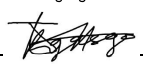


NRCS Protection of Personal Information Policy and Procedure

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1 Policy Statement

The NRCS processes personal information of its employees, members, clients and other data subjects from time to time in its strategic, tactical and operational activities to fulfil its regulatory mandate. As such, it is obliged to comply with the Protection of Personal Information Act No. 4 of 2013 (“POPI”) as well as the Promotion of Access to Information Act No. 2 of 2000 (“PAIA”).

This Policy sets out the manner in which the NRCS deals with such personal information and provides clarity on the general purpose for which the information is used, as well as how data subjects can participate in this process in relation to their personal information that is in possession of the NRCS. In line with this, the NRCS is also committed to protecting its customers’/clients’/supplier’s/employees’ and other data subjects’ privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

In addition to this policy, the **NRCS** has also developed a manual and made it available as prescribed under the PAIA Act. Where parties/requesters submit requests for information disclosure in terms of this manual, internal measures have been developed together with adequate systems to process requests for information or access thereto.

2 The Scope

The scope of this policy is to define parameter under which personal information will be collected, processed and destroyed by the NRCS in fulfilling its legislative mandate while providing assurance for the data subject’s privacy.

3 The Purpose:

The purpose of this policy **is** to establish an environment in which the NRCS is systematically collecting, storing, processing and destroying personal information in congruent with the POPI and PAIA acts while maintaining the privacy of data subject. To guide, inform and elevate the awareness of the NRCS staff on their obligations relating to processing of personal information and also to align the intent with the purpose of the act.

4 The Objectives:

4.1 The objectives of this policy are:

- 4.1.1 To promote the protection and privacy of personal information collected, stored and processed by the NRCS.
- 4.1.2 To establish the minimum requirements in the processing of information
- 4.1.3 To ensure legislative compliance to the POPI and PAIA Acts in respect of all personal information that the NRCS collects, stores and processes.
- 4.1.4 To inform employees, suppliers and clients as to how their personal information is used, disclosed and destroyed.
- 4.1.5 To ensure that personal information that is collected by the NRCS is only used for the purpose for which it was collected.
- 4.1.6 Prevent unauthorised access and use of personal information that is in NRCS' possession for unintended purposes.
- 4.1.7 To ensure that the processing of personal information & special/sensitive personal information adhere to the conditions for lawful processing as set out in Chapter 3 of the POPI Act.
- 4.1.8 Regulate flow of information across the borders of NRCS in accordance with the POPI Act.

5 Normative and Informative

5.1 Normative

Protection of Personal Information Act (Act No 13 of 2014)

Promotion of Access to Information Act (Act No 2 of 2000)

National Archives and Records Services of South Africa Act (Act No 43 of 1996)

The Electronic Communications and Transactions Act (Act No 25 of 2002)

5.2 Informative

NRCS CPP 709-02: Information and Data Security Policy

NRCS: Logical Access, Authorizations and Password Control Standard

NRCS CPP 708-01: ICT Electronic Communication, Email and Internet Usage Policy

NRCS CPP 707 -00: ICT End-User and Workspace Policy

NRCS CPO 124-02: Records Management Policy

6 Definition and Abbreviations

Abbreviation/ Definition	Description
Competent Person	Means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child
Consent	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information
Company	A Legally registered entity
Privacy	Privacy is a fundamental right as enshrined in section 14 of the Constitution of the Republic of South Africa, which is essential to autonomy and the protection of human rights and human dignity.
Private body	Private body” means— (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity; (b) a partnership which carries or has carried on any trade, business or profession; (c) any former or existing juristic person, but excludes a public body;
Personal Information	Means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing, juristic person, including, but not limited to: <ul style="list-style-type: none"> a) Information relating to the race, gender, 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 the person. b) Information relating to the education or the medical, financial, criminal or employment history of the person

	<ul style="list-style-type: none"> c) Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person. d) The biometric information of the person. e) Banking details f) Company registration number g) Full Name of Legal entity h) Tax and or VAT Number i) The personal opinions, views or preferences of the person. j) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence. k) The views or opinions of another individual about the person, and l) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person. <p>The definition of personal information includes special or sensitive personal information. These categories refer to sensitive areas which a person would not like published.</p>
<p>Special information</p> <p>personal</p>	<p>Relates to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or the biometric information of a data subject. It also relates to the criminal behaviour of a data subject regarding the alleged commission of an offence or any proceedings in respect of any offence allegedly committed by the data subject or the disposal of such proceedings; a history of a person's education, medical, financial, criminal or employment history; and/or the processing of biometric information of a person.</p>

Biometric information	Means the physical, physiological or behavioural identification, including finger printing, amongst others
Processing	Means: <ul style="list-style-type: none"> a) The collection, receipt, recording organisation, collation, storage, updating, modification, retrieval, alteration, consultation or use; b) Dissemination by means of transmission, distribution or making available in any form; c) Merging, linking, erasure or destruction of information.
PAIA	Means the Promotion of Access to Information Act (Act No. 2 of 2000)
POPIA	Means the Protection of Personal Information Act (Act No 4 of 2013)
The Regulator	Means the Information Regulator established in terms of the POPI Act.

7 COLLECTION OF PERSONAL INFORMATION

- 7.1** The NRCS collects and process various information pertaining to its employees, members of committees, clients, customers, suppliers, service providers and industries partners and associations. The information collected is based on need and it will be processed for that need/purpose only. Whenever possible, the NRCS will inform the relevant party of the information required (mandatory) and which information is deemed optional.
- 7.2** The employee, member or client will be informed of the consequence/s of failing to provide such personal information and any prejudice which may be incurred due to non-disclosure. For example, the NRCS may not be able to employ an individual without certain personal information relating to that individual or the organisation may not be in a position to render services to a client in the absence of certain information which is required
- 7.3** For staff and clients: personal identifiers, contact information (for example, name and surname, and contact details such as your telephone number(s) email and physical address, dates of birth, biometrics, banking details, medical records).

7.4 The NRCS will process information in a manner that is lawful and reasonable (i.e., will not infringe the privacy of the individual or company).

7.5 Where consent is required for the processing of information, such consent will be obtained by;

7.5.1 by accessing or using the NRCS website and URL's, any sites housed under its domain names and / or social media platforms, and / or when sending or receiving emails using the NRCS email, the data subject;

7.5.2 acknowledges that it has read and understood this informed consent notice and related provisions;

7.5.3 agrees to be bound by this informed consent notice and the privacy policy

7.5.4 agrees to comply with this informed consent notice and privacy and policy and;

7.5.5 gives the NRCS consent to process and further process the required personal information in accordance with this informed consent notice.

7.6 NRCS will process personal information under the following circumstances:

7.6.1 To fulfil the process of employment of the data subject.

7.6.2 For the protection of a legitimate interest of the data subject

7.6.3 To register the data subject as a service provider or supplier or vendor

7.6.4 When carrying out actions for the conclusion or performance of a contract

7.6.5 To enable the data subject to register and trade through the NRCS.

7.6.6 To comply with the regulatory requirements of statutory regulators

7.6.7 Where necessary, for pursuing the legitimate interests of the company or of an authorised third party to whom the information is supplied

7.7 The NRCS shall not process special personal information without complying with the specific provisions of the POPI Act.

7.8 Collection of Employee information:

7.8.1 For the purposes of this Policy, employees include potential, past and existing employees of the NRCS. Independent contractors are treated on the same basis where the collection of information is concerned.

7.8.2 When appointing new employees/contractors, the NRCS requires information, including, but not limited to that listed above, from prospective employees/contractors, in order to process the information on the system/s. Such information is reasonably necessary for the company's record purposes, as well as to ascertain if the prospective employee/contractor meets the requirements, for the position which he is being appointed/contracted, and is suitable for appointment.

7.8.3 The NRCS will use and process such employee information, for including, but not limited to, its employment records and to make lawful decisions in respect of that employee and its business.

7.8.4 The use of employee information: Employees' personal information will only be used for the purpose for which it was collected and intended. This includes, but is not limited to:

7.8.4.1 Submissions to the Department of Labour

7.8.4.2 Submissions to the Receiver of Revenue

7.8.4.3 For audit and recordkeeping purposes

7.8.4.4 In connection with legal proceedings

7.8.4.5 In connection with and to comply with legal and regulatory requirements

7.8.4.6 In connection with relevant administrative functions of the company

7.8.4.7 Disciplinary action or any other action to address the employee's conduct or capacity

7.8.4.8 In connection with registration for medical aid and pension or provident fund

7.8.4.9 In respect of any employment benefits that the employee is entitled to

7.8.4.10 Pre- and post-employment checks and screening

7.8.4.11 Any other relevant purpose to which the employee has been notified

7.8.5 Should information be processed for any other reason; the employee will be informed accordingly

7.9 Collection of Member / Client/Supplier/Vendor/Service Provider information

7.9.1 For purposes of this Policy, clients include potential, past and existing members and clients. Suppliers/Vendor/Service Provider include all vendors which contract with the NRCS, whether once off or recurring, in respect of products and services.

7.9.2 The NRCS collects and processes its members', clients' and suppliers' personal information, such as that mentioned above. The type of information will depend on the need for which it is collected and will be processed for that purpose only

7.9.3 The NRCS use of member or client or supplier personal information will be but not limited to the following and is congruence with the POPI Act:

7.9.3.1 In connection with sending accounts and communication to a member/client in respect of services rendered

7.9.3.2 Payment of suppliers and communication in respect of services rendered

7.9.3.3 Confirming, verifying and updating member/client/supplier details

7.9.3.4 For audit and record keeping purposes in line with the relevant statutory requirements

7.9.3.5 In connection with legal proceedings within or outside of the NRCS

7.9.3.6 In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law

8 MEANS OF COLLECTING PERSONAL INFORMATION

8.1 The NRCS uses different approaches and sources for collecting personal information about the data subject depending on the use case and available tools. The following is a list of mechanism though which the NRCS will collect personal information about its employees, clients, vendors, service providers and partners:

8.1.1 Previous employers from whom we may enquire about your work, previously and present

8.1.2 Partners, spouses and parents who enquire about your work benefits

8.1.3 Business references and contacts from previous business engagements.

8.1.4 NRCS may also collect information for background, verifications and screening, credit, criminal and skills assessments checks for employees.

8.1.5 Applications forms for employment

8.1.6 Response to a tender through a bidding process

8.1.7 Response to a Request for Quotation

8.1.8 The NRCS may passively collect information about your website usage and store that information on our server logs, including your internet protocol address ("IP address"), browser type, operating system, device identifier, device model, software version, or mobile or ISP carrier information

9 CONFIDENTIALITY OF PERSONAL INFORMATION

9.1 The NRCS shall at all the times treat all personal information collected from its employees, suppliers or clients as confidential in line with the NRCS policies, requirements of the POPI Act and other related laws of the republic.

10 DISCLOSURE OF PERSONAL INFORMATION

The NRCS shall disclose personal information of the data subject to other parties outside of the organisation as and when it is required to perform its regulatory and fiduciary obligations or to serve the interest of the data subject. The following is a list of circumstances and conditions under which personal information will be share inside and outside of the NRCS.

10.1 The NRCS in collecting personal information from data subject, will always make sure that such data is not shared with anyone unless it is for intended purpose and deemed compulsory by the laws of the republic

10.2 Employees shall always make an assessment and take reasonable care about personal information it their possession to determine the extent to which non-disclosure of collected personal information will make it impossible for their colleagues or any other third-party to perform his duties before it is disclosed.

10.3 Employees shall only share the data subject's personal information only for the purposes which the data was collected

10.4 Employees will under no circumstances disclose personal information unless it is for the intended purpose of collecting such personal information.

- 10.5** The NRCS may share employees' and member/clients/suppliers' personal information with authorised third parties as well as obtain information from such third parties for reasons set out above.
- 10.6** The NRCS may also disclose employees' or member/clients/suppliers' information where there is a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect the rights of the organisation or it is in the interests of the data subject.
- 10.7** The NRCS may disclose data subject personal information with service providers who are involved in the delivery of services to NRCS and on its behalf to the data subject. Compliance to privacy requirements as required by the POPI Act is one of the key conditions under which NRCS service providers are contracted.

11 PROCESS PERSONAL INFORMATION:

- 11.1** In terms of the POPI Act, the justification grounds upon which NRCS base its processing of personal information are as follows:
- 11.1.1 The data subject (you / the person whose information is collected) or a competent person where the data subject is a child, consents to the processing.
 - 11.1.2 The data subject has the right to withdraw its consent. The withdrawal of this consent will however, render the data subject unable to do business with NRCS because the NRCS must comply with regulators in providing and storing our clients and staff personal information.
 - 11.1.3 The processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party.
 - 11.1.4 The processing complies with an obligation imposed by law on NRCS.
 - 11.1.5 The processing protects a legitimate interest of the data subject.
 - 11.1.6 The processing is necessary for the proper performance of a public law duty by NRCS
 - 11.1.7 The processing is necessary for pursuing the legitimate interests of NRCS or of a third party to whom the information is supplied.
- 11.2** The NRCS shall at all the times process all personal information in line with the requirements of the POPI Act read together with its regulations.

12 SAFEGUARDING OF PERSONAL INFORMATION:

12.1 The NRCS shall regularly review its security controls and processes on a regular basis to ensure that personal information is secure.

12.2 It will take appropriate, reasonable technical and organisational measures to prevent loss or damage or unauthorised destruction of personal information, and unlawful access to or processing of personal information. This will be achieved by –

12.2.1 Identifying internal and external risks

12.2.2 Establishing and maintaining appropriate safeguards

12.2.3 Regularly verifying these safeguards and their implementation

12.2.4 Updating the safeguards

12.2.5 Implementing generally accepted information security practices and procedures

12.3 The NRCS shall appoint an Information Officer and Deputy Information Officer who is/are responsible for compliance with the conditions of the lawful processing of personal information and other provisions of POPI Act.

12.4 NRCS has precautionary measures to secure your personal information against the risk of loss, unlawful access, interference, modification, unauthorized destruction and disclosure such as the following;

- a) Physical security
- b) Network security controls
- c) Identifiable Usernames and Password controls
- d) Virus & malware protection system
- e) Software Security updates

12.5 The NRCS runs backups of the primary data stores and retain them in a remote location for future access in case of disaster occurrence or physical damage of the primary storage.

13 SECURITY BREACHES

13.1 Should the NRCS detect a security breach on any of its systems that contain personal information, it shall take the required steps to assess the nature and extent of the breach in order to ascertain if any information has been compromised.

13.2 The NRCS shall notify the affected parties should it have reason to believe that their information has been compromised. Such notification shall only be made where the organisation can identify the data subject to which the information relates. Where it is not possible it may be necessary to consider website publication and whatever else the Information Regulator prescribes.

13.3 Notification will be provided in writing by means of either:

13.3.1 email

13.3.2 registered mail

13.3.3 the organisation's website

13.4 The notification shall provide the following information where possible:

13.4.1 Description of the breach and possible consequences of the breach

13.4.2 Measures taken to address the breach

13.4.3 Recommendations to be taken by the data subject to mitigate adverse effects.

13.4.4 The identity of the party responsible for the breach

13.5 In addition to the above, the NRCS shall notify the Regulator of any breach and/or compromise to personal information in its possession and work closely with and comply with any recommendations issued by the Regulator

14 YOUR DATA PROTECTION RIGHTS:

14.1 The data subjects are entitled to access their personal data by sending a written request to the NRCS and the NRCS may charge a fee for this service.

14.2 The data subject may also request the NRCS to correct or update or delete any of its personal information on reasonable grounds which NRCS will undertake as soon as practicable.

14.3 The data subjects are entitled to request the destruction of their personal data. NRCS will consider the data subject's request in the light of any other laws or regulations prohibiting NRCS from destroying that data.

14.4 Where an employee or supplier or client objects to the processing of their personal information, the NRCS may no longer process said personal information. The consequences of the failure to give consent to process the personal information must be set out before the employee or client confirms his/her objection.

14.5 Following this, the data subject accepts the responsibility for keeping its / her or his information up to date, and undertakes to inform the NRCS of any changes to its / his or her personal information. This can be done by accessing the prescribed change of details form on the NRCS's website page and submitting same to the NRCS's Information Officer.

14.6 A data subject has a right of access to any personal information which the NRCS may have and where applicable may ask the NRCS to correct any inaccuracies in or to any such personal information. This request must be done by way of a formal NRCS PAIA process, which is accessible on the NRCS's website page.

14.7 A data subject may contact the NRCS's Information Officer at the following address: info.popia@nrcs.org.za should you have any questions, complaints or objections regarding the processing of its personal information.

15 DISPUTES

Any disputes shall be handled through existing dispute resolution procedures in the organisation in line with applicable legislations/policy and procedures.

16 DEVIATION AUTHORITY

The Accounting Authority may deviate after demonstrating just cause, rationale and that there were no mechanisms or that all other possible mechanisms have been explored and failed.

17 RETENTION OF RECORDS

17.1 The laws of the republic dictate the period for which the NRCS is obliged to retain certain information.

17.2 The NRCS will retain all the information collected in its process in line with the relevant statutory requirements.

18 FORMS

The NRCS Consent and Objection forms used in relation of this document can be found and accessible through the NRCS Website, Intranet and H Drive as follows:

Website: <https://www.nrcs.org.za/legislation>

Intranet: <http://nrcsintranet.nrcs.local/content.asp?subID=16>

H- Drive H:\NRCS\CorpDocs\FORMS\VALID

19 REPLACEMENT AND WITHDRAWALS

None

20 REVISION

This is the first edition

21 OUR CONTACT DETAILS:

For any queries about this notice, you need further information about our privacy policy, practices and wishes to withdraw consent, exercise preferences or access or correct your personal information, please contact us at the numbers/addresses listed on our website or below as follows:

National Regulator for Compulsory Specification

1 Dr Lategan Road, Groenkloof, Pretoria, 0001

Private Bag X25, Brooklyn, 0075

Tel +27 12 482 8700

www.nrcs.org.za or [email:info.popia@nrcs.org.za](mailto:info.popia@nrcs.org.za)

22 HOW TO OBJECT / REGISTER A COMPLAINT:

If you have any concerns about NRCS' use of your personal information, you can register a complaint with the NRCS at:

Office of the Chief Information Officer

National Regulator for Compulsory Specification

1 Dr Lategan Road, Groenkloof, Pretoria, 0001|

Private Bag X25, Brooklyn, 0075|

Tel +27 12 482 8700

www.nrcs.org.za or email: info.popia@nrcs.org.za

You can also register a complaint with the Information Regulator if you are unhappy with how we have used your Information. Their contact details are as follows:

The Information Regulator (South Africa)

JD Stiemens Street

Forum III, 3rd Floor

Braamfontein

Johannesburg

P.O Box 31533

Braamfontein,

Johannesburg,

2017

Complaints email: complaints.IR@justice.gov.za

General Enquiries email: infoereg@justice.gov.za

END