



Province of the  
**EASTERN CAPE**  
COOPERATIVE GOVERNANCE  
& TRADITIONAL AFFAIRS

# **GUILINES ON PRIVACY PROCEDURE**

## **2024/2025**

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## 1 INTRODUCTION

1.1 The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act (No 4 of 2013) (POPIA). POPIA promotes the protection of privacy by providing guiding principles that must be applied to the processing of personal information. The Protection of Personal Information Act, 4 of 2013 (POPIA) serves to promote the protection of personal information being processed by public and private bodies and to introduce certain conditions for the lawful processing of personal information.

1.2 As a public body (as described in section 1 of POPIA), the Eastern Cape Cooperative Governance and Traditional Affairs (ECCOGTA) must ensure that whilst it performs a public function, the personal information of its stakeholders is protected and lawfully processed.

1.3 These guidelines on privacy procedure explain how we obtain, process and disclose the personal information of individuals and juristic persons in accordance with the requirements of the Protection of Personal Information Act (“POPIA”).

## 2 DEFINITIONS

The terms listed hereafter shall bear the following meanings:

2.1 **“Data”** means all information in possession or under the control of the organization, irrespective of the nature thereof.

2.2. **Non-Personally Identifying Information** – means information that, without the aid of additional information cannot be directly associated with specific person.

2.3. **Personally-Identifying Information** – means information that can be directly associated with a specific person.

2.4 **“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 —

(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.

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- (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) the personal opinions, views or preferences of the person.
- (f) 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.
- (g) the views or opinions of another individual about the person; and
- (h) 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.

2.5 “**POPIA**” means the Protection of Personal Information Act, 4 of 2013.

### 3 **PURPOSE**

3.1 The purpose of POPIA as it pertains to the ECCOGTA is to –

“(a) give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at-

(i) balancing the right to privacy against other rights, particularly the right of access to information;”

3.2 At ECCOGTA, we are committed to protecting the privacy of all and to ensuring that personal information is collected, processed, and disclosed (where applicable) properly and lawfully. The purpose of this privacy policy is to inform you how ECCOGTA deals with the personal information you provide, among other things, for accessing the ECCOGTA website and operational requirements.

3.3 The terms and conditions of this privacy procedure constitute a legally binding agreement between you and the ECCOGTA. By accessing, browsing and/or using this website and getting or offering services, you acknowledge that you have read, understood, and agree to be bound by these terms and conditions, as may be amended from time to time.

3.4 ECCOGTA is committed to protecting the personal information of our employees, service providers, public office bearers and clients accessing our website. ECCOGTA will adhere to the principles as outlined in Section 51 of the Electronic Communications and Transactions Act, 2002 and the provisions contained in the Protection of Personal Information Act, 2013 (Act No: 4 of 2013) (POPI Act) with regards to protecting the information amongst others on its website and other electronic databases within its control. In line with these principles, the ECCOGTA undertakes to:

-Obtain your permission to process your personal information. P2

- Inform you, upon request, of the specific purpose for which we process your personal information;
- Only use your personal information for the purpose for which it was obtained and not for any other purpose; and
- Only retain your personal information for as long as we are legally required to do so.
- Safeguard your personal information in line with the provision of the Act

#### **4 THE PROCESSING OF YOUR PERSONAL INFORMATION**

4.1 The processing of personal information includes, inter alia: collecting, storing, using, receiving, erasing, destroying, backing-up, transmitting, changing, organising and sharing of your personal information.

4.2 ECCOGTA collects personally identifiable information, such as your name; email address, home or work address or telephone number, district, province, gender, age, race, results of learners, etc.

#### **5 WHAT IS THE PURPOSE OF COLLECTING YOUR PERSONAL INFORMATION**

ECCOGTA collects and uses personal information for research, recruitment, assessment of programme intervention and support and procurement.

##### **5.1 EXEMPTIONS**

Section 38 of POPIA provides for exemptions in respect of certain functions of a public body.

“38(1) Personal information processed for the purpose of discharging a relevant function is exempt from sections 11(3) and (4), 12, 15, and 18, in any case to the extent to which the application of those provisions to the personal information would likely to prejudice the proper discharge of that function.”

The exempted functions referred to above, relate to the following

1. The data subject’s right to object to the processing of personal information, in terms of section 11(3) and (4);

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This exemption indicates that the provision of personal information to ECCOGTA is necessary and mandatory for ECCOGTA to perform its functions as legislated.

2. The obligation to ensure that personal information is collected directly from the data subject, in terms of section 12;

ECCOGTA may collect personal information of data subjects from other sources other than the data subject

3. The requirement that further processing must be compatible with the purpose of initial collection, in terms of section 15;

ECCOGTA is required to maintain its data for historical purposes (amongst others), which allows for collected personal information to be retained and processed further if required.

4. The requirement to notify data subjects when collecting personal information in terms of section 18

ECCOGTA is not required to notify data subjects when collecting personal information due to the impracticality thereof, thus, data subjects are required to provide consent to collect and process personal information, and the POPIA manual will serve as a general notification of collection, processing and disclosure of personal information.

### **5.2 REASONS FOR COLLECTION AND RETENTION OF PERSONAL INFORMATION:**

(a) To gather contact information of an identifiable, living, natural person and where applicable an identifiable, existing juristic person (contractors or service providers);

(b) To confirm and verify the identity of a natural person (ID numbers) or juristic person (registration numbers) or to verify that a person (i.e. third parties) is an authorized user of the ECCOGTA's systems, processes, website, etc.

(c) To conduct trend analysis, statistical purposes and historical research or to allow for such research activities to be conducted making use of the ECCOGTA data;

(d) For audit and record keeping purposes

(e) To provide collected information in connection with legal proceedings and in the prevention, detection and prosecution of offences.

## **6 DISCLOSURE OF YOUR PERSONAL INFORMATION TO THIRD PARTIES**

Your personal information shall be kept confidential at all times and may only be disclosed to ECCOGTA, district service centre officials and government departments as may be legally required.

ECCOGTA has agreements and security measures in place to ensure that all third parties to whom your personal information is disclosed comply with the terms and provisions of the POPI Act. ECCOGTA will ensure that third parties fully understand the duties and obligations they become encumbered with in retaining the privacy and integrity of your personal information.

## **7 SECURITY MEASURES TO ENSURE PROTECTION OF YOUR PERSONAL INFORMATION**

7.1 Due to the nature of the internet, information submitted to the ECCOGTA website, or may not be secure, unless submitted by/through a secure connection. We do however have reasonable security measures in place to protect your Personal Information.

7.2 Our security measures are in place to protect your personal information from being accessed or acquired by any unauthorised person.

## **8 ACCESS TO YOUR PERSONAL INFORMATION**

You may contact ECCOGTA to enquire what personal information we hold for you. The Department shall make the information available to you upon request and after reasonable satisfaction that you have confirmed your identity.

### **8.1 CHANGE TO YOUR PERSONAL INFORMATION**

The POPI Act requires that all personal information stored must be accurate and updated. You may update, correct, amend or delete your personal information at any time. Please note that before any changes to your personal information are made, we will take all reasonable steps to confirm your identity.

### **8.2 PRIVACY HANDLING PROCEDURE**

- a) This is a legal document that details some ways a Department gathers, uses, discloses, and manages a customer's data.
- b) The Department makes it a requirement for websites that collect and store personal information from their customers need to have a guideline of privacy handling procedure posted on the Departmental website.

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- c) The EC Dept of CoGTA respects the privacy of its users/service providers, and employees that use our website – including other media forms, media channels, mobile website or mobile application related or connected.
- d) The guideline on privacy is designed to inform you as a user of the website about the types of information that the Department may gather about or collect from you in connection with the safe storage of your Personal Information as a Data Subject.
- e) It also is intended to explain the conditions under which the Department uses and discloses that information, and your rights in relation to that information.

### 8.3 COLLECTION, USE AND DISCLOSURE OF PERSONALLY – IDENTIFYING INFORMATION.

- a) The Department may collect a personally – identifying information that can be directly associated with a specific person. The Department may collect a range of Personally – Identifying Information from and about website users.
- b) Much of the Personally - Identifying Information collected by the Department about users of information is provided by users themselves when: (i) Registering for our services (tender processes, recruitment). (ii) Logging in with social network credentials. (iii) Participating in polls, surveys or other features of our service or responding to offers of our service or responding to offers of advertisements. (iv) Communicating with the Department.
- c) The collected information may include each user’s name, address, email address and telephone numbers, and if you transact business with the Department, financial information such as your payment method (valid credit card number, type, expiration date or other financial information.
- d) We may also request information about your interests and activities, your gender, date of birth, username, hometown and other demographic or relevant information as determined by the Department from time to time.
- e) Users of our services are under no obligation to provide CoGTA with Personally Identifying Information of any kind, with the caveat (forewarning) that users’ refusal to do so may prevent the user from accessing our services.
- f) By registering with the government data base or using our website, you consent to the use and disclosure of your Personally – Identifying Information as described in this collection, use and disclosure of Personally – Identifying Information section.

### 8.4 DEPARTMENTAL DISCLOSURE

The Department may disclose Personally – Identifying Information under the following circumstances: By law or to Protect Rights

- a) When we believe disclosure is appropriate, we may disclose Personally – Identifying Information in connection with efforts to investigate, prevent or take other action regarding illegal activity, suspected fraud or other wrongdoing:
- b) To protect and defend the rights, property, or safety of the Department and its employees, or users.
- c) To comply with applicable law or cooperate with law enforcement agencies, to enforce our Terms of use or other agreements or policies in response to a subpoena or similar investigative demand, a court order or a request for cooperation from law enforcement or other government agencies to establish or exercise our legal rights to defend against legal claims, or as otherwise required by law.
- d) In such case, we may raise or waive any legal objections or rights available to us.



## **8.5 SECURITY**

- a) We take the security of your Personally – Identifying Information seriously and use reasonable electronic, personnel and physical measures to protect it from loss, theft, alteration or misuse.
- b) However, please be advised that even the best security measures cannot fully eliminate all risks. We cannot guarantee that only authorised persons will view your information.
- c) We are not responsible for third-party circumvention of any privacy settings or security measures.
- d) We are dedicated to protecting all information on the website or storage as is necessary.
- e) However, you are responsible for maintaining the confidentiality of your Personally – Identifying Information by keeping your password confidential.
- f) You should change your password immediately if you believe someone has gained unauthorized access to it or your account.
- g) If you lose control of your account, you should notify the Department immediately.

## **8.6 CHANGES OF THE GUIDELINES ON PRIVACY PROCEDURE**

- a) The Department may, in its sole discretion, change this Privacy Procedure from time to time.

All changes to this Privacy Procedure will be reflected on this page and the date new versions are posted will be stated at the top of this Guideline on Privacy Procedure. Unless stated otherwise our current Guideline on Privacy Procedure applies to all information that we have about you at our records and storage.

- b) Users should regularly check this page for any changes to this Privacy Procedure. The Department will always post new versions of the Privacy Procedure on the Website. However, the Department may, as determined in its discretion, decide to notify users of the changes made to this guideline on privacy procedure via email or otherwise. Accordingly, it is important that users always maintain and update their contact information.

- c) Please note that EC COGTA reserves the right to make amendments and/or changes to this privacy procedure from time to time and will take all reasonable steps to inform you of any such amendments or changes.

- d) You are also requested to please check the EC COGTA Website periodically to inform yourself of any changes.

## **8.7 RIGHT TO LODGE A COMPLAINT**

In terms of section 18(h)(v) the POPI Act (POPI Act), you have the right to lodge a complaint to the Information Regulator South Africa (IRSA). The IRSA contact details are:

<https://inforegulator.org.za/>

JD House, 27 Stiemens Street, Braamfontein,

Johannesburg, 2001.

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Phone: 010 023 5200

Email: [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za)

**RECOMMENDED FOR APPROVAL BY:**



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**M.P. MADIKANE**  
**CORPORATE GOVERNANCE OFFICER**  
**DATE: 28 FEBRUARY 2025**

**APPROVED BY:**



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**V MLOKOTHI**  
**ACTING HEAD OF DEPARTMENT**  
**DEPARTMENT OF COOPERATIVE GOVERNANCE & TRADITIONAL AFFAIRS**  
**DATE: 28th February 2025**