

PROTECTION OF PERSONAL INFORMATION ACT (No 4 of 2013)

MANUAL OF NID-NATIONAL INSTITUTE FOR THE DEAF

1. INTRODUCTION

The Protection of Personal Information Act, No. 4 of 2013 (the “**POPI Act**”) seeks to give effect to the constitutional right to privacy as contained in section 14 of the Bill of Rights. The POPI Act seeks to safeguard personal information by regulating the manner in which it may be processed by public and private bodies.

The POPI Act provides that data subjects have the right to have their personal information processed in accordance with the conditions for the lawful processing of personal information, which are set out in the POPI Act.

2. PURPOSE OF THE MANUAL

This document serves as the NID’s information manual and provides reference to the records held by the NID as well as the personal information processed by the NID from time to time.

3. AVAILABILITY OF THIS MANUAL

This manual is available for inspection on the NID’s internal Teams server and during normal business hours at the Resources Department at Head Office, 30 De La Bat road, Worcester

4. CONTACT PERSON – INFORMATION OFFICER

The responsibility for the administration of, and compliance with the Acts, has been delegated to the Chief Resources Officer. Requests pursuant to the provisions of the Acts should be directed as follows:

Information Officer: Chief Resources Officer (Coreen Hickman)

Postal address: P O Box 941, Worcester, 6849

Street address: 30 De La Bat road, Worcester, 6850

Business phone: + 27 (0)23 342 5555

Business fax: + 27 (0)23 342 0087

E-mail address: nid@nid.org.za

5. RECORDS – CATEGORIES AND SUBJECT OF RECORDS

The information contained in this section is intended to identify the main categories of records held by the NID and to help the requester to gain a better understanding of the main business activities of the NID. Further assistance in identifying the records held by the NID is obtainable from the Information Officer. Records to which access will be provided in accordance with the POPI act are available in respect of the following (non-exhaustive) aspects of the NID’s businesses and operations:

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COMPANY RECORDS

- Documents of incorporation;
- Memorandum and Articles of Association or Memorandum of Incorporation (as applicable);
- Records relating to the appointment of directors / auditor / secretary;

FINANCIAL RECORDS

- Annual Financial Statements;
- Tax Returns;
- Accounting Records;
- Banking Records;
- Bank Statements;
- Paid Cheques;
- Electronic banking records;
- Asset Register;
- Rental Agreements; and
- Invoices.
- Suppliers
- Services providers

INCOME TAX RECORDS

- PAYE Records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliances:
 - Income Tax
 - VAT;
 - Skills Development Levies;
 - UIF; and
 - Workmen's Compensation.

PERSONNEL / EMPLOYEE DOCUMENTS AND RECORDS

- Employment contracts;
- Employment Equity Plan;
- Medical Aid records;
- Pension Fund records;
- Disciplinary records;
- Salary records;
- SETA records;
- Disciplinary code;
- Leave records;
- Training records; and
- Training Manuals.
- Employee- and tea Fund records.

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SAFETY, HEALTH

- SHE Policy; and
- Mandatory SHE Records

DEVELOPMENT

- Donor Records
- Social Media
- Website
- Direct Marketing

CARE CLIENT RECORDS

TRAINING STUDENT RECORDS

TRAINING SETA RECORDS

CCTV / VIDEO SURVEILLANCE

6. CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

The categories of recipients to whom the NID may supply the personal information will depend on the nature of the information. In general, such categories of recipients would include:

- Service providers
- Medical aid, pension or provident funds
- Auditing and accounting bodies (internal and external)
- Relevant authorities, government departments, statutory bodies or regulators
- A court, administrative or judicial forum, arbitration or statutory commission making a request in terms of the applicable laws or rules.

The above list is non-exhaustive.

7. INFORMATION SECURITY MEASURES

The NID strive to take appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in their possession or under their control. Measures taken by the NID includes, but not limited to, the following:

- Fireproof safe with 2 keys, keys stored in different offices
- Lockable cabinets
- Computers are password protected
- Assess to folders with personal information are restricted to authorised personnel
- Files with personal information password protected
- FortiGate Firewall
- Cloud backup

8. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA SUBJECT

A data subject may at any time object to the processing of his / her / its personal information (as contemplated in Section 11(3)(a) of the POPI Act) in the prescribed form attached to this manual as Appendix A

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9. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION –REGULATION 3 – POPI REGULATIONS

A data Subject may request that his / her / its personal information be corrected or deleted (as contemplated in Section 24 of the POPI Act) in the prescribed form attached as Appendix B

10. THIRD PARTY INVOLVEMENT

In the event that a third party is used to conduct services on behalf of the NID an agreement will be signed between the NID and the third party in the prescribed form attached as Appendix C.

11. BREACH RESPON PLAN

In the event that there are reasonable grounds to believe that the personal information of a data subject has been compromised, the responsible party must notify:

- Information Officer
- Regulator
- Data subject

The notification must be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement. The notification of the data subject must be in writing and communicated to the data subject in at least one of the following ways:

- Mailed to the data subject`s last known physical or postal address
- E-mail to the data subjects last known e-mail address
- Place on a prominent position on the website of the responsible party
- Published in the news media or
- As directed by the Regulator

Measures must be put in place to address the security compromise.
Keep record of data privacy incidences / breaches.

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APPENDIX A

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013) & REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A. DETAILS OF THE DATA SUBJECT

Name(s) and surname /registered name of data subject	
Identity Number / Passport number	
Residential, postal or business address	
Contact number(s)	
Fax number/E-mail address	

B. DETAILS OF RESPONSIBLE PARTY

Name(s) and surname / registered name of responsible party	
Residential, postal or business address	
Contact number(s)	
Fax number/E-mail address	

C. REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

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Signed at this day of20.....

.....
Signature of data subject/designated person

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APPENDIX B

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) & REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A. DETAILS OF THE DATA SUBJECT

Name(s) and surname /registered name of data subject	
Identity Number / Passport number	
Residential, postal or business address	
Contact number(s)	
Fax number/E-mail address	

B. DETAILS OF RESPONSIBLE PARTY

Name(s) and surname / registered name of responsible party	
Residential, postal or business address	
Contact number(s)	
Fax number/E-mail address	

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C. INFORMATION TO BE CORRECTED / DELETED / DESTRUCTURED / DESTROYED

D. REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.

Signed at this day of20.....

.....
Signature of data subject/ designated person

APPENDIX C

NID-NATIONAL INSTITUTE FOR THE DEAF

(Herein after referred to as NID)

POPI ACT UNDERTAKING BY TRAINING PROVIDERS AND SUPPLIERS

I, _____ Name and Surname, the undersigned on behalf of _____ (Company Name) in my capacity as _____ (Designation) hereby undertake as follows with respect to Project _____ (Specify SLA or Project name).

- 1 All Project beneficiaries (employees, consultants and students) will be notified of the requirement to provide consent to the sharing of their personal information as defined in Chapter 1 of the POPI Act;
- 2 If the Project beneficiaries do not consent to the sharing of the personal information, the NID shall be informed within 5 (five) days of receiving such information;
- 3 All Project beneficiaries understand the purpose of the collection of the personal information to be shared with the NID;
4. The Project beneficiaries will inform the Training Provider/Supplier if the personal information changes, the Training Provider/Supplier will inform the NID so that their personal information is updated;
5. The Training Provider/Supplier shall secure the personal information in its possession;
6. The Training Provider/Supplier shall inform the Project beneficiary and the NID if the personal information in its possession is compromised by any security breach or otherwise;
7. Should the Training Provider/Supplier use any existing personal information for further processing the Training Provider/Supplier shall ensure compatibility between the original purpose and the further processing of the personal information;
8. Before the Training Provider/Supplier continue to support or include a new beneficiary to the Project the Training Provider/Supplier will ensure that the beneficiary has consented in writing to sharing of the personal information. In the event the new beneficiary does not consent to sharing of his/her personal information, the Training Provider/Supplier will exclude the said beneficiary from being part of the Project;

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9. The Training Provider/Supplier shall ensure that all new Project related contracts the Training Provider/Supplier enter into hereafter such as but not limited to internships, employment and training have an undertaking which mutatis mutandis mirrors this undertaking; and
10. The Training Provider/Supplier have no objection to providing all evidence (including personal information) required for reporting purposes by the NID.
11. NID undertakes to use the information within the guidelines of the agreement between the Training Provider/Supplier as well as the rules set out in the POPI Act

This undertaking once signed shall become an Annexure to the MOA and be incorporated therein by reference.

SIGNATURE: _____ DATE: _____

NAME AND SURNAME: _____

DESIGNATION: _____

EMAIL: _____

TELEPHONE: _____