



Protection of Personal Information Act- Privacy Policy 2021

INTRODUCTION

1.1 Asiye eTafuleni (“AeT”) is a South African non - profit organisation (2008) incorporated in terms of the Companies Act 2006 of SA. Its mission is “ promoting and developing good practice and the process around inclusive urban planning & design. We collaborate with informal workers and allied professionals in order to develop inclusive urban spaces that support sustainable livelihoods for informal workers. In this policy, reference to AeT refers to the NPO and its grassroots subsidiaries.

1.2 AeT operates through a decentralised, autonomous operating model that consists of 8 team members in Durban, South Africa and primary beneficiaries of its diverse projects i.e. informal workers within the jurisdiction of Warwick Junction.

1.3 As part of managing the entity and creating value for its various stakeholders, AeT is required, in certain instances, to process personal information. Accordingly, AeT is required to protect the personal information as set out in the Protection of Personal Information Act 4 of 2013, including its Regulations (POPI Act).

1.4 This policy document constitutes AeT’s policy statement to declare its commitment to comply with the POPI Act. Accordingly, it provides insights on how AeT processes personal information of data subjects as set out in the POPI Act.

1.5 AeT shall ensure that personal information is processed within the parameters of the law.

1.6 This policy must be read in conjunction with the POPI Act and its Regulations, where applicable.

2. OBJECTIVE

2.1 The objective of this policy is to give effect to the POPI Act and to provide clarity on the following:

- What personal information AeT collects about a data subject and the basis thereof;
- How AeT uses and protects the personal information of a data subject;
- How long AeT keeps the personal information of a data subject;
- The rights of a data subject regarding their personal information; and
- What the data subject should do if he/she does not want to provide AeT with his personal information.

3. INTERPRETATION AND DEFINITIONS :

3.1 Clause headings are for convenience and reference only and shall not be used in the interpretation thereof;

- a. Any gender includes the other genders and a natural person includes a juristic person and vice versa;
- b. All the annexures (if any) hereto are incorporated herein and shall have the same force and effect as if they were set out in the body of this policy;
- c. The following words and/or expressions shall, unless the context indicates otherwise, bear the meaning assigned to them below and in the POPI Act;
- d. “Cookie/s” (also called web cookie, Internet cookie, browser cookie, or simply cookie) is a small piece of data sent from a website and stored on the user's computer by the user's web browser while the user is browsing to inter alia remember stateful information or to record the user's browsing activity.
- e. “Data subject” means the person to whom Personal information relates;
- f. “Employee” means a permanent, fixed-term or temporary employee of AeT;
- g. “Operator” means a third party that processes Personal information in terms of a mandate or contract with AeT, without coming under the direct authority of AeT;
- h. “AeT personnel” means the person appointed by AeT, from time to time, who is responsible for the monitoring of compliance, by AeT, with the conditions for the lawful processing of Personal information; dealing with requests made to AeT in terms of the POPI Act; working with the Regulator in relation to investigations conducted in relation to prior authorisation by the Data subject and ensuring compliance by AeT with the provisions of the POPI Act;
- i. “Person” means any person, company, close corporation, trust, partnership or other entity;
- j. “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—
 - 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 educational, financial, criminal or employment history of the person;
 - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to 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; and
- 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;
- “Policy” means this policy as amended from time to time;

h. “Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal information, including—

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of information.

4. PROCESSING OF PERSONAL INFORMATION

4.1 Personal information

AeT collects information about a data subject and the basis thereof. The Personal information AeT collects in the ordinary course of business includes:

- (i) only information that is adequate, necessary, and relevant to enable it to effectively render a service or assist in any manner required, such as the Data subject’s name, identity number (where applicable), registration number, contact information etc;
- ii) electronic communications sent to AeT;
- iii) information submitted to AeT in response to a vacancy advertisement;
- iv) technical information, for instance through the use of cookies, such as - activity data, such as when the Data subject completes a form on the AeT website, subscribes to a newsletter, alerts or other services from AeT or taking part in a research activity or survey;
- v) social media tracking pixels that allow platforms such as Facebook and Twitter to interact with the AeT website and give feedback on the Data subject’s actions;
- vi) Personal information that AeT collects when it monitors other websites may include the Data subject’s public Personal information, for example when AeT monitors digital conversations on public platforms to understand what people are saying about it or the civil society sector in general. AeT may combine information that it has about a Data subject from various sources; and

vii) Personal information that AeT collects when a Data subject reports a rights based violation or adverse event associated with working in public spaces may include information such as gender, date of birth and information about the Data subject's working environment.

4.2 Protecting the Data subject's Personal information

i) AeT uses a variety of security measures to help protect Personal information of a Data subject from unauthorised access, use, disclosure, alteration or destruction in line with applicable Personal information protection and privacy laws. For example, when AeT shares the Personal information of a Data subject with external stakeholders, it shall put in place a written agreement which commits the stakeholders to keep the Data subject's Personal information confidential, and to put in place appropriate security measures to keep it secure.

ii) The transmission to AeT of information via the internet or a mobile phone network connection may not be completely secure and any transmission is at the Data subject's risk.

iii) Despite the security measures that AeT has in place to protect Personal information of a Data subject (firewalls, password access and encryption methods), the Data subject acknowledges that it may be accessed by an unauthorised third party, e.g. as a result of an illegal activity.

iv) From time to time AeT may provide links to websites or mobile applications that it does not own or control. This policy does not apply to those websites. If a Data subject chooses to use those websites, he must check the legal and privacy policies or statements posted on each website or mobile application he accesses to understand their privacy practices.

4.3 How does AeT use the Personal information of a Data subject

4.3.1 AeT may use the Personal information of a Data subject to provide the Data subject with information and services including:

- online events, such as webcast events;
- press releases;
- job postings;
- survey and research outcomes;
- communications about AeT projects and services. AeT will obtain consent for communication to the extent required by law.

- contact and interact with the Data subject, including to: i. respond to requests from the Data subject; and ii. provide important notices and updates, such as changes to terms, standard operating procedures (SOPs), policies, security alerts and administrative messages.

4.3.2 Improve AeT's day-to-day operations, including:

- for internal purposes such as auditing, data analysis and research to help AeT deliver and improve its digital platforms, content and services;
- to monitor and analyse trends, usage and activities in connection with AeT projects and services to understand which parts of AeT projects and services are of the most interest and to improve the design and content of those interventions;
- to improve AeT projects and services and communications to the Data subject; and
- to ensure that AeT has up-to-date contact information for the Data subject, where applicable.

4.4 **How long will AeT keep Personal information of a Data subject**

AeT will always keep the Personal information of a Data subject for the period required by law and where it needs to do so in connection with public interest interventions or an investigation in which it is involved. Otherwise, AeT will keep Personal information of a Data subject:

- for as long as needed to provide the Data subject with access to services he has requested;
- where the Data subject has contacted AeT with a question or request, for as long as necessary to allow AeT to respond to the question or request and as required by law.

4.5 **Instances where sharing of Personal information of a Data subject by AeT is permitted**

AeT may share Personal information of a Data subject with the following third parties:

- AeT funders and stakeholders, including those who provide it with technology services such as data analytics, hosting and technical support; ii. AeT's professional advisors, auditors and business partners; iii. regulators, governments and law enforcement authorities; and iv. other third parties in connection with re-organising all or any part of AeT's business.
- Personal information of a Data subject may be processed by AeT and AeT's third party suppliers outside of the Data subject's home country. Personal information laws in the countries to which the Personal information of a Data subject is transferred may not be equivalent to, or as protective as, the laws in the Data subject's home country.
- AeT will implement appropriate and reasonable measures to ensure that the Personal information of a Data subject remains protected and secure when it is transferred outside of the Data subject's

home country, in accordance with applicable Personal information protection and privacy laws. These measures include data transfer agreements implementing standard data protection clauses

4.6 The Data subject's rights regarding his Personal information

The Data subject is entitled to:

- a. request AeT for access to Personal information AeT holds about him;
- b. request the correction and/or deletion of his Personal information;
- c. request the restriction of the processing of his Personal information, or object to that processing;
- d. withdraw his consent to the processing of his Personal information (where AeT is processing his Personal information based on his consent);
- e. withdraw his consent to receive AeT messages;
- f. request for the receipt or the transfer to another organisation, in a machine readable form, of the Personal information that he has provided to AeT; and
- g. complain to his local data protection authority if his privacy rights are violated, or if he has suffered as a result of unlawful processing of his Personal information.

5. Ethical Consideration in collation and retention of data subject records

- AeT will retain records information subject to section 4(4) for periods in excess of those contemplated in the applicable legislation, for historical, statistical and research purposes subject to a code of ethics that provides adequate safeguards that will apply to the processing concerned and any alleged interference with the protection of personal information of a data subject that may arise as a result of such processing must be adjudicated as provided for in terms of such code.

6. IMPORTANT NOTICE TO DATA SUBJECTS

6.1 By visiting AeT's website and communicating electronically with AeT, the Data subject consents to the processing, including transfer of his Personal information as set out in this policy.

6.2 AeT is continually improving its methods of communication and adding new functionality and features to its website. Due to these ongoing changes, changes in the law and the changing nature of technology, AeT's data protection practices will change from time to time. If and when its protection

practices change, AeT will update this policy to describe its new practices. The Data subject will be duly informed and is encouraged to check it regularly.

6. **CONTACT US**

6.1 For any questions or requests regarding this policy or if a Data subject would like to exercise his rights including contacting the AeT personnel, please use the following contact information : 031 309 3880 or email admin@aet.org.za / thuli@aet.org.za

7. **Annexures**

a. **Lawful processing of personal information**

For processing to be POPIA-compliant, AeT will comply with these eight conditions:

- **Accountability:** This requires creating systems and policies to regulate processing and ensuring that all staff are trained to implement them.
- **Processing limitation:** Information collected must be adequate, relevant and not excessive for the purpose for which it is required. The data subject (that is the person to whom the information relates) must have consented, unless the processing is necessary for fulfilment of a contract with the data subject, protection of a legitimate interest of the data subject or compliance with a legal duty of the responsible party. It must have been collected directly from the data subject unless it is already public, the data subject has consented, or it is required by the responsible party to comply with a legal obligation or for court proceedings.
- **Purpose specific:** Personal Information may only be collected for specific, defined and lawful purposes. Only information that is relevant for the purpose for which it was collected may be retained and information must be deleted or identified when it is no longer required.
- **Further processing restrictions:** Any processing beyond the original purpose for which information was collected is only allowed if the further processing is compatible with the original purpose.
- **Information quality:** The responsible person must ensure that any information it processes is accurate, complete, not misleading and updated when necessary.

- Openness: A responsible party must ensure that data subjects are aware of what information is being collected, the source of the information, the responsible party's identity, the purpose of collection, whether the supply of information is voluntary or mandatory, the consequences of failing to provide information, whether the collection is authorised or required by law and whether the responsible party intends to transfer the information to another country.
- Security safeguards: Measures must be put in place to protect against data breaches.
- Data subject participation: Data subjects may request access to their personal information and deletions and corrections of information held.

Photography guidelines

- Photographs are considered as private information in terms of the POPIA. Collection of photography must be done for a legitimate purpose , with consent of the data subject, data subject duly informed of the specific purpose for the photograph in question
- Blogs relating to the publishing of the photographs will be strictly prohibited unless in compliance and subject to the above requirements
- For those who have granted explicit consent, use of pseudonyms is preferred or alluding to them as market/ street vendors etc
- Whatsapp groups constitute publishing , thus sharing and processing information and in these spaces must be in adherence with the POPIA regulations

Questions to ask

- Do you need someone's consent to take a photo of them? Circumstantial dependant, yes/no
- Do you need their consent to publish the photo? Yes
- Does it make a difference if it is taken in a public or private space? Yes, it does. There is a much greater expectation of privacy in a private space.
- Does it make a difference if you are going to use it commercially? Yes.
- Do you need consent to take a photo of a child? Yes , always and consent must be granted by a capacitated guardian.
- Is a photograph of one's face biometric information and therefore special personal information under the POPI Act? Yes, sometimes it is.

b. Collection of data

- Is the information being collected directly from the data subject,if not name the source from which it is collected;
- State the name and address of the responsible party;
- State the purpose for which the information is being collected;
- Did you inform the data subject that the supply of the information is voluntary or mandatory;
- Inform the data subject of the existence of the right of access to and the right to rectify the information collected;
- Inform data subject of the right to object to the processing of personal information as referred to in section 11(3); and the right to lodge a complaint to the Information Regulator .

c. Publications, Blogs and Research

- Document specific, explicit and lawful purpose on the personal information being collected? This purpose must be documented and adhered to.
- Is the Data Subject aware of the purpose for which the data has been collected? Specify the data subject’s right to know what information you have and for what purpose it is gathered.
- Use pseudonyms for the data subjects and other designated codings for specific location and jurisdiction of informal workers
- Link all personal information collected to legitimate reasons for collecting? Personal information only to be gathered for specific, explicit and lawful purposes.
- For what time period may you retain specific personal information? Personal information may only be used for the specific purpose for which it was gathered.
- Advise the Data Subject of his/her rights to access his/her information and to withdraw consent to the processing of said information? This is a requirement
- Links, websites, photographs, research , as applicable as possible, allow data subject to withdraw consent, explicitly