



PROTECTION OF PERSONAL INFORMATION (POPI)

POLICY MANUAL

DRAFT
OF
DRAFT

Rustenburg
Local Municipality



This manual was prepared in accordance with Section 51 of the Protection of Personal Information Act of 2013



BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

This MANUAL on data protection explains what information the Rustenburg Local Municipality (RLM) collects while community members visit the website and how this information is used.

PURPOSE OF POPIA MANUAL

POPIA established the rights and duties that are designed to safeguard personal data. In terms of POPIA, the legitimate needs of the organization to collect and use personal data and other pu

POPIA applies to a particular activity, i.e. the processing of personal data, rather than a particular person or organization. Therefore, if you process personal data then you comply with POPIA and in particular, you must handle personal data in accordance with POPIA data protection principles.



TABLE OF CONTECTS

1.	DEFINITIONS	4
2.	PROTECTED INFORMATION	5
3.	APPOINTED INFORMATION OFFICER	7
4.	INTRODUCTION OF POPI	9
5.	POLICY PRINCIPLES	10
	Principle 1: Data Storage Limitation	10
	Principle 2: Data Protection	10
	Principle 3: Data Collection Purpose	10
	Principle 4: Limitations on Data Processing and Storage	11
	Principle 5: Data Accuracy	11
	Principle 6: Data Source Transparency	11
	Principle 7: Data Integrity Safeguards	11
	Principle 8: Participation of Data Subjects	12
6.	OPERATIONAL CONSIDERATIONS	12
	Monitoring	12
	Operating Controls	13
	Policy Compliance / Consequences	13



1. DEFINITIONS

- “Municipality”** means Rustenburg Local Municipality, a Municipality duly established in terms of Local Government: Municipal Structures Act 7 of 1998 with its Principal Officer situated at 159 Beyers Naude, Missionary Mpheni House;
- “Data Subjects”** means individuals, public entities and organizations on which Personal Information is collected and/or stored, for the Municipality is limited to employees, clients, suppliers and service providers;
- “Deputy Information Officer”** means the employee appointed in terms of Section 56 POPIA and standing in for the Information Officer fulfilling the duties of the Deputy Information Officer;
- “Information Officer”** means the employee appointed in terms of Section 55 of POPIA and fulfilling the duties of the Information Officer;
- “Information Regulator”** means the body as constituted in accordance with Section 39 of POPIA;



“Personal Information”

means all information pertaining to an individual or a corporate public entity or organization as laid out in chapter 1 of POPIA;

“Policy Manual”

means this document containing all provisions of the policies and procedures pertaining to the implementation of the Protection of Personal Information Act by the Municipality;

“POPIA”

means the Protection of Personal Information Act, Act No. 4 of 2013, as amended;

“Special Personal Information” means all personal information pertaining to individuals or a corporate public entity or organization as laid out in Section 26 of POPIA;

2. PROTECTED INFORMATION

As RLM keeps personal information of customers, clients, suppliers, service providers and contractors, it is adapting this policy and it is putting procedures in place as set out in this Policy Manual in order to prevent the loss, damage and/or unauthorized destruction of said information as well as to prevent the unlawful access to or unlawful processing of any Personal or Special Personal Information collected and stored.

As this Policy Manual has been drafted and is being implemented only in terms of the POPIA, it attributed its rules and regulations only to information protect specifically under the POPIA.



In terms of POPIA the following information is protected: -

2.1 Personal Information

Personal Information includes but is not necessarily limited to the RLM employees, clients, customers, suppliers, service providers or contractors:

- Identity or Passport number;
- Date of birth and/or age;
- Phone numbers;
- Email addresses;
- Online or instant messaging handles and identifiers;
- Physical addresses;
- Gender;
- Photos and video footage;
- Marital relationship status and family relations;
- Employment history and salary information;
- Financial information;
- Education information.

2.2 Special Personal Information

Special Personal Information collected / stored by RLM in terms of Section 26 POPIA includes: -

- Religious or philosophical beliefs;
- Race or ethnic origin;
- Trade union membership;
- Political persuasion;



- Criminal and disciplinary proceedings that the individual may be involved in;
- Health and/or biometric information

The recording and storage of Special Personal Information is subject to increased limitation of its use and storage and will only be kept if:

- With consent of the individuals concerned; and
- Necessary in law; and
- Collected and conducted for historical, statistical or research purposes; and
- If the information has been deliberately made public by the subject.

2.3 Information about Minors

The RLM does record and store information about minors for information purposes and does so with the prior consent of the minor's parents and by adhering to the special rules as stipulated in Section 35 POPIA.

3. APPOINTED INFORMATION OFFICERS

The Municipal Manager being the Accounting Officer generally assumes the position of the Information Officer in terms of the POPIA but may appoint any officer or responsible employee, who is resident in South Africa.

3.1 Appointments

Notwithstanding the obligations of the Information Officer in terms, of Section 55 of POPIA, the RLM has - for the time being – appointed the following employees as Information Officers (IO) and Deputy Information Officer (DIO) in terms of the POPIA: -



	INFORMATION OFFICER	DEPUTY INFORMATION OFFICER
Title	Mr.	Ms.
Name	SELLO VICTOR	YONDELA
Surname	MAKONA	ROBOJI
Designation	Municipal Manager	Director: Corporate Support Services
Date of Birth		
ID Number		
Nationality		
Business Address	159 Beyers Naude Rustenburg, 0309	159 Beyers Naude Rustenburg, 0309
Work Phone	014 590 3551	014 590 3050
Mobile Phone		
Email Address	munman@rustenburg.gov.za	yroboji@rustenburg.gov.za

3.2 Duties

The Information Officer, is responsible for:

- All assessments of personal data storage access and security;
- The Implementation and supervision of this Policy Manual and its compliance with the POPIA;
- Providing updated documentation to support this Policy Manual;
- Ensuring this policy and subsequent updates are communicated to relevant managers, representatives, staff and associates, where applicable.

In case of the Information Officer not being able to attend to any of his/her responsibilities, the responsibility falls upon the Deputy Information Officer, who is acting on behalf of the Information Officer until such time where the Information Officer is able to resume his/her



duties. Any delegation of duties in this regard is being registered with the Information Regulator via its online portal.

The detail and credentials of both, IO and DIO, are registered with the Information Regulator via its online portal.

4. INTRODUCTION TO POPIA

The RLM is committed to the compliance with the POPIA which requires the RLM to: -

- Sufficiently inform employees, clients, customers and suppliers (“Data Subjects”) about the purpose for which we will process their personal information;
- Protect all Personal and Special Personal Information from threats, whether internal or external, deliberate or accidental, to ensure information safety, prevent business damage through information leaks and irretrievable erase all information not needed for the business anymore.

This Policy Manual defines all measures and standards for the protection and lawful processing of Personal and Special Personal Information within our RLM and provides principles regarding the right all Data Subjects to privacy and reasonable safeguarding of their information.

All officers, employees, subsidiaries, business units, directorates and individuals directly associated with us are responsible for adhering to this Policy Manual and are committed to report any security breaches or incidents to the Information Officer.

Any Service Provider that provides Information Technology services including data storage facilities to RLM must have implemented POPIA and has to adhere to the requirements of POPIA to ensure adequate protection of any Personal of Special



Information obtained, processed or stored by them on our behalf. In case of any rising doubts about their compliance or adherence as set out above the Information Officer will obtain written confirmation to this effect from service providers in question.

5. POLICY PRINCIPLES

The following principles are a reiteration of the content and aims of POPIA and shall apply across the entire scope of application of POPIA for RLM: -

Principle 1: Data Storage Limitation

RLM will take all reasonable steps to ensure that Personal Information obtained from suppliers, clients, customers and employees is stored safely and securely, which includes employment applicants with regard to their CV's, Resumes, References, Qualifications, Integrity Checks and any other Personal Information that may be obtained for the purpose of hiring a prospective employment candidate.

As it is necessitated in the course of the ordinary business of the RLM some Special Personal Information is collected or stored.

Principle 2: Data Protection

All Personal Information collected is being reduced to necessary information only and stored on a secured server, protected from unauthorized access of any third party or employee not entitled to the type of information. No Personal Information will be released unless consent by the Data Subject has been obtained prior to its release or the RLM becomes legally obliged to disclose certain information. In this case the Data Subject protected will be informed prior to the release of the Personal Information to enable same to object and rescind RLM's duty to disclose said Personal Information.



Principle 3: Data Collection Purpose

The RLM collects Personal Information either for purposes of maintaining professional relationship with clients, customers and suppliers or for hiring procedures and employment only.

Principle 4: Limitations on Data Processing and Storage

Personal information will not be processed further in a way that is incompatible with the purpose for which the information was initially collected. Personal Information will further be destroyed and erased from all storage media:7 when it is **requested by the Data Subject / not required anymore / becoming obsolete** or is protected from third-party storage by law or court order.

Principle 5: Data Accuracy

The RLM undertakes to its best abilities and knowledge to verify and keep up-to-date all Personal Information collected within the scope of this Policy Manual. All Data Subjects are also entitled to correct any Personal Information stored by the RLM.

Principle 6: Data Source Transparency

Where Personal Information does not originate from the Data Subjects themselves the Data Subject has to be informed about the fact that the RLM: -

- Obtained Personal Information from an external source; and
- Collects and stores their Personal Information; and
- Has a valid reason for obtaining and storing this Personal Information



Principle 7: Data Integrity Safeguards

The RLM will – at all times – ensure that all reasonably available technical and organizational measures will be taken to secure the integrity of all Personal Information obtained and stored, and that the RLM will further guard such Personal Information against the risk of loss, damage or destruction.

Personal information will – at all times – also be safeguarded and protected against any unauthorized or unlawful access or processing and will further only be used internally for legitimate purposes within the sphere of the ordinary business of the RLM and only by the Information Officer or authorized officers or employees of the RLM.

Principle 8: Participation of Data Subjects

All Data Subjects are entitled to know particulars of their Personal Information collected and stored by the RLM as well as the identity and contact details of the Information Officer and any other authorized employees.

6. OPERATIONAL CONSIDERATIONS

All operational considerations contained in this Policy Manual are a direct consequence of the provisions above.

Monitoring

The Management and Information Officer are responsible for administering and overseeing the implementation of this Policy Manual and, as far as applicable, supporting guidelines, standard operating procedures, notices, consents and appropriate related documents and processes.



All employees, subsidiaries, business units, departments and individuals directly associated with the RLM are to be trained, according to their functions, in the regulatory requirements, policies and guidelines that govern the sourcing, storage and protection of all Personal Information.

The RLM will conduct regular reviews and audits, where appropriate, to ensure compliance with POPIA and this Policy Manual, while the POPIA shall supersede this Policy.

Operating Controls

The RLM will establish appropriate standard operating procedures that are consistent with this Policy Manual and its regulatory requirements. This will include: -

- Management of access to Personal information;
- Incident reporting and management;
- User addition or removal;
- Information security training and education; and
- Secured (encrypted) data backup on all internal, external and cloud-based data storage facilities.

Policy Compliance / Consequences

Any breach/es of any provision of this Policy Manual may result in disciplinary action and possible termination of employment of the employee committing, facilitating or assisting any breach.

Further, any breach/es of any provision of this Policy Manual will – without any undue delay – be reported by the Information Officer to the affected Data Subject.



This Policy Manual has been approved by the Municipal Council and is subject to regular reviews and amendments.

APPROVED ON ____ DAY OF _____ 2021

INFORMATION OFFICER: RLM

DRAFT