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	Name of Document	Protection of Personal Information Act ('POPI') Policy		

DOCUMENT NAME: Protection of Personal Information Act ('POPI') Policy



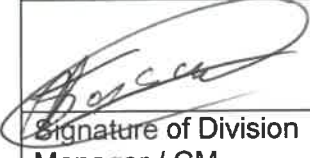
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Steps in approval process

recommendation (compliance – technical correctness and integration with the other policies and procedures)

Recommendation		
	B. Mabanga	Date
Signature of Division Manager / GM	Name in block letters	25.01.2021.
Recommended / Not Recommended	Comment	

CEO's recommendation (compliance check with legislation)		
	Fellehy Yende	25/01/2021
Signature of CEO	Name in block letters	Date
Approved/ Not Approved	Comment	


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1. DEFINITIONS

“consent” – any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

“data subject” – a person to whom the personal information relates. This policy covers learners and employers who communicate with FP&M SETA and/or conclude any agreement, registration or application for the purposes of receiving training. It also covers internal data subjects such as employees, Board and Committee members.

“direct marketing” – to approach a data subject directly by mail or personally for the direct or indirect purpose of promoting goods or services or requesting the data subject to make a donation of sorts.

“person” – a natural or juristic person.


“personal information” – information related to an identifiable, living, natural persona and, where applicable, an identifiable, existing juristic person. This information can include, but is not limited to, biometric information, identity number, telephone number, race, sex etc.

“processing” – any activity, automated or manual, concerning personal information. Such activity may include, but is not limited to, collection, receipt, recording, organization, storage, collation, retrieval, alteration, updating, distribution, dissemination by means of transmission, erasure or destruction of personal information.

“responsible party” – public or private body or any other persona which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

“special personal information” – this very sensitive personal information that requires stringent protection. Special personal information includes, but is not limited to, religious beliefs, political affiliations, race and ethnic origin, health, sex life and biometric information.

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2. PREAMBLE

2.1 As a Sector Education and Training Authority (SETA), the collection and processing of personal information is directly aligned to the execution of FP&M SETA's mandate. The collection, processing and safeguarding of personal information by FP&M SETA is however not limited to the prescripts of the Protection of Personal Information Act 2013, ("POPI"). There are also a number of other pieces of legislation that govern the FP&M SETA environment and are related to the implementation of POPI. Therefore, FP&M SETA's implementation of POPI will take into account all the applicable legislation and their relationship thereto, and properly align itself accordingly.

3. INTRODUCTION


3.1 The primary purpose of POPI is to regulate the collection and processing of personal information in a manner that will safeguard such information against unauthorized access and usage.

3.2 The purpose of this Protection of Personal Information Policy ("this Policy") is to establish the requirements and conditions for the collection, distribution and retention of personal information, in line with the prescripts of POPI and the Promotion of Access to Information Act 2000 (PAIA).

3.3 This policy articulates the parameters in the collection, processing, storage, distribution and destruction of personal information by FP&M SETA, as aligned to POPI.

3.4 This Policy sets out how FP&M SETA deals with data subjects' personal information as well as the purposes for which personal information will be used. This Policy is made available on the FP&M SETA website (www.fpmseta.org.za), Intranet (fpm.dtss.co.za), shared drives and by request from our GRCL Executive Manager, whose details are provided in paragraph 17.1, below.

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4. COLLECTION

- 4.1 For the purposes of this policy and as per the definition of POPI, the term personal information shall mean any piece of information that can be used to identify an individual and/or juristic person. This would include fields such as names, contact details, race, age, pictures and also extends to information such as IP addresses, habits, preferences and information about lifestyle, hobbies and interests.
- 4.2 FP&M SETA collects and receives large volumes of personal information directly and indirectly from the data subject through various source documents such as but not limited to application forms, agreements and contracts. Substantial amounts of general personal information and special personal information are collected by FP&M SETA through these documents. Personal information is also collected internally, with respect to employment records, and Board and Committee members for payment and/or reimbursement purposes.
- 4.3 Information is collected by FP&M SETA in the following manner:
- directly from the data subject;
 - from an agent, relative, employer, work colleague or other duly authorized representative who may seek or request FP&M SETA's services;
 - from education institutions, training providers, or other service providers that are providing or provided the data subject with services;
 - from FP&M SETA's own records relating to its previous supply of services or responses to the data subject's request for services; and/or from a relevant public or equivalent entity.
- 4.4 The personal information collected by FP&M SETA directly includes names, contact details, identity numbers, home language, banking details, race, disability, gender, physical and postal address, occupation, employer and employer details, as well as tax/payroll information in respect of internal stakeholders.
- 4.5 FP&M SETA will not collect personal information regarding a minor or individual's religious or philosophical beliefs, trade union membership, political opinions, health or sexual life unless permitted by law or with express written consent from the data subject.

5. PURPOSE SPECIFICATION

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5.1 POPI requires that the data subject be informed of the purpose or reason for the collection of their data so that they may either give written consent or refuse it. The purpose for which personal information is collected should be specified at the time the information is being collected. In addition, any further use of the collected personal information should be compatible with the initial purpose of collection.

5.2 The personal information of the data subject (the applicant) is collected in order to conform to various processes that are sought by various laws. An example of this is the performance monitoring process, which was instituted by the Department of Higher Education and Training ("the DHET"). The purpose will be explained to the data subject when the information is collected and they may then decide whether to grant FP&M SETA written consent to collect and process personal information or not. Data subjects will be advised of the consequences of not giving consent to FP&M SETA for the collection and processing of their personal information as required by law. Data subjects will be made aware that failure to give such written consent will result in the data subject's record being invalid and not subject to any performance on the part of FP&M SETA. In the event that FP&M SETA seeks to use the information for another purpose which is different to the purpose for which the information was collected initially, then FP&M SETA will contact the data subject to obtain their written consent for further processing.

6. PROCESSING LIMITATION AND SHARING OF PERSONAL DATA


6.1 In accordance with the POPI, FP&M SETA will ensure that the personal information collected from data subjects will be limited to what is needed for identification, what is required by other bodies and the laws which govern the Seta. Furthermore, information will be collected directly from the data subject by FP&M SETA or third parties authorized by FP&M SETA after approval from the data subject to collect such personal information was obtained.

6.2 The use and/or processing of personal information will also be limited to the purpose which will be stipulated upon collection and the purpose for which written consent has been granted. Therefore, FP&M SETA may not process a data subject's personal information in any other manner other than that for which written consent has been given unless required by law.

6.3 The purposes for which FP&M SETA collects personal information from data subjects includes:

- reporting skills development initiatives to the Department of Higher Education and Training;
- reporting enrolments and achievements of programs to the South African Qualifications Authority;
- reporting on quality assurance functions to the Quality Council of Trades and Occupations;

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- evaluating and processing applications for access to financial and other benefits;
- compiling statistics and other research reports;
- providing personalized communications; complying with the law; and/or
- for a purpose that is ancillary to the above and for any other purpose for which consent is provided by the data subject.

6.4 FP&M SETA will not disclose a data subject's personal information to anyone without written consent unless :

- It is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
- the processing complies with an obligation imposed on FP&M SETA by law;
- the processing protects a legitimate interest of the data subject;
- the processing is necessary for the proper performance of a public law duty by a public body; or
- the processing is necessary for pursuing FP&M SETA's legitimate interests or the legitimate interests of a third party to whom the information is supplied.

6.5 FP&M SETA is required by law to keep an accurate record of any disclosure of personal information and the circumstances surrounding such disclosure.



7. CONSENT

7.1 Unless one of the additional conditions listed in paragraph 6.4 above applies, FP&M SETA will not collect or process personal information without the prior written consent of the data subject. Consent is normally sought explicitly by FP&M SETA, however, there are also some actions and behavior that may amount to consent. This includes signing an agreement or application or ticking a tick box on an application form.

7.2 The procedure undertaken is that data subjects will be informed of the purpose for which information is being collected and thereafter prompted to give written consent to having the information collected and processed. Once written consent has been granted to FP&M SETA the information will be collected and may only be used for the purpose for which the consent was obtained and for which purpose is compatible with that initial purpose. The persons to whom disclosure may be made will be specified in the consent form.

7.3 In the event that FP&M SETA seeks to process a data subject's information for a different purpose to that which consent has been granted, additional written consent will be sought for the further processing.

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7.4 The data subject may withdraw or revoke his/her consent at any time:

- This withdrawal of consent must be communicated to the GRCL Executive Manager in writing with reasonable notice.
- The withdrawal of consent is subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then the withdrawal will only be effective if FP&M SETA agrees to same in writing.
- FP&M SETA will inform the data subject of the consequences of the withdrawal where it will result in FP&M SETA being unable to provide the requested information and/or services and/or financial or other benefits.
- The revocation of consent is not retroactive and will not affect disclosures of personal information that have already been made.

8. HOW FP&M SETA WILL USE/DISCLOSE AND DISTRIBUTE INFORMATION

8.1 FP&M SETA will only use a data subject's personal information for business purposes and in a manner which is consistent with the purpose for which consent has been given.


8.2 In the case of personal information being collected indirectly or distributed to third parties, it will be used in line with the purpose for which the information was collected. No personal information will be distributed to third parties unless prior written consent or approval has been given by the data subject.

8.3 Personal information will not be disclosed to third parties, unless the disclosure satisfies any of the conditions listed in paragraph 6.4, or the data subject has agreed to the disclosure to third parties.

8.4 FP&M SETA may also identify personal information and use it for research, surveys and communication in order to improve FP&M SETA's offering to the public. An example of this would be a survey being drawn up which states that X number of black males between the age 18 and 25 applied for the FP&M SETA learner ship grant in the year 2013. This will work solely to improve FP&M SETA's business and is not information which can be directly attributed to one person in particular.

9. RETENTION

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FP&M SETA will only retain personal information for as long as needed to carry out the purposes for which it was collected. Once the purpose for collection has been fulfilled, the personal information will be destroyed in accordance with POPI and/or FP&M SETA's Document Management Policy. Where the law requires FP&M SETA to keep personal information post its use for a specified period of time, all personal information will be kept securely in file for the duration specified by law. The destruction of personal information will be conducted at a secure facility and no unauthorized personnel will be permitted access to the information.

10. SAFEGUARDS, SECURITY AND INCIDENT MANAGEMENT

- 10.1 FP&M SETA has implemented and continues to implement security safeguards so that all personal information that is held by FP&M SETA remains strictly confidential and protected against loss or theft, unauthorized access, disclosure and use.
- 10.2 The following methods of protection are in place to ensure that personal information disclosed to FP&M SETA is protected:
- Password protection is active on computers that may contain personal information thereby limiting access to authorized FP&M SETA personnel only;
 - Physical security measures are in place such as the limitation of access to the building (and the completion of a visitor registration form when entering into the FP&M SETA building). Employees are given access cards/codes and no one is allowed to enter the premises without authorization;
 - Each manager is responsible for ensuring that the employees under his or her authority take note of the policies on the implementation and maintenance of document management;
 - Personal information can only be accessed by FP&M SETA employees and management who deal with the particular record;
 - FP&M SETA has off site back-up and archiving facilities. Third parties who provide these services are obligated to respect the confidentiality of any personal information. FP&M SETA has agreements in place with these third parties to ensure that they comply with the necessary security and confidentiality conditions;
 - Technological measures are in place to monitor the transmission and inspection of electronic data, including IT audit trails and encryption;
 - Personnel files are kept in a secure locked cupboard and access is restricted. Access is only granted to personnel who require it for operation reasons.

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10.3 FP&M SETA has a number of policies and procedures in place that detail the protocols around security breaches, disaster recovery and incident management. These include the IT Policy and Procedure and Business Continuity Plan.


11. ACCOUNTABILITY

- 11.1 FP&M SETA remains responsible for all personal information collected and stored. This includes all and any information collected directly from a data subject and from any other source or authorized third parties.
- 11.2 FP&M SETA, as the responsible party, will highlight and provide support, where appropriate, to all third parties provided with personal information on the POPI requirement for compliance and privacy policies that safeguard personal information.

12. DATA SUBJECT'S ACCESS TO AND CORRECTION OF PERSONAL INFORMATION

- 12.1 Data subjects have the right to be informed whether FP&M SETA holds their personal information and to view any personal information FP&M SETA may hold. Furthermore, data subjects have the right to be informed as to how that information was collected and to whom their personal information has been disclosed.
- 12.2 Data subjects may, at any time, request disclosed information in line with the PROATIA (Promotion of Access to Information Act) Guidelines,
- 12.3 Information requested will be provided to a data subject within a reasonable time. A reasonable fee may be charged in order to process the request and provide copies of the information requested. This will only happen in exceptional circumstances.
- 12.4 Data subjects have the right to ask FP&M SETA to update, amend or delete their personal information on reasonable grounds. FP&M SETA relies largely on data subjects to ensure that their personal information is sure and correct.

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12.5 Data subjects may be prompted periodically by a FP&M SETA representative to update the personal information that FP&M SETA holds. Failure to reply to the prompts to update personal information will result in the assumption that all information that is on FP&M SETA's systems is accurate.

12.6 Data subjects are entitled to, at any time, to inform FP&M SETA of any changes to their personal information in the possession of FP&M SETA. Upon receipt of any changes to personal information, FP&M SETA will, within a reasonable period, update the personal information.

13. EXCLUSIONS

13.1.1 This policy does not include the following information gathered by FP&M SETA in terms of its various functions:

- attendance registers at events/workshops and tender briefing sessions,
- prospective provider list,
- tender submission registers,
- visitors registers,
- stakeholder communication,
- records of employment as well as those relating to Board and Committee members records and suppliers


13.2 The above information is collected for internal operational purposes only.

14. VIOLATIONS

14.1. Violations of this Policy and of POPI will be dealt with by the Information Regulator when that office has been established.

14.2. A data subject who has a complaint against FP&M SETA, either concerning its conduct or this Policy, may refer a complaint to the Information Regulator in terms of section 63(3) and 74(4) of POPI.

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15. COMMUNICATION

FP&M SETA will endeavor to effectively communicate with data subjects and third parties on the impact and implications of the POPI. Data subjects and third parties will be informed of their rights and responsibilities in terms of the POPI.

16. EFFECTIVE DATE

This Policy is effective and should be implemented at FP&M SETA as of the date it is signed and approved by the FP&M SETA authorized bodies.

17. QUERIES AND OBJECTIONS

17.1 The details of FP&M SETA's GRCL Executive Manager are as follows:

Schalk Burger (Governance Risk
Compliance and Legal Executive
Manager)

Contact number: 011 403 1700

Fax number: 011 403 1720

Postal address: PO Box 31276, Braamfontein, 2017

Physical address: Forum 1, 2nd Floor, Braampark Office Park, 33
Hoofd Street, Braamfontein, Johannesburg, 2001

Email address: popi@FP&M SETA.org.za

Website: www.fpmseta.org.za

17.2 All questions and queries relating to personal information must be directed the GRCL Executive Manager using the contact information listed above.

18. AMENDMENTS TO THIS POLICY

18.1 FP&M SETA will review this policy annually.

18.2 Data subjects are advised to check FP&M SETA's website periodically to ascertain whether any changes have been made.

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