



social development

Department:
Social Development
NORTHERN CAPE
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF SOCIAL DEVELOPMENT

PRIVACY NOTICE

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Introduction

The Northern Cape Department of Social Development respects and protects your privacy. Our Privacy Notice applies to all persons (both natural and juristic, like beneficiaries, companies, close corporations and NPO's) whose personal information we collect, regardless of form and medium. This includes our employees, consultants, agents, service providers and other Departments. The Privacy Notice applies to all our services and related websites.

You must read this notice together with the **rules for using our website** (page 7 of this document), our **copyright license** (page 8 of this document) and any other notices and policies that may apply to you.

This is a general notice that explains:

- **Who** we collect personal information from;
- **What** personal information we collect;
- **Why** we collect your personal information;
- **How** we use your personal information; and
- **What rights you have** in relation to your personal information.

This notice also explains:

- You can **access** the information we hold about you and ask for that information to be corrected; and
- You can make a **complaint** about the way we have handled your personal information.

Our contact details are at the bottom of this notice.

The Protection of Personal Information Act, 2013 (POPIA)

The Protection of Personal Information Act, 2013 (POPIA) protects personal information of natural and juristic persons and requires Northern Cape Department of Social Development to comply with the eight minimum conditions set out in the Act.

Personal information is information or an opinion about an identified person, or an individual who is reasonably identifiable.

Personal information includes special personal information, which is a particular category of personal information. While we recognise that protecting all personal information is important in gaining and maintaining your trust, special personal information is often afforded a higher level of protection.

Collection of personal information from citizens, employees and suppliers.

We collect and hold a broad range of personal information in records relating to:

- Correspondence from members of the public or organisations addressed to us or our Member of Executive Council;
- Correspondence from other organs of state;
- Employment and personnel matters relating to staff, NGO's and contractors;
- Facilitating appointments;
- Facilitating meetings;
- Administering programs for which Northern Cape Department of Social Development is responsible;
- Research we have commissioned;

- Contract management;
- Complaints (including privacy complaints) and feedback provided to us;
- Requests under the Promotion of Access to Information Act, 2000 (PAIA);
- Legal advice provided by internal state law advisors and external lawyers; and
- The performance of legislative and administrative functions.

We collect personal information in a variety of ways. These include:

- Correspondence and submissions;
- Paper-based forms;
- Online (web-based forms and e-mail); and
- Phone calls, faxes and face to face meetings.

We often collect personal information directly from you. However, in some circumstances we may also collect information about you from another organ of state or organisation.

- Certain third-party service providers may collect or check information from or about you on our behalf. For example, where we use external employment agencies, vetting agencies, credit bureaus, lawyers, accountants, consultants, professional bodies, banks, travel agencies, non-government organisations and security companies.
- We work with public bodies or organs of state such as local, provincial and national government departments, municipalities, public universities and state-owned companies, which may collect or check information from or about you on our behalf.
- We only collect personal information where that information is reasonably necessary for, or directly related to, one or more of our functions or activities.

Job application, bursary applications, intern applications and employees:

- We collect information from you when you apply for a job, internship or bursary and if you are successful and we employ you, give you an internship or a bursary.
- We may also collect information about you from third parties, like educational bodies or previous employers.
- We also collect information about employees' and interns' use of email and the internet to monitor and review e-mail, internet activity and telephone accounts, where we believe it is reasonable and necessary to detect abuse or unlawful activity on the department's resources. You cannot expect privacy in this regard.

Our suppliers, service providers, NPO's, contractors and consultants:

- We collect information from you when you apply to be listed on our supplier database and bid to supply goods or services to us.
- We may also collect or check information about you from various private or public bodies, such as banks or tax authorities.
- We collect information from NPO's provided in Business Plans, Bank statements etc.

Our citizens and users of Northern Cape Department of Social Development public services and facilities:

- We collect information you give us when you send us a letter, an email or text message, or when you use social media.
- We also collect personal information when it is directly relevant to the specific public services we provide to you.

We also collect information from visitors to our buildings and facilities in terms of the Control of Access to Public Premises and Vehicles Act, 1985.

Types of personal information we collect and use

The personal information we collect and hold varies depending on what we need to perform our functions and responsibilities. It may include:

- Your name, address and contact details (for example your phone number or email address);
- Information about your identity (such as date of birth, country of birth, passport details, visa details and driver's license);
- Information about your personal circumstances (for example age, gender, marital status and occupation);
- Information about your financial affairs (for example payment details, bank account details, and business and financial interests);
- Information about your employment (for example applications for employment, work history, referee comments and remuneration); and
- Government identifiers.

We do not necessarily collect all of this information from every person but only where it is necessary.

Special personal information

We may also collect 'special personal information' which is a subset of personal information under the POPIA.

Special personal information includes information about the following:

- Your health;
- Your membership of a professional or trade association, or a trade union;
- Your racial or ethnic origin;
- Criminal activities you may have been involved in; and
- Your biometrics (including photographs and voice or video recordings of you).

Generally, we will only collect special personal information if its collection is reasonably necessary for, or directly related to, one or more of our functions or activities or the collection is required or authorised by law.

For example, we collect special personal information such as race and disability to inform the development of a workforce plan. We require employees to complete the EEA 1 form prescribed by the Employment Equity Act, 1998. We ensure that the contents remain confidential and only use the information to comply with previously mentioned act.

We collect **general personal and contact information** about our employees, suppliers and users of our public services and facilities.

- **Job applicants and employees:** We usually collect detailed personal information about your educational, employment, financial and criminal background, and any other relevant information such as images of you, fingerprints, drivers license details, vehicle registration number, tax number and bank account details. If we employ you, we will also allocate you a unique identifier called a PERSAL number. We may also need further information about matters such as health issues and family members, where relevant to the employment relationship.

- **Suppliers, service providers, NPO's, contractors and consultants:** We often collect detailed personal information about your qualifications, experience or suitability as a supplier, and other relevant information such as bank account details and VAT number. We may also need further information relevant to the business relationship, such financial statements or information about solvency.
- **Visitors to our buildings and facilities:** We usually collect close circuit television (CCTV) images (and audio recordings, where applicable) of visitors to Northern Cape Department of Social Development buildings and facilities, as well as names, identity numbers and contact details.

Use and disclosure of personal information.

We routinely use your personal information:

- To communicate and manage our relationship with you;
- To manage security and access control to our buildings and facilities; and
- For record keeping and other administrative purposes, as required by law.

We will not provide your personal information to anyone else unless you consent thereto or one of the following exceptions applies:

- You would reasonably expect us to use the information for that purpose;
- It is legally required or authorised, such as by a law, or a court or tribunal order;
- It is reasonably necessary for an enforcement-related activity;
- We reasonably believe that it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety;
- We have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in and we reasonably believe that it is necessary for us to take appropriate action in relation to the matter;
- It is reasonably necessary for the establishment, exercise or defense of a legal or equitable claim; or
- The information is used only for historical, statistical or research purposes and is not published in an identifiable form.

When we share your personal information with selected **service providers** who work on our behalf, for specific defined purposes related to public services we provide we will ensure that appropriate protections of your personal information are in place with these third parties, in accordance with our obligations under the POPIA.

We are very careful with special personal information, and where practical, we usually group personal information together as aggregated data so that individuals cannot easily be identified.

Unless we have your clear informed consent or the law clearly allows us in certain limited circumstances, we will not:

- Sell or rent personal information;
- Use your personal information for purposes that are different, unusual or unexpected in relation to the reason for collecting it in the first place; or
- Share your personal information with third parties in circumstances other than the ones we have referred to above.

Storage and data security

We respect and protect your privacy and store your personal information according to generally accepted information security practices. We take all reasonable steps to protect the personal information held in our possession against loss, unauthorised access, use, modification, disclosure or misuse. Northern Cape Department of Social Development will promptly with any accidental or unauthorised disclosure of personal information.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with the Northern Cape Provincial Archives Act, 7 of 2013. When the personal information we collect is no longer required, we delete or destroy it in a secure manner, unless we are required to maintain it because of a law, or court or tribunal order.

Where a breach of personal information occurs we will notify the Information Regulator and affected individuals as required.

Your choices and consent in connection with your personal information.

- We try to obtain your **consent** to collect and use your personal information, where practical.
- **You do not normally have to give us personal information**, but if you do not, we may not be able to communicate with or provide government services to you.
- **You may access personal information we hold** about you and ask us to correct or delete any that is wrong, irrelevant, out of date, misleading and so on. But we may check your identity before giving you access.
- You also have certain **rights to withdraw consent or object** to us using your personal information under POPIA, but these rights are limited. For example, if the purpose for which your personal information was requested initially does not exist anymore you may request that the information may no longer be used. We can decline your request to delete the information from our records if other legislation requires us to retain the information.

Privacy Complaints

If you feel we are not dealing with your personal information fairly and lawfully, you may complain to the **Information Regulator** at JD House 27 Stiemens Street Braamfontein Johannesburg 2001 Tel: +27(0) 10 023 5200 Email: POPIA.Complaints.IR@justice.gov.za Please first give us a chance to resolve any complaint by contacting us at the details below. Your complaint should include a brief description of what happened, when it happened and what personal information was affected.

How to contact us to comment, complain or ask questions about our Privacy Notice or personal information.

Email: swookey@ncpg.gov.za

Tel: 053 – 874 9300

Fax: 053 – 874 9308

Post: The Information Officer, Northern Cape Department of Social Development, 257 Barkly Road, Lathli Mabilo Complex, Homestead, Private Bag X5042, Kimberley, 8301

Visit us in person: 257 Barkly Road, Lathli Mabilo Complex, Homestead, Kimberley

You can also get paper copies of this privacy notice or any of the documents referred to in this notice from 257 Barkly Road, Lathli Mabilo Complex, Homestead, Kimberley.

Rules for using our website

These are the terms and conditions for the use of the Northern Cape Department of Social Development website. These terms and conditions apply whenever you access this website. In these terms and conditions, when we say "website", we mean the Northern Cape Department of Social Development website, regardless of how you access it.

By using this website, you are deemed to have accepted these conditions.

The website strives to ensure that our material is as up to date and accurate as possible. However, the Northern Cape Department of Social Development does not accept any responsibility for any statement in the material on this website to the extent permitted by law.

In other words, you must not rely on any statement without first taking specialist professional advice. We will not be liable for any loss caused as a result of your doing, or not doing, anything as a result of using the material or any part of it.

We give no guarantee of any kind concerning the website or the material. In particular, we do not guarantee that the website or any of its contents is virus free. You must take your own precautions in this respect, such as running anti-virus software, as we accept no responsibility for any infection by virus or other contamination or by anything which has destructive properties.

Although we will do our best to provide constant, uninterrupted access to the website, we do not guarantee it. We accept no responsibility or liability for any interruption or delay.

You can access other sites via links from the website. These sites are not under our control and we are not responsible in any way for any of their contents.

Please read our Privacy Notice and Copyright License. By using this site, you are deemed to have read and understood them.

These terms of use may be varied from time to time. Please ensure that you review these terms and conditions regularly as you will be deemed to have accepted a variation if you continue to use the website after the variation has been posted.

These terms of use are governed by South African law and South African courts.

Copyright license

The South African Constitution places a positive obligation on organs of state to disseminate public interest information held by the state as widely and cost-effectively as possible:

- "Transparency must be fostered by providing the public with timely, accessible and accurate information." - Constitution of South Africa s195(g).

- "Efficient, economic and effective use of resources must be promoted." - Constitution of South Africa s195(b).

We believe that the most cost-effective way of disseminating public interest state information is by allowing others to reproduce such material freely - as long as it is reproduced accurately. We therefore believe that conditional free licensing of state copyright in material promoting transparency is required by the Constitution.

All material featured on the Northern Cape Department of Social Development website is subject to copyright in accordance with the Copyright Act of 1978. There is no copyright in:

- Official texts of a legislative, administrative or legal nature, including their official translations.
- Speeches of a political nature.
- Speeches delivered in the course of legal proceedings.
- News of the day, which is a mere item of press information.

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Approved / ~~Not Approved~~



Ms. S Wookey
Head of Department
Date: 06/09/2022