

PoPIA section 18 notification



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Document No:	CSIR/LCBE/LC/GDL/2020/0001/B
Revision Status:	1
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Last Review Date:	1 April 2021
Effective Date:	1 July 2021
Approved by:	Deputy Information Officer
Date Approved:	21 June 2021
File Plan Number for Related Records:	3/0P

1 Introduction

- 1.1 The enacted Protection of Personal Information Act, 2013 (Act 4 of 2013) (PoPIA) regulates and controls the **processing** of a person or legal entity's **Personal Information**, which includes the collection, use, storage and transfer of the **Personal Information**.
- 1.2 The CSIR will, from time to time, **process Personal Information** that belongs to you for Legal and Operational purposes.
- 1.3 The CSIR in its capacity as the **Responsible Party** might require your explicit **consent** to **process** your **Personal Information** in certain situations.

2 Explanatory notes

- 2.1 Please take note of the definitions below and the **text in blue**, which correspond with PoPIA definitions and used throughout this PoPIA Section 18 notification.
- 2.2 When the CSIR **processes** your **Personal Information**, the CSIR has a legal duty to protect it in a lawful, legitimate and responsible manner, and in accordance with the provisions of PoPIA.
- 2.3 Furthermore, unless the **processing**:
- Is related to the performance of a contract to which you are a party; or
 - Complies with an obligation imposed by law on the CSIR; or
 - Is necessary for the proper performance of a public law duty by a public body; or
 - Is necessary to protect or pursue your or the CSIR's legitimate interest, or that of a third party to whom the **Personal Information** is supplied,
 - all **processing** of **Personal Information** must be done with your explicit and informed **consent**, i.e. **you** must **consent** to the **processing** of the **Personal Information**.

3 Definitions

Consent	Any voluntary, specific and informed expression of will where permission is given.
Data Subject/You/Your	The person that will provide the CSIR or its Operator(s) with Personal Information.
Operator	A natural or juristic person who processes a Data Subject's Personal Information on behalf of the CSIR, e.g. Security, Medical Aids and Benefit Providers.
Personal Information	Information relating to any identifiable, living, natural person or an identifiable, existing juristic person.
Process/Processes	Any operation or activity or any set of operations, concerning Personal Information, e.g. collecting, updating, modifying, distributing and storing of Personal Information.
Responsible Party	The CSIR, which needs to process your Personal Information for business purposes.
Special Personal Information	Includes any information relating to an individual's ethnicity, gender, trade union membership, medical history, offences committed or alleged to have been committed by that individual, biometric details, and children's details.

4 Purpose of this PoPIA Section 18 notification

- 4.1 This PoPIA section 18 notification Notice explains and sets out:
- What **Personal Information** belonging to you could be **processed** by the CSIR;
 - Why the CSIR could possibly need your **Personal Information**;
 - What the CSIR could be doing with your **Personal Information**;
 - Who the CSIR could be sharing your **Personal Information** with; and
 - What the CSIR will do with your **Personal Information** once the purpose for the **processing** ends.

5 Application of this PoPIA section 18 notification

- 5.1 This PoPIA section 18 notification will apply to the CSIR and the [Personal Information](#) supplied by [you](#). It includes any [processing](#) or further [processing](#) of the [Personal Information](#) by any [Operators](#) duly appointed by the CSIR.

6 Information that could possibly be collected

Personal Information	Name, surname, ID/passport number, marital status, age, email address, physical and postal address, telephone and other contact numbers.
Special Personal Information	Ethnicity, gender, offences committed, biometric details, children's information, trade union membership, disability, medical history, financial and employment history.

The above list is not exhaustive and additional information could be collected based on specific requirements / needs

7 Purpose for the collection

- 7.1 Your Personal Information is collected for one or several possible uses and in order for the CSIR:
- To consider your employment, bursary, learnership or internship application, submitted by you on your own free will;
 - Where such an application is successful, to enter into a contractual or employment relationship with you;
 - To manage you as its contracted party or employee, in line with its legal, operational and business objectives, strategies and mandates, and the applicable laws – your Personal Information will be used for a number of legitimate purposes, which could include:
 - To comply with a variety of lawful obligations, including the following:
 - Broad-Based Black Economic Empowerment laws,
 - Business laws,
 - Communications laws,
 - Environmental laws,
 - Company laws, Financial and Tax laws,
 - Health and Safety laws,
 - Labour Laws, and
 - Public Sector laws.
 - To assess whether you are capable and able to provide the CSIR with the required and requested services for which you were employed;
 - To assess your performance levels bi-annually, as well as job-related training and development required by you as per the CSIR performance process;
 - To investigate any matter raised against you or another, including the conducting of any disciplinary hearings and related activities, as well as the pursuance of legal processes and procedures;
 - To conduct risk assessments and risk profiles, as well as internal and external audits;
 - Where required by law or policy, communicating with any regulator, National Treasury, any credit bureau, credit provider or credit association, Personal Information about your criminal history, civil judgements, credit records or default history;
 - To perform the required security clearance procedures in respect of you for employment clearance purposes, security investigation processes, and allowing for the issuing of security clearance by the State Security Agency, where applicable;
 - To give you access to the CSIR's premises, offices, systems, assets, equipment and websites;
 - To make contact with you and attend to your enquiries and requests;
 - To provide you with information pertaining to the CSIR's directors, employees, services and goods, and other ad hoc employee and business-related information;
 - For academic research and statistical analysis purposes, including data analysis, testing, research and product development, and product review purposes;

- For pursuing and protecting your and/or the CSIR's legitimate interest, or that of a third party to whom the Personal Information is supplied;
- To perform internal operations, including:
 - Administrative duties, maintaining a personal employee file housing all employee-related records that pertain to you, such as leave taken and due, sick or maternity leave taken and due, disciplinary matters, grievances lodged or received against you, terms of employment, details of salary and grade adjustments and related details, payslips, acknowledgement of debt agreements, employment history, injuries on duty, statutory deductions, training records, etc.
 - Attending to paying your salary each month and other amounts to you as an employee, or bursary holder, learner or intern as and when they fall due, attending to make any lawful deductions from said payments on behalf of the CSIR or another party;
 - The provision of gender and diversity management services;
 - Facilitation of business systems that you may have access to as an employee;
 - Visa applications and travel bookings and arrangements;
 - Management of mail and deliveries – incoming and outgoing;
 - Provision of Occupational Health and Safety services;
 - Provision of employee health and wellness services and related products; and
 - Other legitimate operational and lawful reasons of the CSIR.
- To prevent fraud and abuse of the CSIR processes, systems, procedures and operations, including conducting internal and external investigations and, where necessary, using the Personal Information in disciplinary enquiries and hearings;
- To manage the safety and security of the CSIR facilities, including those of its employees and persons entering the CSIR facilities by, among other things, making use of Closed Circuit Television;
- To manage specific areas pertaining to you, and the employment relationship between you and the CSIR, which will entail the processing of Special Personal Information, including:
 - Physical or mental health records (such as sick leave records, pre-employment medical questionnaires and examinations, drug or alcohol test results);
 - Criminal convictions (to assess suitability for certain types of employment);
 - Disabilities (to facilitate adaption in the workplace to ensure that special needs are catered for and monitor employment equity);
 - Racial (to ensure employment equity);
 - Trade union membership (to enable payroll deductions);
 - Attending to all matters pertaining to your resignation, dismissal and/or retirement;
- For legal purposes, including the following:
 - The drafting of employee contracts; contract management, legal correspondence, providing Legal Advice and Legal Opinion, managing and handling all Litigation that has to be pursued or defended in connection with the CSIR, Employees and Disciplinary matters, the provision of legal Education and Training, assisting with document management and Record Retention, management and control over Intellectual property including copyright matters, and assisting with alternative dispute resolution matters,
- For the purposes of advertising, marketing, public relations and communications, via publications and references including images and photographs and video footage on the CSIR websites and social media platforms, marketing material and brochures, advertising and public relations campaigns and related communications.
- To facilitate communications within the CSIR environment, including:
 - Facilitation of business systems to which you have access as an employee, including telephone directories, help desk portals and related IT support facilities, where your contact details will be stored and displayed for use by CSIR employees on a need-to-know basis and for the purpose of facilitating internal communication and IT support services;
- To investigate and manage and/or address matters including the reporting of plagiarism, fraudulent activity, dishonesty, using another's information and holding out as your own,

cheating activities, unethical, unruly and/or unacceptable behaviour, and/or the infringement of laws and rules, codes of practice, policies, procedures, contractual terms and requirements and/or intellectual property processes and procedures.

- 7.2 To inform you that the CSIR undertakes that it will only use the Personal Information referred to above for the purposes set out under this PoPIA section 18 notification and for no other purpose, unless with your explicit permission.

8 Implications of withholding consent or Personal Information

- 8.1 With the exception of clause 2.3 above, which indicates exceptions where the CSIR does not require explicit consent, the CSIR will implement processes to request explicit consent in all other situations.
- 8.2 Your explicit consent is mandatory to process your Personal Information in situations not linked to 2.3 above, e.g. credit checks, qualification checks, etc. Should you elect to withhold consent, the CSIR will be unable to engage with you and/or enter into any subsequent relationship with you.

9 Storage, retention and destruction of information

- 9.1 Your Personal Information will be stored either physically in the record storerooms or electronically in a centralised database, which, for operational reasons, will be accessible on a need-to-know and business basis, e.g. by human resources (HR) to process salary or ICT to give access to systems.
- 9.2 The CSIR undertakes to conduct regular audits regarding the safety and security of your Personal Information.
- 9.3 Once the Personal Information is no longer required because the purpose for which it was held has expired, it will be securely archived onsite or sent to an approved external storage facility that is PoPIA compliant, as the case may be. It will be archived for the requisite and prescribed retention periods as required by law and the CSIR Records Management Policy and File Plan. On expiration of this retention period, the CSIR will permanently destroy your Personal Information.

10 Access by others and cross border transfers

- 10.1 The CSIR may have to disclose your Personal Information to other parties, including its group companies or subsidiaries, trading partners, auditors, regulatory bodies, and/or government officials, or overseas trading parties or agents. Such disclosure will always be subject to an agreement that will be concluded between the CSIR and the party to whom it is disclosing your Personal Information too, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions and only used as per section 7.
- 10.2 Where Personal Information and related data are transferred to another country, they will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations than those imposed by PoPIA.

11 Right to object and complaints

- 11.1 You are encouraged to make immediate contact with the CSIR's Privacy Office at any time if you are not comfortable or satisfied with the manner in which the CSIR is processing your Personal Information. On receipt of your objection, the CSIR will place a hold on any further processing until the cause of the objection has been resolved. If you are still not satisfied with such process, you have the right to lodge a complaint with the Information Regulator at inforeg@justice.gov.za.

12 Accuracy of information and responsibility

- 12.1 PoPIA requires that all the Personal Information and related details, as supplied are complete, accurate and up to date. The CSIR will always use its best endeavours to ensure that the Personal Information is reliable, e.g. by sending you a reminder to update your Personal Information once a year. It will be your responsibility to access the HR system available and update your information yourself or advise the CSIR of any changes to the Personal Information, as and when these may occur.

13 Access to the information by the Data Subject

- 13.1 You have the right to ask the CSIR to provide you with the details of the Personal Information that the CSIR holds on your behalf; and/or the purpose for which it has been used at any time. You further have the right to request the deletion or destruction and to object to the processing of your Personal Information. You have the right to withdraw the explicit consent that you provided and such a request can be made by sending an email to privacy@csir.co.za. Each request will be dealt with on a case-by-case basis.

14 Amendments

- 14.1 The CSIR reserves the right to amend this PoPIA section 18 notification from time to time.
- 14.2 Communication in this regard will be sent out to all staff

15 Declaration and informed consent

- 15.1 You confirm that the Personal Information provided to the CSIR is accurate, up to date, not misleading and complete in all respects, save where same may change and then, in such event, you undertake to update the HR system used at that time or advise the CSIR or its Operator(s) of these changes.
- 15.2 In providing the required Personal Information to the CSIR and/or its Operator(s), you acknowledge that you have read and understand the purposes for which the Personal Information is required and for which it will be used.

For further information, contact:

CSIR Privacy Office
privacy@csir.co.za

Physical Address:
Privacy Office, Building 23
Meiring Naudé Road
Brummeria
Pretoria
South Africa

Postal Address:
Privacy Office, Building 23
PO Box 395
Pretoria 0001
South Africa
Tel: 012 842 7235

Please complete		
Name and Surname	Signature	Date