).
- 4.2 “**CCTV**” means closed circuit television.

4.3 “**Consent**” means any voluntary, specific and informed expression agreeing to the processing of personal information.

4.4 “**Data Subject**” means the person to whom the personal information relates and in relation to the District Municipality, data subject would include councillors, employees, visitors, service providers and any other individual with whom the District Municipality may interact from time to time, whether or not such person is a natural person or a juristic person.

4.5 “**De-identify**” in relation to personal information of a data subject means to delete information that –

4.5.1 Identifies the data subject.

4.5.2 Can be used or manipulated by a reasonably foreseeable method to identify the data subject.

4.5.3 Can be linked by a reasonably foreseeable method or other information that identifies a data subject.

“**De-identified**” has a corresponding meaning”.

4.6 “**Information Assets**” means the assets the District Municipality uses to create, store, transmit, delete and/or destroy information to support its business activities as well as the information systems with which that information is processed and includes:

4.6.1 All electronic and non-electronic information created or used to support business activities regardless of form or medium, for example, paper documents, electronic files, voice communication, text messages, photographic or video content.

- 4.6.2 All applications, devices and other systems with which the organisation processes its information, for example telephones, fax machines, printers, computers, networks, voicemail, e-mail, instant messaging, smartphones and other mobile devices ('ICT assets').
- 4.7 **“Information Custodian”** means the person responsible for defining and implementing security measures and controls for Information and Communication Technology (ICT) assets.
- 4.8 **“Information End User”** means the person that interacts with information assets and ICT assets for the purpose of performing an authorised task.
- 4.9 **“Information Officer”** means the Accounting Officer (Municipal Manager).
- 4.10 **“Information Owner”** means the person responsible for, or dependent upon the business process associated with an information asset.
- 4.11 **“Personal Information”** means any information that could be used to identify a data subject and includes, but not limited to –
- 4.11.1 Race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language, birth.
- 4.11.2 Education, medical history, financial history, criminal history, employment history.
- 4.11.3 Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to a person (such as postal address).

- 4.11.4 Biometric information, including physical, psychological or behavioural characterization including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.
- 4.11.5 Personal opinions, views, preferences of the data subject and opinions or views of another person about the data subject.
- 4.11.6 Correspondence sent by the data subject that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- 4.11.7 The surname and names of the data subject 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.
- 4.12 **“PAIA”** means the Promotion of Access to Information Act, 2000 (Act No 2 of 2000).
- 4.13 **“POPI”** means the Protection of Personal Information Act, 2013 (Act No 4 of 2013).
- 4.14 **“Processing”** as it relates to processing of personal information means any operation or activity, whether or not by automatic means, including:
 - 4.14.1 Collecting, receipt, recording, organising, collation, storage, updating, modification, retrieval, alteration, consultation or use.
 - 4.14.2 Dissemination by means of transmission, distribution, or making available in any form.
 - 4.14.3 Merging, linking, degrading, erasure or destruction.

- 4.15 **“Record”** means any recorded personal information, regardless of its form or medium, including any writing, electronic information, label, marking, image, film, map, graph, drawing, tape and that is in the possession or under the control of a responsible party, irrespective of whether it has been created by the responsible party or not and regardless of when it came into existence.
- 4.16 **“Responsible party”** means, the Cape Winelands District Municipality, who engages in the act of processing personal information.
- 4.17 **“Special Personal Information”** means any information that could be used to identify a data subject and includes –
- 4.17.1 Religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health, DNA, sexual life and criminal behaviour.
 - 4.17.2 Personal information concerning a child.
- 4.18 **“District Municipality”** means the Cape Winelands District Municipality, which includes its departments, divisions, stakeholders, service providers and employees.

5. LIST OF PERSONAL INFORMATION

- 5.1 The District Municipality collects personal information for various reasons in order to fulfil its mandate as government institution in terms of the Constitution of the Republic of South Africa.
- 5.2 The residents expecting essential and other services from the District Municipality are obliged to share their personal information with the District Municipality as the withholding and/or refusal of personal information may impact on the District Municipality’s ability to render effective and sufficient services.

- 5.3 Employees are also obliged to share their personal information with the District Municipality as it is needed for human resource management.
- 5.4 Depending on the nature of the services required, the relationship between the individual and the District Municipality and the reasons why certain information is required, personal information that may be obtained includes but is not limited to:
- 5.4.1 Forenames and last names.
 - 5.4.2 Identification or Passport number.
 - 5.4.3 Demographic information such as age, gender, physical and postal address.
 - 5.4.4 Qualifications.
 - 5.4.5 Contact details.
 - 5.4.6 Remuneration details.
 - 5.4.7 Employment information.
 - 5.4.8 Ownership or rental information.
 - 5.4.9 Vehicle details i.e., vehicle number plate.
 - 5.4.10 Medical information.
 - 5.4.11 Declaration of interest.
 - 5.4.12 Next of Kin information.
 - 5.4.13 Bidders information.

6. RESPONSIBILITIES

- 6.1 All municipal employees have a responsibility to ensure that the personal information of data subjects is collected, stored and handled appropriately to ensure the confidentiality, integrity and availability thereof.
- 6.2 Each Information End User, Information Owner, Department and/or Division that handles personal information must ensure that it is handled and processed in line with this policy and the privacy principles.
- 6.3 Below follows key positions and their areas of responsibility:
- 6.3.1 The **Information Officer** (Municipal Manager) is ultimately responsible for ensuring that the District Municipality meets its legal obligations.
- 6.3.2 The **Deputy Information Officer** (Director: Support Services) is responsible for:
- (a) The encouragement of compliance, by the Division under his/her responsibility, with the conditions for the lawful processing of personal information.
 - (b) Dealing with requests made to the District Municipality relating to the Division under his/her responsibility, pursuant to PoPIA.
 - (c) Working with the Information Regulator in relation to investigations conducted pursuant to Chapter 6 of the Act, in relation to the Division under his/her control.
 - (d) Otherwise ensuring compliance by the relevant Division with the provisions of the Act or otherwise as may be prescribed in terms of the Act.

- (e) Keeping the Information Officer updated about information assets and personal information protection responsibilities, risks and relating issues.
- (f) Reviewing all personal information protection procedures and related policies, in line with an agreed schedule.
- (g) Arranging personal information protection training and advice for the people covered by this policy.

6.3.3 The **Deputy Director: Information and Communication Technology** is responsible for:

- (a) Ensuring all ICT assets used for processing personal information meet appropriate security standards.
- (b) Performing regular checks and scans to ensure security hardware and software is functioning optimally.
- (c) Evaluating any third-party services, the District Municipality is considering using to process personal information, for instance, cloud computing services, and advising the Information Officer of appropriate arrangements in this regard.

6.3.4 The **Information Owner / Departmental Manager / Divisional Head** is responsible for:

- (a) Classifying personal information in line with the PoPIA and Regulations.
- (b) Maintaining internal procedures to support the effective handling and security of personal information.

- (c) Reviewing all personal information protection procedures and related policies, in line with an agreed schedule and make recommendations to the Information Officer / Director: Support Services, where applicable.
- (d) Ensuring that all employees, consultants, service providers and others that report to the Information Officer / Director: Support Services are made aware of and are instructed to comply with this and all other relevant policies.

6.3.5 The **Deputy Director: Communication Services** is responsible for:

- (a) Approving any personal information protection media statement in collaboration with the Information Officer and/or Deputy Information Officer.
- (b) Addressing any personal information protection queries from journalists or media outlets.
- (c) Where necessary, working with other business units to ensure all communication initiatives abide by the privacy protection principles.

7. POPIA COORDINATING COMMITTEE

- 7.1 A Coordinating Committee must be established to ensure the coordination of the PoPIA compliance tasks and Personal Information requests.
- 7.2 The Committee members will be formally appointed by the Municipal Manager.
- 7.3 The Committee shall be multi-disciplinary and meet on a quarterly basis.
- 7.4 The committee shall consist of the following portfolios:

7.4.1 Core Members

- (a) Performance Management
- (b) Information and Communication Technology (ICT)
- (c) Communications
- (d) Risk Management
- (e) Legal Services

7.4.2 Departmental Representatives

- (a) Human Resources
- (b) Administrative Support Services
- (c) Revenue and Expenditure Management
- (d) Salaries
- (e) Supply Chain Management
- (f) Socio-Economic Development
- (g) Technical Services

7.4.3 Standing Invitees

- (a) Director: Support Services
- (b) Internal Audit Representative

8. GENERAL STAFF GUIDELINES

- 8.1 The only people able to access any personal information covered by this policy should be those who need it to successfully complete their duties and responsibilities in terms of the content of their job descriptions.
- 8.2 Personal information should not be shared informally and must never be shared over social media accounts such as Facebook, LinkedIn, Google Plus, Twitter, etc.
- 8.3 When access to confidential information is required, employees can request it from their line managers.
- 8.4 The District Municipality will provide training to all employees in order to facilitate the understanding of their responsibilities when handling personal information.
- 8.5 Employees should keep all personal information secure, by taking sensible precautions and following the guidelines set out herein.
- 8.6 In particular, strong passwords must be used and should never be shared.
- 8.7 Personal information should not be disclosed to unauthorised individuals, either within the District Municipality or externally.
- 8.8 Personal information must be reviewed regularly and updated if it is found to be outdated or no longer required, it should be deleted and disposed of in line with the disposal instructions.
- 8.9 Employees should request help from their line managers if they are unsure about any aspect of the protection of personal information.
- 8.10 Line managers should seek the assistance of the Director: Support Services and/or Legal Services if they are unsure about any aspect of the protection of personal information.

9. RIGHTS OF DATA SUBJECTS

- 9.1 The District Municipality respects a data subject's right to have his/her or its personal information processed lawfully.
- 9.2 Data subjects have the right to:
- 9.2.1 Be notified that personal information about him, her or it is being collected or that his, her or its personal information has been accessed or acquired by an unauthorised person.
 - 9.2.2 To establish whether the District Municipality holds personal information of that data subject and to request access thereto.
 - 9.2.3 To request, where necessary, the District Municipality to correct, update, block or delete personal information that the District Municipality holds, subject to the legislative requirements that make it compulsory for the District Municipality to keep such personal information, by submitting a written request to the designated Information Officer.
 - 9.2.4 The Information Officer will acknowledge receipt of any such request within three (3) days of the date of the written request.
 - 9.2.5 Any such request will be dealt with by the Information Officer who shall respond within a reasonable period, but not later than thirty (30) days of the date of receipt of the written request.
 - 9.2.6 To object to the processing of his, her or its personal information at any time.
 - 9.2.7 On any suspicion that personal information has been unlawfully processed and rights relating to protection of your personal information were violated or that personal information has been compromised, the data subject shall contact the Information Officer and if not satisfied, may lodge a complaint with the Information Regulator.

9.2.8 In the event of an information breach that the District Municipality becomes aware of, the District Municipality shall notify the data subject.

10. LAWFUL PROCESSING

- 10.1 The District Municipality processes personal information lawfully and in a reasonable manner that does not infringe the privacy of the data subject.
- 10.2 Only information which is necessary for the specific purpose for which it is collected, is processed.
- 10.3 Information which is collected must be adequate, relevant and not excessive.
- 10.4 Information is collected in a manner which does not infringe the rights of the data subject.

11. CONSENT

- 11.1 The District Municipality only processes personal information with the express consent of the data subject or a competent person where the data subject is a child.
- 11.2 The District Municipality processes personal information without express written consent, if:
 - 11.2.1 Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party.
 - 11.2.2 Processing complies with an obligation imposed by law on the District Municipality.
 - 11.2.3 Processing protects a legitimate interest of the data subject.

- 11.2.4 Processing is necessary for the proper performance of a public law duty by the District Municipality.
- 11.2.4 Processing is necessary for pursuing the legitimate interests of the District Municipality or of a third party to whom the information is supplied.
- 11.3 The data subject or competent person may withdraw his, her or its consent, at any time: Provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information will not be affected.
- 11.4 A data subject may object, at any time, to the processing of personal information in the prescribed manner, on reasonable grounds relating to his, her or its particular situation, unless legislation provides for such processing.
- 11.5 If a data subject has objected to the processing of personal information the District Municipality no longer processes the personal information and the relationship between the District Municipality and the data subject may be terminated.

12. COLLECTION OF PERSONAL INFORMATION

- 12.1 The District Municipality collects personal information to support its service delivery mandate.
- 12.2 Personal information may be collected through a variety of channels and may include the following, however not limited to:
 - 12.2.1 Application forms.
 - 12.2.2 Quotations, Written Price Quotations and Tenders.
 - 12.2.3 Websites.
 - 12.2.4 Through surveillance cameras (with facial recognition technology).

- 12.2.5 Through third party service providers.
 - 12.2.6 Social media platforms.
 - 12.2.7 Responding to questionnaires.
 - 12.2.8 Surveys.
 - 12.2.9 Declaration by officials and councillors on financial interest, related party interest and confidentiality in terms of applicable legislation.
- 12.3 The District Municipality collects personal information directly from the data subject, except as otherwise provided for below.
- 12.4 The District Municipality collects personal information from other sources other than the data subject directly if:
- 12.4.1 The information is contained in or derived from a public record or has deliberately been made public by the data subject.
 - 12.4.2 The data subject or a competent person where the data subject is a child has consented to the collection of the information from another source.
 - 12.4.3 Collection of the information from another source would not prejudice a legitimate interest of the data subject.
 - 12.4.4 Collection of the information from another source is necessary:
 - (a) To avoid prejudice to the maintenance of the law by the District Municipality, including the prevention, detection, investigation, prosecution and punishment of offences.
 - (b) To comply with an obligation imposed by law or to enforce legislation.

- (c) For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated.
- (d) In the interests of national security.
- (e) To maintain the legitimate interests of the District Municipality or of a third party to whom the information is supplied.

12.4.5 Compliance would prejudice a lawful purpose of the collection.

12.4.6 Compliance is not reasonably practicable in the circumstances of the particular case.

13. SPECIFIC PURPOSE AND UTILISATION OF PERSONAL INFORMATION

13.1 The District Municipality utilises personal information for a specific, explicitly defined and lawful purpose related to a function or activity of the District Municipality, unless the data subject grants consent for additional usage.

13.2 The District Municipality takes steps to ensure that the data subject is aware of the purpose of the collection of the information.

13.3 The District Municipality may collect and process personal information through a variety of channels for the following reasons:

13.3.1 Employment and remuneration and other Human Resources needs.

13.3.2 Processing of benefits i.e., medical aid, pension and group life.

13.3.3 Considering bids in terms of tenders and quotations.

13.3.4 Concluding agreements and contracts.

- 13.3.5 Communication; sending and sharing of important information.
- 13.3.6 Registration and Archive services.
- 13.3.7 Maintaining data base for essential services.
- 13.3.8 Respond to inquiries, complaints and requests.
- 13.3.9 Community consultation and feedback.
- 13.3.10 Addressing the needs and priorities of the District Municipality.
- 13.3.11 Understanding the needs and priorities of the community and other stakeholders.
- 13.3.12 Security background checks (vetting).
- 13.3.13 Rendering accounts.
- 13.3.14 Debt recovery.
- 13.3.15 Submission of statutory reports.
- 13.3.16 Disclosure of information to comply with all legislative requirements.
- 13.3.17 Audit reports.

14. RETENTION AND RESTRICTION OF RECORDS

- 14.1 The District Municipality shall retain personal information for as long as it is necessary to fulfil the purposes for which it was collected and to comply with any legislative and/or archive requirements, where after it shall be deleted / disposed of.

- 14.2 The District Municipality does not retain records of personal information any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:
- 14.2.1 Retention of the record is required or authorised by law.
 - 14.2.2 The data is necessary for/or as part of an investigation or for litigation purposes.
 - 14.2.3 The District Municipality reasonably requires the record for lawful purposes related to its functions or activities.
 - 14.2.4 Retention of the record is required by a contract between the parties thereto.
 - 14.2.4 The data subject or a competent person where the data subject is a child has consented to the retention of the record.
- 14.2 Records of personal information may be retained for periods in excess of those contemplated in paragraph 11.1 for historical, statistical or research purposes and the District Municipality ensures appropriate safeguards against the records being used for any other purposes.
- 14.3 Whenever the District Municipality uses a record of personal information of a data subject to make a decision about the data subject, the District Municipality:
- 14.3.2 Retains the record for such period as may be required or prescribed by law or retains the record for a period which affords the data subject a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.
- 14.4 The District Municipality destroys or deletes a record of personal information or de-identify it as soon as reasonably practicable after the District Municipality is no longer authorised to retain the record.

- 14.5 The destruction or deletion of a record of personal information is done in a manner that prevents its reconstruction in an intelligible form.
- 14.6 The District Municipality restricts processing of personal information if:
- 14.6.1 Its accuracy is contested by the data subject, for a period enabling the responsible party to verify the accuracy of the information.
 - 14.6.2 The District Municipality no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof.
 - 14.6.3 The processing is unlawful, and the data subject opposes its destruction or deletion and requests the restriction of its use instead.
 - 14.6.4 The data subject requests to transmit the personal data into another automated processing system.

15. FURTHER PROCESSING

- 15.1 Further processing of personal information is done in accordance or compatible with the purpose for which it was collected initially.
- 15.2 To assess whether further processing is compatible with the purpose of collection, the District Municipality takes account of:
- 15.2.1 The relationship between the purpose of the intended further processing and the purpose for which the information has been collected.
 - 15.2.2 The nature of the information concerned.
 - 15.2.3 The consequences of the intended further processing for the data subject.

- 15.2.4 The manner in which the information has been collected.
- 15.2.5 Any contractual rights and obligations between the District Municipality and the data subject.
- 15.3 The further processing of personal information is not incompatible with the purpose of collection if:
 - 15.3.1 The data subject or a competent person where the data subject is a child has consented to the further processing of the information.
 - 15.3.2 The information is available in or derived from a public record or has deliberately been made public by the data subject.
 - 15.3.3 Further processing is necessary:
 - (a) To avoid prejudice to the maintenance of the law by any public body including the prevention, detection, investigation, prosecution and punishment of offences.
 - (b) To comply with an obligation imposed by law.
 - (c) For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated.
 - (d) In the interests of national security.
 - 15.3.4 The further processing of the information is necessary to prevent or mitigate a serious and imminent threat to:
 - (a) Public health or public safety.
 - (b) The life or health of the data subject or another individual.

- (c) The information is used for historical, statistical or research purposes and the District Municipality ensures that the further processing is carried out solely for such purposes and will not be published in an identifiable form.
- (d) The processing is exempted by the Protection of Personal Information Act, 2013 (Act No 4 of 2013).

16. QUALITY OF INFORMATION

- 16.1 The District Municipality takes reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary, having regard to the purpose for which personal information is collected or further processed.

17. NOTIFICATION OF COLLECTION

- 17.1 Whenever the District Municipality collects personal information it takes reasonably practicable steps to ensure that the data subject is aware of:
 - 17.1.1 The information being collected and where the information is not collected from the data subject, the source from which it is collected.
 - 17.1.2 The name and address of the District Municipality's Information Officer.
 - 17.1.3 The purpose for which the information is being collected.
 - 17.1.4 Whether or not the supply of the information by that data subject is voluntary or mandatory.
 - 17.1.5 The consequences of failure to provide the information.

17.1.6 Any particular law authorising or requiring the collection of the information.

17.1.7 The fact that, where applicable, the District Municipality intends to transfer the information to a third country or international organisation and the level of protection afforded to the information by that third country or international organisation.

17.1.8 Any further information such as the:

- (a) Recipient or category of recipients of the information.
- (b) Nature or category of the information.
- (c) Existence of the right of access to and the right to rectify the information collected.
- (d) The existence of the right to object to the processing of personal information.
- (e) Right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator.

17.2 The steps referred to in paragraph 14.1 is taken:

17.2.1 If the personal information is collected directly from the data subject, before the information is collected, unless the data subject is already aware of the information referred to in that subsection.

17.2.2 In any other case, before the information is collected or as soon as reasonably practicable after it has been collected.

- 17.3 The District Municipality does not need to comply with paragraph 14.1 if:
- 17.3.1 The data subject or a competent person where the data subject is a child has provided consent for the non-compliance.
 - 17.3.2 Non-compliance would not prejudice the legitimate interests of the data subject.
 - 17.3.3 Non-compliance is necessary:
 - (a) To avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences.
 - (b) To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act No 34 of 1997).
 - (c) For the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated.
 - (d) In the interests of national security.
 - 17.3.4 Compliance would prejudice a lawful purpose of the collection.
 - 17.3.5 Compliance is not reasonably practicable in the circumstances of the particular case.

17.3.6 The information will:

- (a) Not be used in a form in which the data subject may be identified.
- (b) Be used for historical, statistical or research purposes.

18. SECURITY, INTEGRITY AND SAFEGUARDING

18.1 The District Municipality aims and strives to secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent:

18.1.1 Theft, loss of, damage to or unauthorised destruction of personal information.

18.1.2 Unlawful access to, modification and disclosure and/or processing of personal information.

18.2 It is the objective of the District Municipality to take reasonable measures to:

18.2.1 Identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control.

18.2.2 Establish and maintain appropriate safeguards against the risks identified.

18.2.3 Regularly verify that the safeguards are effectively implemented.

18.2.4 Ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

19. SHARING PERSONAL INFORMATION

- 19.1 As a principle, the District Municipality shall only share personal information if the District Municipality has obtained consent from the data subject.
- 19.2 Personal information may be shared with the indicated stakeholders and in the manner as follows:
 - 19.2.1 South African Revenue Service (SARS).
 - 19.2.2 Medical aids, pension funds and group life schemes.
 - 19.2.3 Financial institutions for remuneration purposes.
 - 19.2.4 Financial institutions for payments.
 - 19.2.5 Financial institutions for insurance purposes.
 - 19.2.6 Business partners, vendors, or contractors to provide requested services or facilitate transactions.
 - 19.2.7 In response to a request for information by a legitimate authority in accordance with, or required by any applicable law, regulation, or legal process.
 - 19.2.8 Where necessary to comply with judicial proceedings, court orders.
 - 19.2.9 To protect the rights, property, or safety of the municipality or others, or as otherwise required by an applicable law.
 - 19.2.10 Where consent in writing has been contained from the data subject for sharing.

20. PROCESSING OF PERSONAL INFORMATION ON BEHALF OF THE DISTRICT MUNICIPALITY AND THIRD-PARTY INSURANCE

- 20.1 Anyone processing personal information on behalf of the District Municipality:
- 20.1.1 Processes such information only with the knowledge or authorisation of the District Municipality.
 - 20.1.2 Treat personal information which comes to their knowledge as confidential and must not disclose it, unless required by law or in the course of the proper performance of their duties.
 - 20.1.3 The District Municipality ensures, by way of written contracts between the District Municipality and an operator, that the operator which processes personal information for the District Municipality establishes and maintains the sufficient and proper security measures as required by the Act.
- 20.2 Any service provider(s) with whom the District Municipality shares personal information:
- 20.2.1 Are contractually required to implement suitable information protection and security measures.
 - 20.2.2 Are not permitted to use personal information for any purpose, other than it was intended for.
 - 20.2.3 The District Municipality ensures by way of contracts with third parties acknowledges that the sharing of information with a third party is in fact a data process in terms of PoPIA and that the District Municipality is still the responsible party and the third party is the operator

- 20.2.4 Furthermore, the contract must provide for a process to secure the protection of the information that the District Municipality shares with the third parties.

21. PUBLIC PARTICIPATION AND SERVICE DELIVERY COMMUNICATIONS

- 21.1 The data subject can choose whether or not to receive communications from the District Municipality on service delivery and public participation via any available communication platforms i.e., email or SMS.
- 21.2 Even when agreeing to this, the data subject may opt out of receiving any such notifications at any time by contacting the Information Officer.
- 21.3 The District Municipality shall not avail personal information to unaffiliated third parties for direct marketing purposes or sell, rent, distribute, or otherwise make personal information commercially available to any third party.

22. MUNICIPAL WEBSITE

- 22.1 By using the District Municipality's website, the user is deemed to have accepted the terms and conditions as specified on the website.
- 22.2 Other sites can access via links from the website, however these sites are not monitored, maintained or controlled by the District Municipality and thus the District Municipality is not responsible in any way for any of their contents.
- 22.3 It is possible that the website from time-to-time may contain links to other third-party websites, however the District Municipality is not responsible for any third-party content or privacy statements, thus the usage of such sites and applications is subject to the relevant third party privacy policy statements.

- 22.4 The District Municipality website respects any user's privacy, however some anonymous information about the user is automatically collected by the website which may include the user's browser type, access times, referring web site addresses and viewed pages. This information is collected to generate general aggregate statistics about the use of the District Municipality's website and is used to improve service delivery.
- 22.5 No other information is collected by the District Municipality's website without the user's knowledge.
- 22.6 The District Municipality will not pass on any individual user details that may have been obtained, automatically or without the user's knowledge, unless the user's prior consent.
- 22.7 The District Municipality only shares anonymous aggregate statistics about users and traffic patterns.
- 22.8 The District Municipality is not responsible for any breach of security or for the actions of third parties.

23. NOTIFICATION OF SECURITY COMPROMISES

- 23.1 Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, the District Municipality notifies the Regulator and the data subject - unless the identity of such data subject cannot be established - as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

- 23.2 The District Municipality only delays notification of the data subject if a public body responsible for the prevention, detection or investigation of offences or the Regulator determines that notification will impede a criminal investigation by the public body concerned.
- 23.3 The District Municipality notifies the data subject by way of written notification:
- 23.3.1 Mailed to the data subject's last known physical or postal address.
 - 23.3.2 Sent by e-mail to the data subject's last known e-mail address.
 - 23.3.3 Placed in a prominent position on the website of the responsible party.
 - 23.3.4 Published in the news media.
 - 23.3.5 As may be directed by the Information Regulator.
- 23.4 The notification provides sufficient information to allow the data subject to take protective measures against the potential consequences of the compromise, including:
- 23.4.1 A description of the possible consequences of the security compromise.
 - 23.4.2 A description of the measures that the responsible party intends to take or has taken to address the security compromise.
 - 23.4.3 A recommendation with regard to the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise.
 - 23.4.4 If known to the District Municipality, the identity of the unauthorised person who may have accessed or acquired the personal information.

24. ACCESS TO PERSONAL INFORMATION

24.1 A data subject, having provided adequate proof of identity, has the right to:

24.1.1 Request the District Municipality to confirm, free of charge, whether or not the District Municipality holds personal information about the data subject.

24.1.2 Request from the District Municipality the record or a description of the personal information about the data subject held by the District Municipality, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

24.2 The District Municipality issues the record to the data subject:

24.2.1 Within a reasonable time.

24.2.2 At a prescribed fee, if any, together with the written estimate of the fee before providing the services.

24.2.3 In a reasonable manner and format.

24.2.4 In a form that is generally understandable.

25. CORRECTION OF PERSONAL INFORMATION

25.1 A data subject may, in the prescribed manner, request the District Municipality to:

25.1.1 Correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.

- 25.1.2 Destroy or delete a record of personal information about the data subject that the District Municipality is no longer authorised to retain.
- 25.2 On receipt of a request the District Municipality, as soon as reasonably practicable:
 - 25.2.1 Corrects the information.
 - 25.2.2 Destroys or deletes the information.
 - 25.2.3 Provide the data subject, with credible evidence in support of the information.
 - 25.2.4 Where agreement cannot be reached between the District Municipality and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made.

26. SPECIAL PERSONAL INFORMATION

- 26.1 The District Municipality, subject to paragraphs 28.1.1 to 28.1.5, does not process special personal information concerning:
 - 26.1.1 The religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject.
 - 26.1.2 The criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

27. PROCESSING OF SPECIAL PERSONAL INFORMATION

27.1 When processing special personal information, the District Municipality will ensure that:

27.1.1 Processing is carried out with the consent of a data subject.

27.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law.

27.1.3 Processing is necessary to comply with an obligation of international public law.

27.1.4 Processing is for historical, statistical or research purposes to the extent that the purpose serves a public interest, and the processing is necessary for the purpose concerned; or it appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the data subject to a disproportionate extent.

27.1.5 Information has deliberately been made public by the data subject.

28. PERSONAL INFORMATION OF CHILDREN

28.1 The District Municipality processes personal information of children:

28.1.1 With the prior consent of a competent person.

28.1.2 Where it is necessary for the establishment, exercise or defence of a right or obligation in law.

- 28.1.3 Where it is necessary to comply with an obligation of international public law.
- 28.1.4 Where it is necessary for historical, statistical or research purposes to the extent that the purpose serves a public interest and the processing is necessary for the purpose concerned; or it appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the child to a disproportionate extent.
- 28.1.5 Which has deliberately been made public by the child with the consent of a competent person.

29. TRANSFERS OF PERSONAL INFORMATION OUTSIDE REPUBLIC

- 29.1 The District Municipality does not transfer personal information about a data subject to a third party who is in a foreign country unless:
 - 29.1.1 The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country.
 - 29.1.2 The data subject consents to the transfer.

- 29.1.3 The transfer is necessary for the performance of a contract between the data subject and the District Municipality, or for the implementation of pre-contractual measures taken in response to the data subject's request.
- 29.1.4 The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the District Municipality and a third party.
- 29.1.5 The transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject to that transfer; and if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

30. BREACHES OF THE ACT OR POLICY

- 30.1 Breach of the Act, either by a councillor or employee, can lead to disciplinary action against the alleged perpetrator in terms of the applicable code of conduct or disciplinary procedures.

31. MAINTENANCE AND UPDATING OF THIS PRIVACY POLICY

- 31.1 The District Municipality will maintain and regularly update this Protection of Personal Information Policy and shall post updated and revised versions as and when necessary.