

**ANNEXURE B - DEPARTMENT OF COMMUNITY SAFETY & LIAISON (DCSL) PRIVACY NOTICE AND INFORMED CONSENT NOTICE**

**CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA) (EMAIL, WEBSITE AND SOCIAL MEDIA PRIVACY NOTICE)**

*The Protection of Personal Information Act, 4 of 2013 (POPIA), gives effect to the constitutional right to data privacy in terms of Section 14 of the Bill of Rights of the Constitution.*

*The responsible use of the DCSL website and related resources in respect of data privacy is important to DCSL.*

*Whilst DCSL is committed to protecting all person's rights to privacy and who in consequence will ensure that all person's Personal Information is used appropriately, transparently and according to applicable law, the DCSL has to ensure that these rights to privacy are balanced with other rights such as the right to use and have access to the DCSL Information and Services including its online and social media platforms and applications.*

*This Policy sets out the responsibilities and obligations of all persons who make use of, or access or receive DCSL Information and Communications via its electronic communication facilities and resources including its website, email and social media platforms and how all users of these facilities and resources are to ensure that when using these resources that they respect and process another's Personal Information lawfully and in accordance with the provisions of POPIA and the 8 Personal Information Processing Principles.*

**PLEASE READ THE DOCUMENT BEFORE YOU MAKE USE OF THE DCSL ELECTRONIC FACILITIES OR PROVIDE DCSL WITH ANY PERSONAL INFORMATION. BY PROVIDING DCSL WITH YOUR PERSONAL INFORMATION, YOU CONSENT TO THE DCSL PROCESSING YOUR PERSONAL INFORMATION, WHICH DCSL UNDERTAKES TO PROCESS STRICTLY IN ACCORDANCE WITH THIS PRIVACY POLICY.**

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## **1. INTRODUCTION**

- 1.1 DCSL in order to carry out its aims and objectives as Provincial Government Department responsible for police oversight and community safety initiatives will, on an ongoing basis receive, provide and process Personal Information.
- 1.2 In terms of the Protection of Personal Information Act, 4 of 2013 (POPIA) everyone has the right to privacy, including the right to the lawful collection, retention, dissemination and use of one's Personal Information.
- 1.3 In order to give effect to this right, DCSL is under a duty to provide any person whose Personal Information is processed by it, (known as a "Data Subject") with a number of details pertaining to the use of and subsequent processing of the Data Subject's Personal Information, before such Personal Information may be used or processed by DCSL.
- 1.4 In accordance with this requirement, DCSL sets out below:
  - the reasons why it will have to process a Data Subject's Personal Information,
  - the conditions under which it will receive and use a Data Subject's Personal Information,
  - how DCSL will use and handle this Personal Information, as well as
  - the conditions under which it will provide its own Personal Information.

## **2. APPLICATION**

- 2.1 The Privacy Policy of DCSL, is applicable to –
  - 2.1.1 all DCSL electronic platforms and facilities, including social media, websites and / or email, whether owned by, established by, used by, hosted by and / or accessed by DCSL;
  - 2.1.2 all and any Data Subject(s), who may access and make use of the aforementioned DCSL electronic platforms and facilities, including, without detracting from the generality thereof, DCSL employees and staff, consumers and customers, vendors, contractors, service providers and / or other third parties;
  - 2.2.2 all the Personal Information which is owned by DCSL and which is provided to any responsible parties and / or operators as a result of such person accessing or making use of the DCSL social media and electronic platforms.

## **3. ACCOUNTABILITY**

- 3.1 DCSL takes the privacy and protection of a Data Subject's Personal Information very seriously and will only process a Data Subject's Personal Information in accordance with POPIA and the terms of this Privacy Policy.
- 3.2 In turn where DCSL provides any of its Personal Information to a Responsible Party or Operator, then such person will be required as a condition of receiving such information, to process such Personal Information in accordance with POPIA and the terms of this Privacy Policy.
- 3.3 Accordingly, the relevant data privacy principles relating to the processing of Personal Information, whether that belonging to DCSL or that belonging to a data subject (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will apply without exception, save where POPIA provides for such an exception, to all and any Personal Information provided by DCSL to another or received by DCSL as a result of the use of the DCSL electronic platforms and facilities.

## **4. AGREEMENT TO BE BOUND AND CONSENT TO PROCESS**

- 4.1 By accessing or using the DCSL electronic platforms and facilities including all 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 DCSL email, the Data Subject:

- 4.1.1 acknowledges that it has read and understood this Privacy Policy and related provisions;
- 4.1.2 agrees to be bound by this Privacy Policy;
- 4.1.3 agrees to comply with this Privacy Policy; and
- 4.1.4 gives DCSL consent to process and further process the required Personal Information for the required purpose, in accordance with this Privacy Policy.

## **5. RECEIPT, USE AND SHARING OF PERSONAL INFORMATION BY THE DCSL**

5.1 DCSL will receive Personal Information pertaining to a Data Subject when the Data Subject submits a query or request via the DCSL electronic platforms or facilities, including via its website, or by way of email, telephone or via social media.

5.2 On receipt of the request or query, DCSL will thereafter use and process the Data Subject's Personal Information for the purpose of the query and for a variety of related purposes, which will all depend on the query or request, and which without detracting from the generality thereof may include:

- for the purposes of identifying and / or verifying the Data Subject's details;
- for the purposes of providing information and / or services or details in connection therewith or pertaining thereto, that the Data Subject, may have requested;
- human resource management relating to applicants for employment and employees;
- recruitment, deployment and payroll management of crime prevention volunteers;
- financial and supply chain management relating to suppliers, service providers and assets;
- security management;
- information technology management;
- monitoring and evaluation of police service delivery;
- investigation of complaints of poor police service delivery;
- promoting community police partnerships through support provided to community safety structures;
- facilitating the resolution of inter- and intra-community conflicts;
- undertaking community safety related research;
- community engagement on community safety related issues;
- internal planning, monitoring and evaluation of performance of the DCSL.

5.3 In order to correctly handle any request or query, and in order to perform the purposes described above, DCSL may from time to time share a Data Subject's Personal Information with the following parties:



- DCSL employees, which will only be done on a need to know basis;
- DCSL suppliers, which will only be done on a need to know basis;
- DCSL carefully selected stakeholders who provide services which may be of benefit to a Data Subject which will only be done on a need to know basis; and
- DCSL operators such as service providers and agents who perform services on behalf of the DCSL which will only be done on a need to know basis and in terms of a DCSL operator agreement.

5.4 DCSL does not share a Data Subject's Personal Information with any third parties who have not been described above, unless:

- DCSL is legally obliged to provide such information to another for legal or regulatory purposes;
- DCSL is required to do so for purposes of existing or future legal proceedings;
- the onward transmission or sharing of Personal Information is necessary for the pursuance or protection of DCSL legitimate interests or that of the Data Subject or a third party;
- DCSL are involved in the prevention of fraud, loss, bribery or corruption and are using another agent or service provider under a mandate to provide such service, and the agent or service provider needs to process the Data Subject's Personal Information for the purpose of investigating and or preventing any act of fraud, loss, bribery or corruption,

and under all of the abovementioned circumstances, DCSL will take reasonable measures to ensure that such Personal Information is only provided to the recipient, if such recipient undertakes to keep the Personal Information confidential and secure.

5.5 Where DCSL has to transfer the Data Subject's Personal Information across the South African borders, it will before it does so, ensure that the recipient thereof agrees to be bound by POPIA under and in terms of a set of binding corporate rules or binding agreements that provide an adequate level of protection and uphold the principles for the reasonable and lawful processing of such Personal Information.

## **6. RECEIPT, USE AND SHARING OF THE DCSL PERSONAL INFORMATION**

DCSL on receipt and in response to a query or request received from a Data Subject, referred to under section 5 above, may transmit via its website, or by way of email, telephone or via social media, its own Personal Information, which Personal Information on receipt by the requesting or receiving party, may only be used for the purpose relating to the initiating of the request or query and for no other purpose.

Furthermore, the recipient undertakes that it will not use this Personal Information for any other purpose or share this information with any other party, save where it has been given express permission to do so by DCSL.

## 7. INFORMATION QUALITY/OPENNESS/DATA SUBJECT PARTICIPATION

7.1 Whilst DCSL will make all effort to ensure the integrity and accuracy of a Data Subject's Personal Information, this may not at all times be possible. Following this, the Data Subject accepts the responsibility for keeping his / her or its Personal Information up to date, and undertakes to inform DCSL of any changes to his / her and its Personal Information.

7.2 A Data Subject has a right of access to any Personal Information which DCSL may have and where applicable may ask DCSL to correct any inaccuracies in or to any such Personal Information. Any access request must be done by way of a formal **DCSL PAIA process**, which is accessible on [www.kzncomsafety.gov.za](http://www.kzncomsafety.gov.za)

## 8. SECURITY OF PERSONAL DATA

8.1 DCSL makes all reasonable effort to keep its social media and electronic platforms including its website secure at all times, however the DCSL advises that it cannot guarantee the security of any information provided to the DCSL or by the DCSL through the DCSL website, e-mail, internet or social media sites. Following this the DCSL cannot be held responsible for any loss or unauthorised use or interception of information transmitted via these social media and electronic platforms or sites, including its Internet, which is beyond the DCSL reasonable control.

8.2 The DCSL website may contain links to other websites outside of DCSL control. DCSL is not responsible for the content, privacy or security of these other third party controlled websites.

8.3 DCSL has placed cookies on its website which makes contact with your / a Data Subject's device to help make the DCSL social media and electronic platforms website better.

8.4 DCSL makes use of social plugins of social networks such as Facebook, YouTube, LinkedIn, Google+ and Twitter. Please note that DCSL has no influence on or control over the extent of the data retrieved by the social networks' interfaces and DCSL can accordingly not be held responsible or liable for any processing or use of Personal Information transmitted via these social plugins. For information on purpose and extent of the data retrieval by the social network concerned, and about the rights and settings which are available for you to access for the protection of your private information, please refer to the data protection information provided by the social network in question.

8.5 Note that all DCSL social media and electronic platforms including its website and telephone facilities and your use of them will be monitored on a regular basis including the recordal and interception of content placed on or stored on said facilities which is done for security, integrity and quality assessment purposes and by using such electronic platforms and facilities you expressly acknowledge notice of such monitoring and interception and give consent thereto in accordance with the Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002 ("RICA"),

8.6 Subject to the provisions above, DCSL has implemented the appropriate technical and organisational security measures which are required in order to protect all Personal Information and related data which it holds from and / or against unauthorised access, accidental or willful manipulation, loss or destruction.

## **9. THIRD PARTY INFORMATION AND THAT BELONGING TO MINORS**

- 9.1 If a Data Subject provides DCSL with Personal Information on behalf of another, DCSL will not be able to process the query or request unless such query or request is accompanied with the required permission and consent from the owner of that Personal Information.
- 9.2 If a Data Subject is under the age of 18, such person's Personal Information will only be processed if the minor's parent or legal guardian gives the required consent or permission to the processing of the provided Personal Information.

## **10. CONTACT DETAILS**

You can contact DCSL in relation to this Privacy Policy by writing to us at [info@comsafety.gov.za](mailto:info@comsafety.gov.za) or by calling our Head Office on 033-3419300.

## **11. REVISION OF POLICIES**

DCSL reserves the right to and may from time to time update this Privacy Notice. Any such revision will be published as an amended version on the DCSL website.

Following this, any change to this Policy will be posted as an updated version and readers are advised to visit and re-read this policy on a regular basis.