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PROTECTION OF PERSONAL INFORMATION POLICY MANUAL

1 Purpose of the Policy

1.1 This policy regulates processing and safeguarding of personal information as well as measures taken when such information is lost or disclosed.

2 Scope

2.1 This document refers to all personal information of data subjects, processed by Robben Island Museum (RIM).

3 Legislative framework

3.1 RIM is a Schedule 3A Public Entity constituted in terms of the Cultural Institutions Act No 119 of 1998 and the Public Finance Management Act no 1 of 1999. This policy has been drafted to comply with legislative requirements of the following Acts:

- Constitution of the Republic of South Africa, 1996;
- Electronic Communications and Transactions Act;
- Protection of Personal Information Act; and
- Promotion of Access to Information Act.

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4 Background

4.1 The Protection of Personal Information (POPI) Act is born out of section 14 of the Constitution of the Republic of South Africa, 1996, which provides that everyone has the right to privacy. This right to privacy includes a right to protection against unlawful collection, retention, dissemination and use of personal information; and that the State must respect, protect, promote and fulfil the rights in the Bill of Rights.

4.2 POPI is essential to ensure that information is properly processed. Its purpose is to give effect to the constitutional right to privacy by safeguarding personal information when processed by a responsible party.

4.3 It is RIM's responsibility to ensure information that is collected is complete, accurate and not misleading.

4.4 The data subject must be informed regarding the purpose for which the information is collected and if the information to be given is voluntary or mandatory.

4.5 Even though the General Data Protection Regulations (GDPR) does not apply to RIM; aspects of the regulations that is different to POPIA will be considered for inclusion in this policy.

4.6 S38(1) of the POPIA Act refers to an exemption of processing personal information that is processed for the purpose of discharging a relevant function

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The Act was approved by the National Assembly on 20 August 2013 and the President signed the Act into law on 26 November 2013. A commencement date for the Act has however not yet been declared. A grace period of 1 year from date of commencement will be given.

5 Definitions

Biometrics means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.

Data subject means the person to whom personal information relates.

Personal information includes information relating to (a) race, gender, sex, pregnancy, marital status, origin, sexual orientation, age, physical /mental health, religion, culture, birth, language (b) education, medical, financial, criminal or employment history (c) identity number, email and physical address, telephone number (d) biometric information (e) personal opinions and views, etc.

Processing means (a) collection, receipt, recording, organisation, collation, storage, updating / modification, use (b) dissemination means of transmissions or distribution (c) merging, linking, erasure and destruction of information.

Regulator means the Information Regulator established in terms of section 39 of the POPI Act.

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Responsible Party 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

6 Commitment

- 6.1 The principles of accountability, transparency, integrity, protection, compliance, availability, retention, disposition as defined in the POPI Compliance Framework, will be strived for and will be the responsibility of all RIM staff.
- 6.2 Annually the Senior Manager Risk will conduct a Privacy Impact Assessments on current personal information processes which will be documented in the RIM Risk Register. Any new processes that arises throughout the year will trigger an immediate assessment.
- 6.3 Every employee shall be responsible for safeguarding any personal information record that they would come into contact with.
- 6.4 Commit to protecting confidential and personal information from unauthorised access by third parties.
- 6.5 Failure to comply with this policy may result in disciplinary action against the employee.

7 Privacy Impact Assessment (PIA)

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7.1 The Senior Manager Risk, through the Information officer, will ensure that a Privacy Impact Assessment (PIA) is completed and reviewed annually, to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of Personal Information (PI).

7.2 Where a new type of processing, in particular, using new technologies and taking into account the nature, scope, context, and purposes of the processing, is likely to result in a high risk to the rights and freedoms of natural persons, the Senior Manager Risk shall, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data.

7.3 The methodology to be followed for a PIA is as follows:

- describe nature, scope, context and purpose of processing
- access necessity, proportionality and compliance measures
- identify and assess risks to individuals / natural persons
- identify any additional measures to mitigate those risks

8 Collection, Processing, Storage and Safeguarding of Personal Information

8.1 Personal Information is collected by various departments at RIM. Each of these needs to be evaluated to ensure information processed and stored is accurate, complete, valid, freely given (authorised), directly from the data subject and kept to a minimum.

8.2 RIM will only collect information that is required (adequate, relevant and minimal).

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8.3 Data subjects will be made aware of the purpose of collection of personal information, only if it is not a legal requirement.

8.4 RIM will not process personal information beyond its intended purpose.

8.5 RIM will not transfer information to a third party.

8.6 RIM's risk register contains a privacy impact assessment detailing an analysis of the personal information that is processed by each department.

9 Destruction of Personal Information

9.1 Destruction of Information will be done in accordance with the Records Management Policy.

10 Procedures for Lost or Disclosed Information

10.1 If Personal Information is lost or disclosed without authorization the Regulator will be notified immediately as well as the data subject (in writing) and a notice will be placed on RIM's website.

10.2 A list of all data breaches will be recorded by the Information Officer, as defined below, and the risk register and applicable safeguards will be updated to strengthen controls over data subject's information.

10.3 The notification will include the following:

- extent of the breach;

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- potential consequences of the breach;
- measures RIM has taken to address the security compromise; and
- recommendations for measures to be taken by the data subject to mitigate adverse effects of the security compromise.

11 Correct, destroy or delete personal information on request by data subject

11.1 A data subject can request their personal information to be corrected by contacting the relevant department responsible for the personal information.

11.2 A data subject can request their personal information to be destroyed or deleted, barring the personal information is not a legal requirement that has to be maintained for a prescribed period of time.

11.3 The data subject will be provided with evidence that their record has been corrected, destroyed or deleted or if their request was not possible with suitable reasons.

12 Direct Marketing

12.1 Data subjects will have an option to consent to receive direct marketing when purchasing tickets. A tick box will be available on the ticketing system to provide an option to opt in or opt out for marketing campaigns (for RIM purposes). This is in line with the Consumer Protection Act 68 of 2008 and the Electronic Communications and Transaction Act 25 of 2002.

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12.2 Direct marketing that has been opt in, will have an unsubscribe feature built in.

13 Risk Register

13.1 The RIM's risk register will detail all identifiable and reasonably foreseeable internal and external risks associated with unauthorised processing of personal information as well as detailing the appropriate safeguards against all risks identified.

13.2 These safeguards must be maintained and regularly verified that they are effectively implemented and continuously updated in response to new risks.

14 Right to be forgotten

14.1 The data subject shall have the right to obtain from the RIM the erasure of personal data concerning them without undue delay and RIM shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

14.1.1 the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

14.1.2 the data subject withdraws consent on which the processing is based and where there is no other legal ground for the processing;

14.1.3 the personal data have been unlawfully processed;

14.2 The above is not applicable if processing is necessary for compliance due to a legal obligation.

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15 Implementation

15.1 Responsibility for implementation

15.1.1 The responsibility of implementation rests with the Information Officer (CEO).

15.1.2 Non-compliance with this policy by officials and employees of RIM shall be subjected to appropriate disciplinary action.

15.2 Effective date

15.2.1 The accounting authority has approved this policy on XXX. It is therefore effective since that date as if it was implemented on that date.