

PROTECTION OF PERSONAL INFORMATION COMPLIANCE MANUAL

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1. GLOSSARY OF TERMS

In this Manual, unless the context otherwise indicates:

| DEFINITION | INTERPRETATIONS |
|------------------------------|---|
| Information officer | In the case of any other public body, it means the Chief Executive Officer, or equivalent officer, of that public body or the person who is acting as such. |
| Information Regulator | It means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013 |
| Internal appeal | It means an internal appeal to the WRC in terms of section 74 of PAIA |
| Personal Information | <p>It means information relating to an identifiable natural person, including, but not limited to information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person.</p> <p>Information relating to the education or the medical, financial, criminal or employment history of the person.</p> <p>Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other assigned to the person.</p> <p>As outlined in terms of POPIA, Chapter 1 section 1 (a-h)</p> |
| Public Body | <p>Any department of state or administration in the national or provincial sphere of government or any other functionary or institution when:</p> <p>(i) exercising power or performing a duty in terms of the Constitution or a provincial constitution; or</p> <p>(ii) exercising public power or performing a public function in terms of any legislation.</p> |
| Record | <p>It is in relation to, a public or private body, means any recorded information:</p> <p>(a) regardless of form or medium,</p> <p>(b) in the possession or under the control of that public or private body, respectively; and</p> <p>(c) whether or not it was created by that public or private body, respectively.</p> |
| Request for access | In relation to a public body, means a request for access to a record of a public body in terms of section 11 of PAIA. |
| Requester | <p>Any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of “public body,” or an official thereof) making a request for access to a record of that public body, or</p> <p>(ii) a person acting on behalf of the person referred to in subparagraph</p> |
| Third Party | In relation to a request for access to a record of a public body, it means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than the requester concerned and a public body. |
| Transfer | In relation to a record, means transfer in terms of section 20(1) or (2) of PAIA, and “transferred” has a corresponding meaning. |

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| Biometrics | It means a technique of personal identification that is based on physical, physiological, or behavioral characterization including blood typing, fingerprinting, DNA analysis, retinal scanning, and voice recognition. |
| Child | It means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself; |
| Code of conduct | It means a code of conduct issued in terms of the Act and other applicable legislations. |
| Competent person | It 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 | It means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information; |
| Data subject | It means the person to whom personal information relates |
| De-identify | In relation to personal information of a data subject, means to delete any information that- (a) identifies the data subject. (b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or (c) can be linked by a reasonably foreseeable method to other information that identifies the data subject; |
| Direct marketing | It means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of- a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or b) requesting the data subject to make a donation of any kind for any reason; |
| Electronic communication | It means any text, voice, sound, or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient; |
| Enforcement notice | It means a notice issued in terms of the Act |
| Filing system | It means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria; |
| Information matching programme | It means the comparison, whether manually or by means of any electronic or other device, of any document that contains personal information about 10 (ten) or more data subjects with one or more documents that contain personal information of 10 (ten) or more data subjects, for the purpose of producing or verifying information that may be used for the purpose of taking any action in regard to an identifiable data subject; |
| Operator | It means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party; |
| Prescribed | It means prescribed by regulation or by a code of conduct; |
| Processing | It means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including- a) the collection, receipt, recording, organisation, collation, storage, |

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| | <p>updating or modification, retrieval, alteration, consultation or use.</p> <p>b) dissemination by means of transmission, distribution or making available in any other form; or</p> <p>c) merging, linking, as well as restriction, degradation, erasure, or destruction of information;</p> |
| Professional legal adviser | It means any legally qualified person, whether in private practice or not, who lawfully provides a client at his or her or its request, with independent, confidential legal advice; |
| Public record | It means a record that is accessible in the public domain, and which is in the possession of or under the control of a public body, whether or not it was created by that public body; |
| Regulator | It means the Information Regulator established in terms of the Act; |
| Re-identify | <p>In relation to personal information of a data subject, means to resurrect any information that has been de-identified, that-</p> <p>(a) identifies the data subject.</p> <p>(b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or</p> <p>(c) can be linked by a reasonably foreseeable method to other information that identifies the data subject,</p> |
| Responsible party | It means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information; |
| Restriction | It means to withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information; |
| Special personal information | It means personal information as referred to in section 26 of the Act: religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information; or criminal behaviour relating to the alleged commission of an offence or any proceedings in respect of an offence allegedly committed or the disposal of such proceedings; |
| Unique identifier | It means any identifier that is assigned to a data subject and is used by the WRC for the purposes of its operations of that uniquely identifies that data subject. |

| CONCEPT AND ACCRONYM | DEFINITION |
|----------------------|---|
| Board | A governing authority of the Water Research Commission established in terms of the Water Research Act. The Accounting Authority as per the Public Finance Management Act. |
| POPIA | Protection of Personal Information Act, 2013 (Act No. 4 of 2013) |
| PAIA | Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) |
| CEO | Chief Executive Officer of the WRC |
| DIO | Deputy Information Officer |
| IO | Information Officer |
| WRA | Water Research Act of 1971, as amended |
| WRC | Water Research Commission established in terms of the Water Research Act. |
| SARS | South African Revenue Services |
| ICT | Information Communication and Technology |
| VAT | Value Added Tax |

1. INTRODUCTION

- 1.1 The Protection of Personal Information Act, 2013 (“POPIA”) promotes the protection of personal information of natural and juristic persons and sets the minimum requirements for the obtaining, processing, storing and destruction of personal information. POPIA is intended to balance two competing interests. These are:
 - 1.1.1 Our individual constitutional rights to privacy (which requires our personal information to be protected); and
 - 1.1.2 The needs of the WRC as a Schedule 3A public entity to have access to and to process (work with) personal information for legitimate business purposes.
- 1.2 As a legislated entity and good corporate citizen, the WRC takes its data subject’s privacy seriously, it respects the privacy of its Data Subjects, is open and transparent about how it obtains, processes, stores and destroys personal information and is committed to do what is legally required to ensure that all personal information it receives is adequately protected, is collected and used properly, lawfully and transparently. In order to fulfil its mandate in terms of the Water Research Act, the WRC is required to publish content obtained through leverage and levy funded research projects. In this regard, the WRC embraces the free flow of information as a public service, in the public interest and to comply with its legislated mandate.
- 1.3 This Compliance Manual sets out the framework for the WRC’s compliance with POPIA.
- 1.4 Where reference is made to the “processing” of personal information, this will include any activity in which the information is worked with, from the time that the information is collected, up to the time that the information is destroyed, regardless of whether the information is worked with manually, or by automated systems.

2. SCOPE & PURPOSE

- 2.1 This manual is intended to promote the right to privacy as enshrined in the Constitution, while at the same time protecting the flow of information and advancing the right of access to and protection of information as provided for by POPIA.
- 2.2 The purpose of this Manual is to give effect to the statutory compliance of POPIA and to provide clarity to all parties in which this Manual applies to.
- 2.3 What Personal Information and Special Personal Information the WRC collects and the reason for the collection.
- 2.4 How the WRC collects, processes, uses, retains, protects and destroys Personal Information.
 - 2.4.1 Illustrate the reasonable and appropriate security measures in protecting Personal Information.

- 2.4.2 The processing of objections or where consent is not provided; and
- 2.4.3 How the WRC continues to promote, encourage and aid scientific investigation and research within the ambit of POPIA.
- 2.5 This Manual applies to all employees, service providers, contractors and stakeholders who discloses Personal Information to the WRC and Personal Information the WRC is required to processes in terms of its mandate and prescribed legislation.

3. LEGISLATIVE REQUIRMENTS

- 3.1 This Manual is in line with:
- 3.1.1 Code of Conduct for Research.
- 3.1.2 Promotion of Access to Information Act, 2 of 2000; and
- 3.1.3 Protection of Personal Information Act, 4 of 2013
- 3.2 This Manual must be read in conjunction with the WRC's Policies and Standard Operating Procedures, WRC'S PAIA Manual and the following Annexures attached hereto, POPIA Privacy Notice, Data Retention Schedule, and Employee Confidentiality Agreement, marked as Annexure "A-D" respectively.

4. INFORMATION COLLECTED BY THE WRC

- 4.1 As a legislated entity and good corporate citizen, the WRC takes its data subject's privacy seriously, it respects the privacy of its Data Subjects, is open and transparent about how it obtains, processes, stores and destroys personal information and is committed to do what is legally required to ensure that all personal information it receives is adequately protected, is collected and used properly, lawfully and transparently. In order to fulfil its mandate in terms of the Water Research Act, the WRC is required to publish content obtained through leverage and levy funded research projects. In this regard, the WRC embraces the free flow of information as a public service, in the public interest and to comply with its legislated mandate. In addition, the WRC processes all personal information related to its employees to carrying out its HR function in recruiting and looking after staff.
- 4.2 Description of the categories of Data Subjects and of the information or categories of information the WRC processes

| Categories of Data Subjects | Personal Information that may be Processed |
|-----------------------------|---|
| Natural Persons | Names and surname; contact details (contact number(s), fax number, email address). Residential, postal or business address; Unique Identifier/Identity |

| | |
|-------------------------|--|
| | Number and confidential correspondence |
| Juristic Persons | Names of contact persons; Name of legal entity; physical and postal address; contact details (contact number(s), fax number, email address); registration number. financial, commercial, scientific or technical information and trade secrets |
| Employees | Gender, pregnancy; marital status; Race age, language, educational information (qualifications); financial information; employment history; ID number; physical and postal address; contact details(contact number(s), fax number, email address); criminal behaviour; well-being and their relatives (family members) race, medical, gender, sex, nationality, ethnic or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, biometric information of the person |

5. HOW INFORMATION IS OBTAINED

5.1 The WRC collects Personal Information directly from the source when:

5.1.1 it is provided directly to the WRC by filling in forms, completing proposals or tender submissions, application and submissions in relation to recruitment or other documents relating to Research Projects, corresponding by email, entering into contracts, visiting the WRC's office premises, or other direct interaction such as subscribing to platforms endorsed by the WRC, subscribing to the WRC's publications, attending seminars, webinars, training or other events hosted or endorsed by the WRC, providing feedback to the WRC.

5.2 The WRC monitors use of and interaction with its website, any marketing the WRC sends, or other email communications sent from or received by the WRC, updating preferences regarding marketing and communications, or updating of Personal Information.

6. PURPOSE OF COLLECTION

6.1 The WRC is required to collect certain Personal Information and Special Personal Information as it forms part of its qualification criteria for the acceptance or rejection of proposals for funding of Research Projects. The qualification criteria are determined by the WRC's Stakeholders both locally and internationally (Department of Water and Sanitation) and is required of the WRC by Parliament in the discharge of the WRC's legislative obligations in terms of the Water Research Act.

6.2 Personal Information and Special Personal Information is collected from employees and potential employees for the fulfillment of the WRC's legislated requirements and compliance reporting requirements such as criminal checks, qualification verifications qualification verifications and credit and payment history, for credit information.

- 6.3 The WRC may also collect Personal Information from third parties to whom have shared and/or allowed Personal Information to be shared with the WRC or have attended an event organised or co-hosted by the WRC.

7. WRC WEBSITE

- 7.1 The WRC automatically receives and records Internet usage information on our server logs from the browser, such as a data subjects Internet Protocol address (IP address), browsing habits, click patterns, version of software installed, system type, screen resolutions, colour capabilities, plug-ins, language settings, cookie preferences, search engine keywords, JavaScript enablement, the content and pages that you access on the website, and the dates and times that a data subject visits the website, paths taken, and time spent on sites and pages within the website (usage information).

8. WEB BEACONS

- 8.1 The WRC's website may contain electronic image requests (called a single-pixel gif or web beacon request) that allow the WRC to count page views and to access cookies. Any electronic image viewed as part of a web page (including an ad banner) can function as a web beacon. The WRC's web beacons do not collect, gather, monitor, or share any Personal Information or Special Personal Information. The WRC merely uses them to compile anonymous information about its website.

9. HOW PERSONAL INFORMATION IS USED & PROCESSING LIMITATION

- 9.1 The WRC uses Personal Information and Special Personal Information only for the purpose for which it was collected and agreed by the data subject and/or third party specifically authorised through consent from the data subject, and as the law prescribes.
- 9.2 The WRC shall not process Personal Information and Special Personal Information for a secondary purpose unless that processing is compatible with the original purpose.

10. DISCLOSURE OF INFORMATION

- 10.1 The WRC may have to share information with third parties as follows:
- 10.1.1 professional advisers, including lawyers, bankers, auditors, the Auditor-General, insurers.
 - 10.1.2 to the public and those within the water and technology industry in the form of dissemination of information as required in terms of the Water Research Act and contractual obligations between the WRC and its stakeholders.
 - 10.1.3 third party service providers, by providing certain products/services to the WRC, and who provide software technology and IT services.
 - 10.1.4 other third-party advisors or experts engaged in services relating to Research Projects funded by the WRC, such as reviewers and subject matter experts.;

- 10.1.5 where the WRC has a duty or right to disclose in terms of law or industry codes, and where the WRC believes it necessary to protect its rights.
 - 10.1.6 to local and provincial government, statutory bodies and public entities to whom the WRC has reporting obligations; and
 - 10.1.7 to third parties who provide the WRC with levy or leverage funding.
- 10.2 Where the WRC contracts with third parties, and where possible, the WRC requires such third parties to secure Personal Information by having the appropriate consent, security, privacy and confidentiality obligations to ensure that Personal Information that the WRC remains responsible for, is kept secure in accordance with the law. In this manner, the WRC ensures that anyone to whom it discloses Personal Information and/or Special Personal Information agrees to treat the information with the same level of protection as the WRC is obliged to in terms of POPIA.
- 10.3 Any Personal Information and Special Personal Information that the WRC is required to disclose is de-identified so it does not reveal a data subject's identity.

11. WRC's UNDERTAKINGS TO DATA SUBJECTS

- 11.1 The WRC undertakes to follow POPIA at all relevant times and to process personal information lawfully and reasonably, so as not to infringe unnecessarily on the privacy of its stakeholders.
- 11.2 The WRC undertakes to process information only for the purpose for which it is intended, to enable the WRC to be operational and as agreed with WRC's stakeholders.
- 11.3 Whenever necessary, the WRC shall obtain consent to process personal information and inform the subject of such processing.
- 11.4 Where the WRC does not seek consent, the processing of stakeholder's personal information shall follow the legal obligation placed upon the WRC and protect a legitimate interest that requires protection.
- 11.5 The WRC shall stop processing personal information if the required consent is withdrawn, or if a legitimate objection is raised.
- 11.6 The WRC shall collect personal information directly from the stakeholders whose information is required, unless:
- 11.6.1 the information is of public record.
 - 11.6.2 the information collected is solely for the purpose of journalistic, literary or artistic expression to the extent that such purpose is needed as a matter for public interest; or
 - 11.6.3 the stakeholder has consented to the collection of their personal information from another source; or

11.6.4 the information is being collected to comply with a legal obligation, including an obligation to SARS; or

11.6.5 the information collected has been declared as an exemption in terms of the Act.

11.7 The WRC shall advise its data subjects for the purpose of the collection of Personal Information.

11.8 The WRC shall retain records of the Personal Information collected for the minimum period as required by law unless the data subject has furnished with their consent or instructed the WRC to retain the records for a longer period. In addition, the WRC and all its employees shall ensure that compliance with the WRC's data retention schedule is always adhered to.

11.9 The WRC shall destroy or delete records of Personal Information (to de-identify the data subject) as soon as possible after the time period for which it was entitled to hold the records has expired.

11.10 In addition, the WRC undertakes to ensure that the Personal Information which it collects and processes is complete, accurate, not misleading and up to date.

11.11 The WRC undertakes to retain the physical file, and the electronic data related to the processing of the Personal Information for a required specific time period as dictated by the Data Retention Schedule.

11.12 Furthermore, the WRC undertakes to take special care with its data subject's bank account details, and the WRC is not entitled to obtain or disclose or procure the disclosure of such banking details unless it has the data subject's specific consent.

11.13 Acceptance of any mandate by the WRC will be confirmed in writing to the applicable data subject, to advise them of the WRC's duty to them in terms of POPIA.

12. DATA SUBJECT'S RIGHTS

12.1 In cases where the data subjects' consent is required to process their Personal Information, this consent may be withdrawn at any time, without the need for the data subject to provide reasons for such withdrawal.

12.2 In cases where the WRC processes Personal Information without consent to protect a legitimate interest, to comply with the law or to pursue or protect the WRC's legitimate interests, the data subject has the right to object to such processing.

12.3 All data subjects are entitled to lodge a complaint regarding the WRC's application of POPIA with the WRC's Information Officer and the Information Regulator.

12.4 Data subjects will be required to give written consent in any means as prescribed by the WRC, when the WRC accepts a mandate of any sort, to obtain the data subject's consent

to process their Personal Information while the WRC does its work for them, unless this consent has been obtained within another document signed by the data subject.

13. SECURITY SAFEGUARDS

- 13.1 POPIA requires the WRC to provide adequate protection for the Personal and Special Personal Information it holds and to stop unauthorised access, use and destruction of information. While no data transmission can be guaranteed to be secure from intrusion or unauthorised access or destruction, the WRC implements a range of commercially reasonable physical, technical and organisation measures to help protect Personal Information and Special Personal Information from unauthorised access, use, disclosure, alteration or destruction and regularly reviews its security controls and related processes to ensure that information remains secure. Such security measures are in line with international best practices.
- 13.2 The WRC has put in place procedures to deal with security compromises and is legally required to notify the data subject and the Information Regulator of any breaches thereof.
- 13.3 In order to secure the integrity and confidentiality of the Personal Information and Special Personal Information in our possession, and to protect it against loss or damage or unauthorised access, the WRC must continue to implement the following security safeguards:
 - 13.3.1 The WRC's business premises where records are kept must remain protected by any reasonable means.
 - 13.3.2 Archived files must be stored behind locked doors and access control to these storage facilities must be implemented.
 - 13.3.3 All the user terminals on the WRC's internal computer network and its servers must be protected by passwords which must be changed in line with the WRC's IT Policy.
 - 13.3.4 The WRC's email infrastructure must comply with industry standard security safeguards and meet the applicable legislation.
 - 13.3.5 Vulnerability assessments must be conducted on the WRC's digital infrastructure at least on an annual basis to identify weaknesses in its systems and to ensure that there is adequate security in place.
 - 13.3.6 The WRC must use recognised Firewalls to protect the data on its local servers and must run antivirus protection to ensure that the systems are kept updated with the latest patches.
 - 13.3.7 Employees must be trained to perform their duties in compliance with POPIA, and this training must be ongoing.

- 13.3.8 The processing of the personal information of WRC staff members must take place in accordance with the rules contained in the relevant labour legislation.
- 13.3.9 Employment contracts for employees whose duty is to process personal information, must include an obligation on such employee to: -
- (a) to maintain the WRC's security measures, and
 - (b) to notify their line manager immediately if there are reasonable grounds to believe that the personal information has been accessed or acquired by any unauthorised person
- 13.3.10 The digital work profiles and privileges of employees who have left the WRC's employ must be properly terminated and destroyed in line with the Act.
- 13.3.11 The Personal Information of stakeholders and employees must be destroyed timeously in a manner that de-identifies the person.
- 13.3.12 Employees who have access to Personal Information and Special Personal Information process it only for the purposes agreed by the data subject and/or third party specifically authorised through consent from the data subject, and they are subject to a duty of confidentiality.
- 13.3.13 All employees at the WRC and any third-party service providers the WRC engages with, and who may process Personal Information and Special Personal Information are contractually obligated to respect the confidentiality of such information;
- 13.3.14 Alongside the WRC's role in securing Personal Information and Special Personal Information, all employees are responsible to ensure that their personal login details (username and password) are kept confidential and not shared and are required to comply with any other security rules the WRC has in place.
- 13.4 The security safeguards must be verified on a regular basis to ensure effective implementation, and these safeguards must be continually updated and recorded in branch operational risk registers in response to new risks or deficiencies.

14. SECURITY BREACHES

- 14.1 Should it appear that the Personal information of a data subject/s has been accessed or acquired by an unauthorised person, the WRC must notify the Information Regulator and the relevant data subject/s, unless the WRC is no longer able to identify the data subject/s. The notification must take place as soon as is possible.
- 14.2 Such notification shall be given to the Information Regulator first as it is possible that they, or another public body, might require the notification to the data subject/s be delayed.
- 14.3 The notification to the data subject/s shall be communicated in writing in one of the

following ways, to ensure that the notification reaches the stakeholder/s:

- 14.3.1 by mail to the data subject/s last known physical or postal address.
 - 14.3.2 by email to the data subject/s last known email address.
 - 14.3.3 by publication on the WRC's website or in the news media; or
 - 14.3.4 as directed by the Information Regulator.
- 14.4 The notification to the data subject/s shall give sufficient information to enable the data subject/s to protect themselves against the potential consequences of the security breach, and shall include:
- 14.4.1 a description of the possible consequences of the breach.
 - 14.4.2 details of the measures that the WRC intend to take or have taken to address the breach.
 - 14.4.3 the recommendation of what the data subject/s could do to mitigate the adverse effects of the breach; and
 - 14.4.4 If known, the identity of the person who may have accessed, or acquired the personal information.

15. QUALITY OF INFORMATION

- 15.1 The WRC requests all data subjects on an annual basis via an email reminder to update and correct their information to ensure that the WRC has accurate and complete information which is not misleading.
- 15.2 All data subjects may also inform the WRC's Information Officer via email to request: -
- 15.2.1 the deletion of one's Personal Information and/or Special Personal Information.
 - 15.2.2 object to the WRC processing one's Personal Information and/or Special Personal Information on reasonable grounds.
 - 15.2.3 withdraw one's consent previously given to process Personal Information and/or Special Personal Information on the WRC website; and
 - 15.2.4 restrict how the WRC uses one's information whilst a complaint is being investigated.

16. CORRECTION OF INFORMATION

- 16.1 A data subject is entitled to require the WRC to correct or delete Personal Information or Special Personal Information that the WRC has, which is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or which has been obtained unlawfully.
- 16.2 A stakeholder is also entitled to require the WRC to destroy or delete records of Personal Information or Special Personal Information about the data subject that the WRC is no longer authorised to retain.
- 16.3 Any such request must be made in writing and sent to the Information Officer as stated in

clause 16 above.

- 16.4 Upon receipt of such a lawful request, the WRC shall comply as soon as reasonably practicable.
- 16.5 In the event that, a dispute arises regarding the data subject's rights to have information corrected, and in the event that the data subject so requires, the WRC shall attach to the information, in a way that it will always be read with the information, an indication that the correction of the information has been requested but has not been made.
- 16.6 The WRC shall notify the data subject who has made a request for their Personal Information or Special Personal Information to be corrected or deleted, what action the WRC has taken as a result of such a request.

17. REQUESTING OF RECORDS

- 17.1 On production of proof of identity, any person is entitled to request that the WRC confirm, free of charge, whether or not it holds any Personal Information or Special Personal Information about that person in its records.
- 17.2 If the WRC holds such Personal Information or Special Personal Information, on request, and upon payment of a fee R500 (five hundred rand) plus VAT , the WRC shall provide the person with the record, or a description of the information, including information about the identity of all third parties or categories of third parties who have or have had access to the information. The WRC shall do this within a reasonable period, in a reasonable manner and in an understandable form.
- 17.3 A data subject requesting such information must be advised of their right to request to have any errors recorded regarding Personal Information or Special Personal Information, be corrected. Such a request shall be made on the prescribed application form as indicated to the data subject by the WRC.
- 17.4 Should any applicable legislation prescribe, or the following instances are applicable, the WRC will have the right to refuse to disclose the record containing Personal Information and Special Personal Information:-
 - 17.4.1 Protecting the privacy of third parties.
 - 17.4.2 commercial record of third parties in terms of an agreement.
 - 17.4.3 confidential information in terms of an agreement.
 - 17.4.4 protecting the safety of a person or juristic person.
 - 17.4.5 protecting information in legal proceedings; or
 - 17.4.6 due to national security.
- 17.5 In all cases where the disclosure of a record will entail the disclosure of information that

is additional to the Personal Information or Special Personal Information of the person requesting the record, the written consent of the Information Officer (or delegate) will be required, and that person shall make their decision having regard to the provisions of Chapter 4 of Part 3 of the Promotion of Access to Information Act.

- 17.6 If a request for Personal Information or Special Personal Information is made and part of the requested information may, or must be refused, every other part must still be disclosed.

18. SPECIAL PERSONAL INFORMATION

- 18.1 Special rules apply to the collection and use of information relating to a person's religious or philosophical beliefs, their race or ethnic origin, their trade union membership, their political persuasion, their health or sex life, their biometric information, or their criminal behaviour.
- 18.2 The WRC shall not process any information categorized as Special Personal Information without the data subject's consent, or where it is necessary for the establishment, exercise or defense of a right or an obligation in law.
- 18.3 Having regard to the nature of the WRC's mandated work, it is unlikely that it will ever have the need to process Special Personal Information. However, should it be necessary, the guidance of the Information Officer, or their deputy/delegate, as well as the Information Regulator shall be sought before such processing is conducted.

19. PROCESSING PERSONAL INFORMATION OF CHILDREN

- 19.1 The WRC shall only process the Personal Information of a child if it has the consent of the child's parent or legal guardian. No processing of such information shall be done until such time as consent has been lawfully obtained.
- 19.2 Having regard to the nature of the WRC's mandated work, it is unlikely that it will ever have the need to process the information of a child. However, should it be necessary, the guidance of the Information Officer, or their deputy/delegate, as well as the Information Regulator shall be sought before such processing is conducted and the necessary consent has been obtained.

20. DIRECT MARKETING

- 20.1 The WRC shall only conduct direct marketing (using any form of electronic communication) to data subject/s if:
- 20.1.1 the data subject/s were given an opportunity to object to receiving direct

marketing material by electronic communication at the time that their personal information was collected; and

20.1.2 the data subject/s did not object then or at any time after receiving any such direct marketing communications from the WRC.

20.2 The WRC shall only approach data subject/s using their Personal Information, if the WRC has obtained the Personal Information in the context of providing services associated with the contractual business between the WRC and data subject/s.

20.3 The WRC shall only conduct direct marketing (using any form of electronic communication) to other people if it has received consent to do so.

20.4 The WRC shall approach a person to ask for their consent to receive direct marketing material only once, and the WRC may not do so if such person has previously refused their consent.

20.5 Consent to receive direct marketing must be confirmed in writing before same is actioned.

20.6 All direct marketing communications must disclose the WRC's identity and contain an address or other contact details to which the data subject/s may send a request that the communications cease.

21. TRANSBORDER INFORMATION FLOWS

21.1 The WRC shall not transfer a data subject/s Personal Information or Special Personal Information to a third party in a foreign country, unless:

21.1.1 the data subject/s consents to this, or requests it; or

21.1.2 such third party is subject to a law, binding corporate rules or a binding agreement which protects the information in a manner similar to POPIA, and such third party is governed by similar rules which prohibit the onward transfer of the information to a third party in another country; or

21.1.3 the transfer of the information is required for the performance of the contract between the WRC and the stakeholder/s; or

21.1.4 the transfer is necessary for the conclusion or performance of a contract for the benefit of the data subject/s entered into between the WRC and the third party; or

21.1.5 the transfer of the information is for the benefit of the data subject/s and it is not possible to obtain their consent and that if it were possible the data subject/s would be likely to give such consent.

22. RETENTION & DESTRUCTION

- 22.1 The WRC retains information for as long as is necessary to fulfil the purpose for which the data was collected, including further processing purposes. Information may be retained for longer than the categorized periods contained in the Data Retention Schedule annexed hereto, if required for the WRC to perform its function as a legislated entity, if required by a contract, or for historical, statistical or research purposes. The retention periods are based on business needs and good practice.
- 22.2 The WRC shall ensure to use the necessary methods, such as the shredding of all paper records and the deletion of any electronic records stored on the WRC's server or cloud to destroy to permanently delete or destroy Personal Information and Special Personal Information whether in digital or physical form, so that it cannot be reconstructed in an intelligible form.

23. INFORMATION OFFICER

- 23.1 The WRC's Information Officer is Dr Jennifer Molwantwa who is the Chief Executive Officer, and several Deputy Information Officers as nominated and authorised by the Chief Executive Officer and registered with the Information Regulator. The Information Officer's responsibilities include:
- 23.1.1 Ensuring compliance with POPIA.
 - 23.1.2 Dealing with requests which are received in terms of POPIA.
 - 23.1.3 Working with the Information Regulator in relation to investigations.
- 23.2 The WRC Information Officer may designate in writing as many Deputy Information Officers as are necessary to perform the tasks mentioned above. Such designation shall be done in writing.
- 23.3 In performing their duties, the Information Officer must ensure that:
- 23.3.1 this Compliance Manual is implemented.
 - 23.3.2 A Personal Information Impact Assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information.
 - 23.3.3 that this Compliance Manual is developed, monitored, maintained and made available.
 - 23.3.4 that internal measures are developed together with adequate systems to process requests for information or access to information.
 - 23.3.5 that internal awareness sessions are conducted regarding the provisions of POPIA, the Regulations, codes of conduct or information obtained from the Information Regulator; and
 - 23.3.6 that copies of this Compliance Manual are provided to persons at their request, hard copies are to be provided upon payment of a fee (to be determined by the Information Regulator).

- 23.4 Guidance notes on Information Officers have been published by the Information Regulator (on 1 April 2021) and the WRC's Information Officer and Deputy Information Officer shall familiarize themselves with the content of these notes.

24. INFORMATION REGULATOR

- 24.1 Any person has the right to lodge a complaint at any time if the WRC does not deal with Personal Information and/or Special Personal Information fairly and lawfully.
- 24.2 All complaints are to be directed to the information Officer or Deputy Information Officer set out below. Complaints should include a reasonable description of what happened, when it happened, and what information was impacted. The WRC will acknowledge receipt of the complaint and aims to resolve complaints within 30 (thirty) days and or within a reasonable time period upon investigation thereof.
- 24.3 Each Complainant shall be treated on a case-by-case basis.
- 24.4 Complaints may also be lodged directly to the Information Regulator who is contactable on the details set out below.

| | |
|---------------------------|--|
| Address: | JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 |
| Complaint's email: | complaints.IR@justice.gov.za |
| General enquiries: | inforeg@justic.gov.za |

25. CIRCUMSTANCES REQUIRING PRIOR AUTHORISATION

- 25.1 In the following circumstances, the WRC shall require prior authorisation from the Information Regulator before processing any personal information:
- 25.1.1 In the event that the WRC intends to utilise any unique identifiers of data subject/s (account numbers, file numbers or other numbers or codes allocated to data subject/s for the purposes of identifying them in the WRC's business) for any purpose other than the original intention, or to link the information with information held by others.
- 25.1.2 if the WRC is processing information on criminal behaviour or unlawful or objectionable conduct.
- 25.1.3 if the WRC is processing information for the purposes of credit reporting (this will be important if the WRC is making reports to assist with tenant profiling, for example, TPN or ITC).
- 25.1.4 if the WRC transfers Special Personal Information or the Personal Information of children to a third party in a foreign country, that does not provide adequate protection of that personal information.
- 25.2 The Information Regulator shall be notified of the WRC's intention to process any

Personal Information or Special Personal Information as set out above prior to any processing taking place and the WRC shall not commence with such processing until the Information Regulator has decided in the WRC's favour. The Information Regulator has 4 (four) weeks to make a decision but may decide that a more detailed investigation is required. In this event the decision must be made in a period as indicated by the Information Regulator, which must not exceed 13 (thirteen) weeks. If the Information Regulator does not make a decision within the stipulated time periods, the WRC may assume that the decision is in its favour and commence processing the information.

26. OFFENCES & PENALTIES

- 26.1 POPIA provides for serious penalties for the contravention of its terms. For minor offences a guilty party can be fined or be imprisoned for up to 12(twelve) months. For serious offences the period of imprisonment rises to a maximum of 10 (ten) years. Administrative fines for the WRC can reach a maximum of R10 million (ten million rand).
- 26.2 Contravention of this Compliance Manual and associated WRC Policies or Standard Operating Procedures will lead to disciplinary action.
- 26.3 It is therefore imperative that the WRC comply strictly with the terms of this Compliance Manual and protect all data subject/s Personal Information or Special Personal Information.

27. REVIEW AND IMPLEMENTATION

- 27.1 This POPIA Compliance Manual will be reviewed every 3 (three) years or whenever the need arises.
- 27.2 The POPIA Compliance Manual will be effective on the date of final approval by the highest authority.



Jennifer Molwantwa (May 12, 2025 08:39 GMT+2)

DR J. MOLWANTWA

CHIEF EXECUTIVE OFFICER

30.05.2025

DATE



POPIA Manual Final 08 April 2025 Checked Comms

Final Audit Report

2025-05-12

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