

Social Change Assistance Trust

Protection of Personal Information (POPI) Policy

Social Change Assistance Trust: POPI Policy

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1 **About SCAT**

1.1 SCAT (“**the Trust**”) was registered as a Trust on 14 November 1984. It is a Non-Profit Grant-making Organisation and has tax-exempt status. The Trust is funded through international and local foundations, corporate giving, public and private donors.

1.2 The sole aim and principle object of the Trust is to promote the realisation of socio-economic rights, including the provision of support for community development amongst poor and needy rural communities, with particular concern for issues of social justice, gender equality, access to justice, food security, and the funding of community-based organisations and local development agencies engaged in projects directed to self-help, empowerment, capacity building, skills development and poverty alleviation.

2 **Purpose of this Policy**

The Protection of Personal Information Act 4 of 2013 (“POPI”) gives effect to the constitutional right to privacy, regulates the manner in which personal information may be processed and provides rights and remedies to protect personal information.

2.1 As a grant-making organisation, as well as an employer, the collection and processing of personal information is directly aligned to the execution of the Trust’s mandate.

2.2 This Policy provides for what must and must not be done at the Trust as regards personal information to which the Trust becomes privy. The Policy in addition provides procedural guidelines, where appropriate, outlining how the Policy is to be implemented.

2.3 This POPI Policy must be adhered to by all key individuals including trustees, employees, service providers and volunteers.

3 Principles

3.1 The primary purpose of the POPI Act is to regulate the collection and processing of personal information in a manner that will safeguard such information against unauthorised access and usage.

3.2 The purpose of this POPI Policy is to establish the requirements and conditions for the collection, distribution and retention of personal information, in line with the prescripts of the POPI Act and the Promotion of Access to Information Act 2 of 2000 (“**PAIA**”).

3.3 This Policy articulates the parameters in the collection, processing, storage, distribution and destruction of personal information by the Trust, as aligned to the POPI Act. In addition, this Policy sets out how the Trust deals with data subjects’ personal information as well as the purposes for which personal information will be used. This Policy is made available on the Trust’s website (www.scat.org.za) and by request from our Information Officer, whose details are provided below.

4 Definitions

4.1 “**consent**” – any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

4.2 “**data subject**” – a person to whom the personal information relates. This will include trustees, employees and volunteers of the Trust, as well as persons and/or organisations who apply for and are granted funding, as well as any persons or organisations which communicate and/or conclude any agreement with the Trust.

4.3 “**person**” – a natural or juristic person.

- 4.4 **“personal information”** – any information in any form (including electronic and paper-based files) relating to an identifiable, living, natural person and, where applicable, an identifiable, existing juristic person. This can include, but is not limited to information relating to the race, 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 a person. It also includes information relating to the education, medical, identifying and biometric information of an individual.
- 4.5 **“processing”** – any activity, automated or manual, concerning personal information. Such activity may include, but is not limited to, collection, receipt, recording, organisation, storage, collation, retrieval, alteration, updating, distribution, dissemination by means of transmission, erasure or destruction of personal information.
- 4.6 **“special personal information”** – this is very sensitive personal information that requires stringent protection. Special personal information includes, but is not limited to, religious beliefs, political affiliations, race and ethnic origin, health, sex life and biometric information.

5 **Collection of personal information**

- 5.1 The Trust collects and receives personal information directly and indirectly from data subjects through various sources.
- 5.2 Information is collected by the Trust as follows:
- 5.2.1 directly from the data subject;
 - 5.2.2 from an agent, relative, employer, work colleague or other duly authorised representative who the Trust may approach;

5.2.3 from NGO's, academic institutions, civil society organisations and individuals who may seek the Trust's assistance;

5.2.4 from the Trust's own records relating to its previous provision of assistance or responses to the data subject's request for services; and/or

5.2.5 from a relevant public or equivalent entity.

5.3 The Trust will not collect personal information regarding a child or individual's religious or philosophical beliefs, trade union membership, political opinions, health or sexuality unless permitted by law or with consent from the data subject.

6 Purpose specification

6.1 POPI requires that the data subject be informed of the purpose or reason for the collection of their data so that they may either give consent or refuse it. The purpose for which personal information is collected should be specified at the time the information is being collected. In addition, any further use of the collected personal information should be compatible with the initial purpose of collection.

6.2 The Trust needs to collect personal information for the following purposes:

6.2.1 assessing, processing and entering into funding applications;

6.2.2 assessing, processing and entering into employee agreements;

6.2.3 confirming and verifying a person's identity;

6.2.4 providing personalized communication;

6.2.5 audit and record-keeping purposes;

6.2.6 compiling statistics and research reports;

- 6.2.7 in connection with legal proceedings;
 - 6.2.8 in connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law; and/or
 - 6.2.9 for a purpose that is ancillary to the above and for any other purpose for which consent is provided by the data subject;
- 6.3 This purpose will be explained to the data subject when the information is collected and they may then decide whether to grant the Trust consent to collect and process personal information or not.
- 6.4 In the event that the Trust seeks to use the information for another purpose which is different to the purpose for which the information was collected initially, then the Trust will contact the data subject to obtain their consent for further processing.

7 Processing limitation and sharing of personal data

- 7.1 The Trust will ensure that the personal information collected from data subjects will be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.
- 7.2 Furthermore, information will be collected directly from the data subject by the Trust or third parties authorised by the Trust only after consent from the data subject concerned.
- 7.3 The Trust will not process a data subject's personal information without consent unless:
- 7.3.1 it is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
 - 7.3.2 the processing complies with an obligation imposed on the Trust by law;

- 7.3.3 the processing protects a legitimate interest of the data subject;
- 7.3.4 the processing is in the public interest;
- 7.3.5 the processing is necessary for pursuing the Trust's legitimate interests or the legitimate interests of a third party to whom the information is supplied.

8 **Consent**

- 8.1 Unless one of the additional conditions listed in paragraph 7.3 above applies, the Trust will not collect or process personal information without the consent of the data subject. Consent is normally sought explicitly by the Trust, however, there are also some actions and behaviour that may amount to consent. This includes signing an agreement or application or ticking a tick box on an application form.
- 8.2 No person is compelled to consent to the Trust's collection or processing of their personal information, however a refusal to consent may result in a restriction of that person's participation in activities and opportunities coordinated by the Trust. Data subjects will be advised of the consequences of not giving consent to the Trust for the collection and processing of their personal information as required by law. Data subjects will be made aware that failure to give written consent will result in the data subject's record being invalid and not subject to any performance on the part of the Trust.
- 8.3 The procedure undertaken is that data subjects will be informed of the purpose for which information is being collected and thereafter prompted to give consent to having the information collected and processed. Once consent has been granted to the Trust the information will be collected and may only be used for the purpose for which the consent was obtained and purpose which are compatible with that initial purpose.

8.4 In the event that the Trust seeks to process a data subject's information for a different purpose to that which consent has been granted, additional consent will be sought for the further processing.

8.5 The data subject may withdraw or revoke his/her consent at any time. This withdrawal of consent must be communicated to the Information Officer in writing with reasonable notice. The withdrawal of consent is subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then the withdrawal will only be effective if the Trust agrees to same in writing. The Trust will inform the data subject of the consequences of the withdrawal where it will result in the Trust being unable to provide the requested information and/or services and/or financial or other benefits. The revocation of consent is not retroactive and will not affect disclosures of personal information that have already been made.

9 Disclosure and/or distribution of personal information

9.1 The Trust will only use a data subject's personal information for business purposes and in a manner which is consistent with the purpose for which consent has been given.

9.2 In the case of personal information being collected indirectly or distributed to third parties, it will be used in line with the purpose for which the information was collected. No personal information will be disclosed or distributed to third parties unless the disclosure or distribution satisfies any of the conditions listed in paragraph 7.3 above, or prior consent or approval has been given by the data subject.

9.3 The Trust may also identify personal information and use it for research, surveys and communication in order to improve the Trust's offering to the public. This will

work solely to improve the Trust's operations and broader reach and is not information which can be directly attributed to one person in particular.

9.4 The Trust may nevertheless disclose data subjects' personal information where it is required to do so in terms of applicable legislation, or where it may be necessary in order to protect the Trust's rights.

9.5 In the event that the Trust does share personal information with a third party, it shall take all reasonable steps to ensure that the third party treats the information in a manner which is consistent with this Policy.

10 **Retention of personal information**

10.1 Where the Trust collects personal information for a specific purpose, it will not keep it for longer than is necessary to fulfil that purpose, unless:

10.1.1 further retention is required by law;

10.1.2 the Trust reasonably requires it;

10.1.3 retention is required by a contract between the parties; and/or

10.1.4 the data subject consents to further retention.

10.2 Once the purposes for collection have been fulfilled, the personal information may be destroyed in accordance with POPI.

10.3 In order to protect information from accidental or malicious destruction, when the Trust deletes information from its servers it may not immediately delete residual copies from its servers or remove information from its backup systems. Copies of correspondence that may contain personal information is stored in archives for record-keeping and back-up purposes only.

10.4 Where the law requires the Trust to keep personal information post its use for a specified period of time, all personal information will be kept securely for the duration specified by law.

11 Safeguards, security and incident management

11.1 The Trust strives to ensure the security, integrity and privacy of personal information submitted.

11.2 While no data transmission over the Internet can be guaranteed to be totally secure, the Trust will endeavour to take all reasonable steps to protect personal information submitted to it or via its online services.

11.3 The following methods of protection are in place to ensure that personal information disclosed to the Trust is protected:

11.3.1 The Trust's internal server hard drives are protected by firewalls;

11.3.2 Password protection is active on computers that may contain personal information thereby limiting access to authorised Trust personnel only;

11.3.3 Physical security measures are in place such as the limitation of access to the building. Employees are given access cards/codes and no-one is allowed to enter the premises without authorisation;

11.3.4 Each manager is responsible for ensuring that the employees under his or her authority take note of the policies on the implementation and maintenance of document management;

11.3.5 Personal information can only be accessed by employees and management of the Trust who deal with the particular record;

- 11.3.6 The Trust's employees are obliged to respect the confidentiality of any personal information held by the Trust;
- 11.3.7 The Trust has off site back-up and archiving facilities. Third parties who provide these services are obligated to respect the confidentiality of any personal information;
- 11.3.8 Technological measures are in place to monitor the transmission and inspection of electronic data, including IT audit trails and encryption; and
- 11.4 The Trust's Administrator, whose contact details are provided below, is responsible for the encouragement of compliance with POPI.
- 11.5 The Trust will review and update its security measures in accordance with future legislation and technological advances.

12 Accountability

- 12.1 The management and Information Officer of the Trust are responsible for administering and overseeing the implementation of this Policy and any applicable supporting guidelines and procedures.
- 12.2 The Trust remains responsible for all personal information collected and stored. This includes all and any information collected directly from a data subject and from any other source or authorised third parties.

13 Data subject's access to and correction of personal information

- 13.1 Data subjects have the right to be informed whether the Trust holds their personal information and to view any such personal information the Trust may hold. Furthermore, data subjects have the right to be informed as to how that information was collected and to whom their personal information has been disclosed.

13.2 Data subjects may at any time, request disclosed information by contacting the Trust's Administrator if no PAIA Guidelines exist

13.3 Information requested will be provided to a data subject within a reasonable time.

13.4 Data subjects are entitled to, at any time, inform the Trust of any changes to their personal information in the possession of the Trust. Upon receipt of any changes to personal information, the Trust will, within a reasonable period, update the personal information. The Trust relies largely on data subjects to ensure that their personal information is correct.

13.5 Data subjects have the right to ask the Trust to amend or delete their personal information on reasonable grounds.

13.6 Data subjects may be prompted periodically by a Trust representative to update the personal information that the Trust holds. Failure to reply to the prompts to update personal information will result in the assumption that all information that is on the Trust's systems is accurate.

14 Violations

Violations of this Policy and of POPI will be dealt with by the Information Regulator. A data subject who has a complaint against the Trust, either concerning its conduct or this Policy, may refer a complaint to the Information Regulator in terms of sections 63(3) and 74 of POPI.

15 Effective date

This Policy is effective as of 1 July 2021.

16 Queries and objections

The details of the Trust's Administrator are as follows:

- Name: Hishaam Nordien
- Telephone number: +27 (0)21 4182575
- Fax number: +27 (0)86 439 3447
- Postal address: 52-54 Francis Street, Woodstock, Cape Town, 7925
- Physical address: 52-54 Francis Street, Woodstock, Cape Town, 7925
- Website: www.SCAT.org.za

All questions and queries relating to personal information must be directed the Information Officer using the contact information listed above.

17 Amendments to this Policy

17.1 The Trust will amend this policy periodically.

17.2 Data subjects are advised to check the Trust's website periodically to ascertain whether any changes have been made. The Trust will communicate any material changes to the policy to the data subjects directly.

POPI consent form for the Social Change Assistance Trust (SCAT)

CONSENT AND ACKNOWLEDGMENTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPI)

1 Introduction

- 1.1 The Protection of Personal Information Act (POPI) aims to give effect to the constitutional right to privacy by balancing the right to privacy against that of access to information. POPI requires that personal information pertaining to individuals be processed lawfully and in a reasonable manner that does not infringe on the right to privacy.
- 1.2 The Trust's POPI Policy and this consent form sets out how personal information will be collected, used and protected by the Trust, as required by POPI. The use of the words "the individual" for the purposes of this document shall be a reference to any individual communicating with the Trust and/or concluding any agreement, registration or application, with the inclusion of each individual referred to or included in terms of such agreement, registration or application.

2 What is personal information?

- 2.1 The personal information that the Trust requires relates to names and surnames, birth dates, identity numbers, passport numbers, demographic information, education information, occupation information, health information, addresses, memberships, and personal and work email and contact details.
- 2.2 In addition, the particular mandate and operations of the Trust may result in the processing of special personal information, which may be highly sensitive information relating to religious beliefs, political affiliations, race and ethnic origin, health, sex life and biometric information. Where information constitutes such special personal information, or is reasonably likely to include special personal information, this will be drawn to the data subject's attention and processing will occur in strict compliance with POPI.

3 What is the purpose of the collection, use and disclosure (the processing) of personal information?

- 3.1 The Trust is legally permitted to collect, use and disclose personal information for the following purposes:
 - 3.1.1 assessing, processing and entering into funding applications;
 - 3.1.2 assessing, processing and entering into employee agreements;
 - 3.1.3 confirming and verifying a person's identity;
 - 3.1.4 providing personalized communication;
 - 3.1.5 audit and record-keeping purposes;
 - 3.1.6 compiling statistics and research reports;
 - 3.1.7 in connection with legal proceedings;

- 3.1.8 in connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law; and/or
 - 3.1.9 for a purpose that is ancillary to the above and for any other purpose for which consent is provided by the data subject;
- 3.2 The Trust will not process personal information for a purpose other than those which are identified above without obtaining consent to further processing beforehand.

4 What is 'processing'?

POPI provides that the term "processing" covers any operation or activity, whether or not by automatic means, concerning personal information. Such activity may include, but is not limited to, collection, receipt, recording, organisation, storage, collation, retrieval, alteration, updating, distribution, dissemination by means of transmission, erasure or destruction of personal information.

5 How will the Trust process personal information?

- 5.1 The Trust will only collect personal information for the purposes stated above. Information will be collected in the following manner:
- 5.1.1 directly from the data subject;
 - 5.1.2 from an agent, relative, employer, work colleague or other duly authorised representative who the Trust may approach;
 - 5.1.3 from NGO's, academic institutions, civil society organisations and individuals who may seek the Trust's assistance;
 - 5.1.4 from the Trust's own records relating to its previous provision of assistance or responses to the data subject's request for services; and/or
 - 5.1.5 from a relevant public or equivalent entity.

6 To whom will personal information be disclosed?

- 6.1 The personal information may be disclosed to service providers such as professional bodies who operate across the borders of this country (trans-border flow of information) where personal information must be sent in order to provide the information and/or services and/or benefits requested or applied for.
- 6.2 In addition, personal information may be disclosed in compliance with the Trust's legal obligations, or where it may be necessary in order to protect the Trust's rights.
- 6.3 In the event that the Trust does disclose personal information, it shall take all reasonable steps to ensure that the information is protected by the recipient.
- 6.4 In the event of another party/other parties acquiring all of or a portion of the Trust's mandate or functions, personal information will be disclosed to that party but they will be equally obliged to protect personal information in terms of POPI.

7 Consent and Permission to process personal information

- 7.1 I hereby provide authorisation to the Trust to process the personal information provided for the purpose stated, which purpose has been fully explained to me.

- 7.2 I understand that withholding of or failure to disclose personal information will result in the Trust's records being incomplete, and may negate any performance on the part of the Trust.
- 7.3 Where I shared personal information of individuals other than myself with the Trust I hereby provide consent on their behalf to the collection, use and disclosure of their personal information in accordance with this consent provided and I warrant that I am authorised to give this consent on their behalf.
- 7.4 To this end, I indemnify and hold the Trust harmless in respect of any claims by any other person on whose behalf I have consented, against the Trust should they claim that I was not so authorised.
- 7.5 I understand that in terms of POPI and other laws of the country, there are instances where my express consent is not necessary in order to permit the processing of personal information, which may be related to police investigations, litigation or where personal information is publicly available. I will not hold the Trust responsible for any improper or unauthorised use of personal information that is beyond its reasonable control.

8 Rights regarding the processing of personal information

- 8.1 The individual may withdraw consent to the processing of personal information at any time, and should they wish to do so, must provide the Trust's Information Officer with reasonable written notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then such withdrawal will only be effective if the Trust agrees to same in writing. The Trust specifically draws attention to the fact that the withdrawal of consent may result in it being unable to provide the requested information and/or services and/or financial or other benefits. Further, please note that the revocation of consent is not retroactive and will not affect disclosures of personal information that have already been made.
- 8.2 An individual has the right to ask the Trust to amend or delete their personal information on reasonable grounds.
- 8.3 In order to withdraw consent, or otherwise request an amendment or deletion of personal information, please contact the Administrator at info@SCAT.org.za.
- 8.4 Where personal information has changed in any respect, the individual is encouraged to notify the Trust so that our records may be updated. The Trust will largely rely on the individual to ensure that personal information is correct and accurate.
- 8.5 The individual has the right to access any personal information that the Trust may have in its possession and is entitled to request the identity of any third parties which have received and/or processed such personal information, as well as the details of how that information was collected. Requested information will be provided within a reasonable time, but may be declined on reasonable and/or legal grounds.

9 Requesting access and lodging of complaints

- 9.1 Please submit any requests for access to personal information in writing to the Trust's Administrator at info@SCAT.org.za
- 9.2 With any request for access to personal information, the Trust will require the individual to provide personal information in order to verify identification and therefore the right to access the information.

- 9.3 There may be a reasonable charge for providing copies of the information requested.
- 9.4 If any request has not been addressed to satisfaction a complaint may be lodged at the office of the Information Regulator.

Signature: _____

Name of Signatory: _____

Date: _____