



PROTECTION OF PRIVATE INFORMATION (POPI) POLICY



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1. About SACDA

The South African Career Development Association (SACDA) is a public, non-profit organisation established for the following objectives:

- 1.1 To ensure ethical practice through a code of ethics which respects professional boundaries;
- 1.2 To ensure professional competency of professionals in career development;
- 1.3 To ensure continuous professional development opportunities in order to sustain competency;
- 1.4 To provide a platform for professionals to share their experience and learning;
- 1.5 To provide a platform to share research findings on issues related to career development;
- 1.6 To provide a range of services to support members in their work;
- 1.7 To provide recognition for each member and their stories of commitment;
- 1.8 To provide professional support on ethical issues facing professionals;
- 1.9 To support articulation within and through the field of career development;
- 1.10 To provide opportunities for recognition of prior learning onto the professional register; and
- 1.11 To grow the reputation of the career development profession in South Africa.

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 Professional Body, as well as an employer, the collection and processing of personal information is directly aligned to the execution of the Professional Body’s mandate.
- 2.2 This Policy provides for what must and must not be done at the Professional Body with regards to personal information to which the Professional Body 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 board members, committee members, 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 Professional Body, as aligned to the POPI Act. In addition, this Policy sets out how the Professional Body 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 Professional Body’s website (www.sacda.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 board members, committee members, employees, service providers and volunteers of the Professional Body, 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 Professional Body.
- 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 Professional Body collects and receives personal information directly and indirectly from data subjects through various sources.
- 5.2 Information is collected by the Professional Body as follows:
- 5.2.1 directly from the data subject;
 - 5.2.2 from a career development practitioner, relative, employer, work colleague or other duly authorised representative who the Professional Body may approach;
 - 5.2.3 from NGO's, academic institutions, civil society organisations and individuals who may seek the Professional Body's assistance;
 - 5.2.4 from the Professional Body'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 Professional Body will not collect personal information regarding a child or individual's religious or philosophical beliefs, trade union membership, political opinions, health or sexual life 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 Professional Body needs to collect personal information for the following purposes:
- 6.2.1 assessing, processing and entering into registration applications;
 - 6.2.2 assessing, processing and entering into Recognition of Prior Learning;
 - 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 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 or 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 data subject will be informed of the data collection at the time of its collection at which time the data subject may then decide whether to grant the Professional Body consent to collect and process personal information or not.
- 6.4 In the event that the Professional Body seeks to use the information for another purpose which is different to the purpose for which the information was collected initially, then the Professional Body will contact the data subject to obtain their consent for further processing.

7. Processing limitation and sharing of personal information

- 7.1 The Professional Body 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 Information will be collected directly from the data subject by the Professional Body or third parties authorised by the Professional Body only after consent from the data subject concerned is received.
- 7.3 The Professional Body 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 Professional Body 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 Professional Body'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 Professional Body will not collect or process personal information without the consent of the data subject. Consent is normally sought explicitly by the Professional Body, 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 Professional Body'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 Professional Body. Data subjects will be advised of the consequences of not giving consent to the Professional Body 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 Professional Body.
- 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 Professional Body 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 Professional Body 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 Professional Body agrees to same in writing. The Professional Body will inform the data subject of the consequences of the withdrawal where it will result in the Professional Body being unable to provide the requested information and/or services 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 Professional Body 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.
- 9.4 The Professional Body may also identify personal information and use it for research, surveys and communication in order to improve the Professional Body's offering to the public. This will work solely to improve the Professional Body's operations and broader reach and is not information which can be directly attributed to one person in particular.
- 9.5 The Professional Body 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 Professional Body's rights.
- 9.6 In the event that the Professional Body 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.
- 9.7 Contact information will be shared with the publisher of the African Journal of Career Development (AJCD) to enable publishing communication.

10. Retention of personal information

- 10.1 Where the Professional Body 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 Professional Body 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 Professional Body 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 Professional Body 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 Professional Body 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 Professional Body 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 Professional Body is protected:
- 11.3.1 The Professional Body'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 Professional Body's 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 Professional Body who deal with the particular record;
 - 11.3.6 The Professional Body's employees are obliged to respect the confidentiality of any personal information held by the Professional Body;

11.3.7 The Professional Body 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

11.3.9 The Professional Body's Administrator, whose contact details are provided below, is responsible for the encouragement of compliance with POPI.

11.3.10 The professional body 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 Professional Body are responsible for administering and overseeing the implementation of this Policy and any applicable supporting guidelines and procedures.

12.2 The Professional Body 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 data

13.1 Data subjects have the right to be informed whether the Professional Body holds their personal information and to view any such personal information the Professional Body 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 Professional Body'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 Professional Body of any changes to their personal information in the possession of the Professional Body. Upon receipt of any changes to personal information, the Professional Body will, within a reasonable period, update the personal information. The Professional Body relies largely on data subjects to ensure that their personal information is correct.

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

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

14. Data subject's access to and correction of personal data

14.1 Violations of this Policy and of POPI will be dealt with by the Information Regulator. A data subject who has a complaint against the Professional Body, 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

15.1 This policy is effective as of 30 October 2018

16. Queries and Objections

The details of the Professional Body's Administrator are as follows:

- Name: Christopher John Beukes
- Telephone number: 012 397 3039
- Fax number: 012 420 2047
- Physical address: Office 3-102, Aldoel Building | Department of Educational Psychology
University of Pretoria | Groenkloof Campus | Pretoria | Gauteng | South Africa | 0002
- Postal address: Same as above
- Website: <http://www.sacda.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

15.1 The Professional Body will amend this policy periodically.

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