

CAPE AGULHAS MUNICIPALITY



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PRIVACY POLICY

2021-2022

RESOLUTION 107/2021

DATE: 25 MAY 2021

TABLE OF CONTENTS

1. DEFINITIONS.....	3
2. INTRODUCTION.....	4
3. PURPOSE	4
4. SCOPE	5
5. LIST OF PERSONAL INFORMATION.....	5
6. RESPONSIBILITIES.....	5
7. POPIA COORDINATING COMMITTEE	7
8. GENERAL STAFF GUIDELINES	8
9. COLLECTING OF PERSONAL INFORMATION.....	8
10. REASONS FOR KEEPING PERSONAL INFORMATION.....	9
11. UTILISATION OF PERSONAL INFORMATION.....	9
12. SHARING PERSONAL INFORMATION.....	9
13. THIRD PARTY INSURANCE	10
14. SAFEGUARDING OF PERSONAL INFORMATION	10
15. PUBLIC PARTICIPATION AND SERVICE DELIVERY COMMUNICATIONS	10
16. DATA SUBJECTS RIGHT TO ACCESS AND MANAGE PERSONAL INFORMATION	10
17. MUNICIPAL WEBSITE	11
18. RETENTION OF PERSONAL INFORMATION	12
19. BREACHES OF THE ACT OR POLICY.....	12
20. MAINTENANCE AND UPDATING OF THIS PRIVACY POLICY.....	12
21. INFORMATION OFFICER AND CONTACT DETAILS	13

1. DEFINITIONS

Data subject	Means the identifiable natural/juristic person to whom personal information relates.
Information assets	Means the assets the organisation 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. It includes: <ul style="list-style-type: none"> • 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. • 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'),
Information custodian	Means the person responsible for defining and implementing security measures and controls for Information and Communication Technology ('ICT') assets.
Information end user	Means the person that interacts with information assets and ICT assets for the purpose of performing an authorised task.
Information officer	Means the Accounting Officer/ Municipal Manager.
Deputy Information officer	Means all Directors and Divisional Heads of Departments.
Information owner	Means Managers.
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 – <ul style="list-style-type: none"> a) Information relating to the race, gender, marital status, nationality, age, physical or mental health, disability, belief, culture, language and birth of the person; b) Information relating to the education or the medical, financial, criminal or employment history of the person; c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person d) the biometric information of the person; e) the personal opinions, views or preferences of the person; f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further

CAPE AGULHAS MUNICIPALITY PRIVACY POLICY 2021-2022

	correspondence that would reveal the contents of the original correspondence g) the views or opinions of another individual about the person; and h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
Processing	Means any operation or activity or any set of operations concerning personal information, including: a) the collection, receipt, recording, organisation, collation, storage, updating, modification, retrieval, alteration, consultation or use; b) dissemination by means of transmission, distribution or making available in any other form; or c) merging, linking, as well as restrictions, degradation, erasure or destruction of information.
Special personal information	Means personal information as referred to in section 26 of POPIA.

2. INTRODUCTION

The Cape Agulhas Municipality ("municipality") needs to gather and use certain information about individuals and juristic persons (collectively referred to as "data subjects"). These can include clients/customers, suppliers, business contacts, employees and other people the organisation has a relationship with or may need to contact.

The Protection of Personal Information Act (POPIA), Act No. 4 of 2013, regulates all organisations who process personal information. Personal information relates to information about employees, customers, suppliers and service providers.

The Cape Agulhas Municipality regard the protection of personal information very important and wish to ensure that all personal information kept by the municipality is effectively safeguarded.

This Privacy Policy outlines how the Municipality manages Personal Information which it processes for various business needs.

3. PURPOSE

This privacy policy ensures that the municipality:

- i. Complies with the Protection of Personal Information Act, 2013 (Act 4 of 2013) (POPIA).
- ii. Protects the rights of data subjects.

- iii. Is open about how it stores and processes personal information of data subjects.
- iv. Protects itself from the risks of security breaches in any form.

4. SCOPE

This policy applies to all councillors, municipal employees and any other person or entity working for or on behalf of the municipality. It governs all business activities that involve the processing of personal information, including special personal information, for or on behalf of this organisation.

5. LIST OF PERSONAL INFORMATION

The municipality collect 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. The residents expecting essential and other services from the municipality are obliged to share their personal information with the municipality as the withholding and/or refusal of personal information may impact on the municipality's ability to render effective and sufficient services.

Employees are also obliged to share their personal information with the municipality as it is needed for human resource management.

Depending on the nature of the services required, the relationship between the individual and the municipality and the reasons why certain information is required, personal information that may be obtained includes but is not limited to:

- a) Forenames and last names;
- b) Identification or Passport number;
- c) Demographic information such as age, gender, physical and postal address;
- d) Qualifications;
- e) Contact details;
- f) Remuneration details;
- g) Biometric and Geographic information;
- h) Employment information;
- i) Ownership or rental information;
- j) Vehicle details i.e. vehicle number plate;
- k) Medical information;
- l) Declaration of interest;
- m) Next of Kin information; and
- n) Bidders information etc

6. RESPONSIBILITIES

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.

CAPE AGULHAS MUNICIPALITY PRIVACY POLICY 2021-2022

Each Information End User, Information Owner, Municipal Department that handles personal information must ensure that it is handled and processed in line with this policy and the privacy principles.

Below follows key positions and their areas of responsibility:

- a) The **Information Officer** (Municipal Manager) is ultimately responsible for ensuring that the organisation meets its legal obligations.
- b) The **Deputy Information Officers** is responsible for:
 - i. The encouragement of compliance, by the Directorate under his/ her responsibility, with the conditions for the lawful processing of personal information;
 - ii. Dealing with requests made to the municipality relating to the directorate under his. Het responsibility, pursuant to this Act;
 - iii. Working with the Regulator in relation to investigations conducted pursuant to Chapter 6 in relation to the directorate under his/ her control
 - iv. Otherwise ensuring compliance by the relevant directorate with the provisions of the Act or otherwise as may be prescribed in terms of the Act.
- c) Apart from the responsibilities listed in subparagraph above, the **Divisional Head: Strategic Services** is responsible for:
 - i. Keeping the Information Officer updated about information assets and personal information protection responsibilities, risks and relating issues.
 - ii. Reviewing all personal information protection procedures and related policies, in line with an agreed schedule.
 - iii. Arranging personal information protection training and advice for the people covered by this policy.
- d) All other **Directors and Divisional Head of Departments** (*Deputy Information Officers*) are responsible for:
 - i. The encouragement of compliance, by the Directorate under his/ her responsibility, with the conditions for the lawful processing of personal information;
 - ii. Dealing with requests made to the municipality relating to the directorate under his. Het responsibility, pursuant to this Act;
 - iii. Working with the Regulator in relation to investigations conducted pursuant to Chapter 6 in
 - iv. relation to the directorate under his/ her control
 - v. Otherwise ensuring compliance by the relevant directorate with the provisions of the Act
- e) The **ICT Manager** is responsible for:
 - i. Ensuring all ICT assets used for processing personal information meet capable security standards.

CAPE AGULHAS MUNICIPALITY PRIVACY POLICY 2021-2022

- ii. Performing regular checks and scans to ensure security hardware and software is functioning optimally.
 - iii. Evaluating any third-party services, the organisation is considering using to process personal information. For instance, cloud computing services.
- f) The **Information Owner/Managers** is responsible for:
- i. Classifying personal information in line with the POPI Act and Regulations.
 - ii. Maintaining internal procedures to support the effective handling and security of personal information.
 - iii. Reviewing all personal information protection procedures and related policies, in line with an agreed schedule and make recommendations to the Information Officer/ Divisional Head Strategic Services where applicable.
 - iv. Ensuring that all employees, consultants and others that report to the Information Officer are made aware of and are instructed to comply with this and all other relevant policies.
- g) The **Senior Communication Officer** is responsible for:
- i. Approving any personal information protection statement attached to communications such as e-mails and letters.
 - ii. Addressing any personal information protection queries from journalists or media outlets.
 - iii. Where necessary, working with other business units to ensure all communication initiatives abide by the privacy protection principles.

7. POPIA COORDINATING COMMITTEE

A Coordinating Committee must be established to ensure the coordination of the POPIA compliance tasks and PI requests. The Committee members will be formally appointed by the Accounting Officer. The Committee shall be multi-disciplinary and meet on a quarterly basis. The committee shall consist of the following portfolios:

Committee Members:

- Director Infrastructure Services
- Director Management Services
- Director Finance and ICT
- Divisional Head of Department: Strategic Services
- Divisional Head of Department: Human resources and Development
- Information & Communication Technology (ICT)
- Risk Officer

Departmental Representatives team:

All Managers as and when required.

Standing Invitees:

- Internal Audit Representative

8. GENERAL STAFF GUIDELINES

- a) The only people able to access any personal information covered by this policy should be those who need it to successfully complete their municipal duties.
- b) Personal information should not be shared informally and must never be shared over social media accounts such as Facebook, LinkedIn, Google Plus, etc.
- c) When access to confidential information is required, employees can request it from their line managers.
- d) The municipality will provide training to all employees in order to facilitate the understanding of their responsibilities when handling personal information.
- e) Employees should keep all personal information secure, by taking sensible precautions and following the guidelines set out herein.
- f) In particular, strong passwords must be used and they should never be shared.
- g) Personal information should not be disclosed to unauthorised individuals, either within the municipality or externally.
- h) Personal information must be reviewed regularly and updated if it is found to be out dated. If no longer required, it should be deleted and disposed of in line with the disposal instructions.
- i) Employees should request help from their line manager if they are unsure about any aspect of the protection of personal information.
- j) Line managers should seek the assistance of the Head of Department: Strategic Services if they are unsure about any aspect of the protection of personal information.

9. COLLECTING OF PERSONAL INFORMATION

The municipality collects information to support its service delivery mandate. Personal information is collected directly from data subjects where practical and should be in compliance with POPIA.

Personal information may be collected through a variety of channels and may include the following:

- a) Application forms;
- b) Tender and Contracts;
- c) Websites;
- d) Through surveillance cameras (with facial recognition technology);
- e) Through third party service providers;
- f) Social media platforms;
- g) Responding to questionnaires;
- h) Surveys;
- i) Town Planning compliance;

- j) Building Control

10. REASONS FOR KEEPING PERSONAL INFORMATION

The municipality may collect and process personal information for the following reasons:

- a) Employment and remuneration and other Human Resources needs
- b) Process benefits i.e. medical aid and pension
- c) Considering bids in terms of tenders and quotations;
- d) Closing agreements and contracts;
- e) Communication; sending and sharing of important information;
- f) Register services
- g) Maintaining Data base for essential services, indigent support, housing,
- h) Respond to inquiries; complaints and requests;
- i) Community consultation and feedback;
- j) Addressing the needs and priorities
- k) Understanding the needs and priorities of the community and other stakeholders;
- l) Security background checks (vetting)
- m) Rendering accounts
- n) Debt recovery
- o) Reports to council for bad debt
- p) Disclosure
- q) Audit reports

11. UTILISATION OF PERSONAL INFORMATION

The municipality will use personal information only for the intended purposes it was collected for unless the data subject grants consent for additional uses.

12. SHARING PERSONAL INFORMATION

As a principle, the municipality shall only share personal information if the municipality has obtained consent from the data subject.

Personal information may be shared with the indicated stakeholders and in the manner as follows:

- a) SARS
- b) Medical aids, pension funds
- c) Financial institutions for remuneration purposes
- d) Financial institutions for payments
- e) Business partners, vendors, or contractors to provide requested services or facilitate transactions;
- f) In response to a request for information by a legitimate authority in accordance with, or required by any applicable law, regulation, or legal process;
- g) Where necessary to comply with judicial proceedings, court orders;

- h) To protect the rights, property, or safety of the municipality or others, or as otherwise required by an applicable law; and
- i) Where consent in writing has been contained from the data subject for sharing

13. THIRD PARTY INSURANCE

Any service providers with whom the municipality shares personal information with are contractually required to implement suitable information protection and security measures. Third parties are not permitted to use personal information for any purpose, other than it was intended for.

14. SAFEGUARDING OF PERSONAL INFORMATION

- a) The municipality is committed to protect personal information from misuse, loss, theft, unauthorized access, modification, or disclosure by:
- b) using electronic and physical defences; and
- c) contractually requiring that third parties to whom personal information is disclosed to do the same.
- d) Due to the insecurity and security breaches of online channels, the municipality cannot fully guarantee the security or interception from external sources of any personal information that are being submitted or posted online.
- e) The municipality have robust security controls and further threat detection solutions in place.

15. PUBLIC PARTICIPATION AND SERVICE DELIVERY COMMUNICATIONS

The data subject can choose whether or not to receive communications from the municipality on service delivery and public participation via any available communication platforms i.e. email or, SMS. Even when agreeing to this, the data subject may opt out of receiving any such notifications at any time by contacting the Information Officer.

The 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.

16. DATA SUBJECTS RIGHT TO ACCESS AND MANAGE PERSONAL INFORMATION

- a) The data subject may request the municipality to access, correct, update, block, or delete personal information that the municipality holds, subject to legislative requirements that make it compulsory for the municipality to keep such personal information.
- b) The Information Officer will acknowledge receipt of any such request within three (3) days of the date of submission.
- c) Any such requests will be dealt with by the Information Officer who shall respond within a reasonable period and no later than thirty (30) days of the date of the request.

- d) Where the municipality processes legally obtained personal information, the data subject may withdraw consent at any time for future processing.
- e) The data subject may request access to, and correction of personal data which is held by the municipality at any time by submitting a written request to the designated Information Officer.
- f) The data subject may object to the processing of personal data at any time.
- g) 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.
- h) In the event of an information breach that the municipality becomes aware of, the municipality shall notify the data subject.

17. MUNICIPAL WEBSITE

By using the municipalities website, the user is deemed to have accepted the terms and conditions as specified on the website. You can access other sites via links from the website. These sites are not monitored, maintained, or controlled by the municipality and thus we are not responsible in any way for any of their contents. The municipality's website contains a link to the department of health's Covid19 website. It is possible that the website from time to time may contain links to other third-party websites. The municipality are not responsible for any third-party content or privacy statements. The use of such sites and applications is thus subject to the relevant third-party privacy policy statements.

The Cape Agulhas Municipal website respects any user's privacy. Some anonymous information about the user is automatically collected by the website. This information may include: the users 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 Municipal website and is used to improve service delivery.

The website also uses a "cookie" to save the users language preference. A cookie is a text file that is placed on the user's hard disk by a webpage server. Cookies cannot be used to run programmes or deliver viruses to the user's computer. Cookies are uniquely assigned to the user and can only be read by a web server in the domain that issued the cookie to the user.

The user can accept or decline cookies. Most web browsers automatically accept cookies, but the user can usually modify the browser settings to decline cookies if the user prefers. If a user chooses to decline cookies, the user's language choice will not be automatically selected each time the user return to the website. No other cookies other than the language cookie are used by the municipality's website.

No other information is collected by the municipality's website without the user's knowledge. The 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. The municipality only shares anonymous aggregate statistics about users and traffic patterns.

The municipality is not responsible for any breach of security or for the actions of third parties.

18. RETENTION OF PERSONAL INFORMATION

- a) The 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. Depending on the purpose, retention periods shall vary.
- b) The following criteria will determine retention periods:
 - i. Legal or contractual, or other obligations to retain personal data.
 - ii. Data necessary for or as part of an investigation or for litigation purposes; and;
 - iii. In order to maintain accurate records, in line with relevant legislation.

19. BREACHES OF THE ACT OR POLICY

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.

20. MAINTENANCE AND UPDATING OF THIS PRIVACY POLICY

The municipality will maintain and regularly update this Privacy Policy and shall post updated and revised versions as and when necessary.

21. INFORMATION OFFICER AND CONTACT DETAILS

The Municipal Manager, as assigned **Information Officer** in terms of the Act, is ultimately responsible for ensuring that the organisation meets its legal obligations.

The following Deputy Information Officers will be formally appointed by the Information Officer and registered with the Information Regulator:

- Director: Financial Services
- Director: Infrastructure Services
- Director: Management Services

Any questions, complaints or recommendations relating to this Private Policy may be directed to the Information Officer at the contact details below:

The Municipal Manager
Eben Phillips
Email: ebenp@capeagulhas.gov.za
Phone: 028 425 5500
Street Address: 1 Dirkie Uys street, Bredasdorp
Postal Address: PO 51, Bredasdorp, 7280

CAPE AGULHAS MUNICIPALITY PRIVACY POLICY 2021-2022

STATUS	POPIA REVIEW	BODY	COUNCIL APPROVAL	RESOLUTION NUMBER
First approval				
Review				
Review				
Review				
Review				

Municipal Manager

Date