



Protection of Private Information

Policy Document

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Policy Statement

To promote the protection of personal information; to establish minimum requirements for the processing of personal information; to provide for the rights of persons receiving unsolicited electronic communications and automated decision making.

Reason for Policy

To comply with the provisions of the Constitution of the Republic of South Africa, 1996; the Protection of Personal Information Act no 4 of 2013 (POPIA) and the Promotion of Access to Information Act, Act 2 of 2000 (PAIA).

As Kwalata Africa Alive Pty LTD, trading as Kwalata Game Lodge - must comply with POPIA that prescribes the manner that personal information of data subjects is stored, used, disclosed, and destroyed.

Kwalata Game Lodge , is committed to protecting the privacy of all data subjects. Personal information must be used appropriately, transparently, and legally.

This policy describes how Kwalata Game Lodge deals with personal information and stipulates the purpose for which the said information is used.

Applicable to

To all Kwalata Game Lodge members and personnel who process or record personal details of data subjects with whom the members and personnel interact, including but not limited to, applicants, members, competent persons, existing and potential customers, associates, and members of the public, who conclude any type of agreement with Kwalata Game Lodge provided that when the recorded personal information is processed by non-automated means, it forms part of a controlled filing system.

Resources

Kwalata Game Lodge 's electronic database/ Legal guidance

Definitions

Competent person: *means any person legally competent to consent to any action or decision being taken in respect of any matter concerning a child.*

Data subject: *means the person (natural or juristic) to whom the personal information relates.*

Direct marketing: *Means to approach a data subject, whether in person or by mail or electronic communication for the direct or indirect purpose of:*

- promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject, or*
- requesting the data subject to make a donation for any reason.*

Employee: *refers to a staff member employed by Kwalata Game Lodge*

Employer: *refers to Kwalata Game Lodge*

Information Officer: *refers to the CEO or a designated deputy, delegated in writing.*

Management Committee: *refers to the members of the Executive*

Personnel: *refers to all categories of staff, permanently and on a contract basis, employed by the Employer*

Personal Information: *means information relating to an identifiable, living, natural or juristic person with respect 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.*



- (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, or information 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.
- (i) "Processing" means any operation or activity or any set of operations, whether by automatic or manual means, concerning personal information, including –
 - (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use thereof;
 - (b) dissemination by means of transmission, distribution or making available in any other form; or
 - (c) merging, linking, as well as restriction, degradation, erasure or destruction of 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.
- (j) "Record" means any recorded information, including any hand-written on any material, or electronically stored text, pictorial matter of any description relating to personal information.
- (k) "Responsible party" means the Management of Kwalata Game Lodge who determines the purpose of and means for processing personal information.
 - "special personal information" means personal information as in
 - 1. The religious or philosophical beliefs, race or ethnic origin, political persuasion, health or sex life or biometric information of a data subject; or
 - 2. The criminal behaviour of a data subject.

Policy

Conditions for the lawful processing of personal information PI

Personal information may be collected and processed only if such processing is adequate, relevant, and not excessive, and does not infringe upon the privacy of the data subject. Kwalata Game Lodge and its personnel are fully accountable for the lawful processing of such information, the purpose of which must relate to a function or an activity of Kwalata Game Lodge .

The following conditions apply:

1. The personal information is required for the proper functioning, management, and governance of Kwalata Game Lodge .
2. If processing is necessary for pursuing the legitimate interests of Kwalata Game Lodge .
3. The Executive Centre is responsible for the legal processing of Personal Information and may delegate this responsibility to the al Management Committees and personnel, in writing.
4. The nature of personal information is collected for a single, specific, explicitly defined, and lawful purpose. It depends on the purpose for which it is collected and is used for that purpose alone. The data subject is informed of the purpose, whether it is mandatory, and of the consequences for not providing the personal information.
5. Written consent is obtained from the data subject, which may be withdrawn at any time, and Kwalata Game Lodge is obliged to refrain from processing the information.



6. Kwalata Game Lodge will not process "special personal information" with the exception that information on race and ethnic origin can be processed if:
 - it is essential to identify data subjects; and
 - it is to comply with BBE laws (protection/advancement of persons disadvantaged by unfair discrimination). Kwalata Game Lodge will ensure agreements are in place with all data subjects confirming the protection of personal information.
8. The data subject may object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communication.
9. Any communication for the purpose of direct marketing must contain
 - details of the identity of the sender or the person on whose behalf the communication has been sent; and
 - an address or other contact details to which the recipient may send a request that such communications cease.
10. This policy applies to present and future data subjects.
11. The processing of PI pertaining to a minor between the ages of 11 and 17 years, must be made with the knowledge and written approval of the legal guardian. The processing of PI pertaining to minors younger than 11 years is forbidden.
12. Standard Operating Procedures govern the type, collection, storage method and destruction of personal information.
13. Standard Operating Procedures govern the transfer of personal information from any incumbent to a successor, including any member of a Management Committee or co-opted Sub-committee.

Disclosure of Personal Information

1. The information officer, or any member, will refuse a third party's request for access to a record held by Kwalata Game Lodge, unless required in the case of a medical emergency or by law.
2. A data subject, having provided adequate proof of identity, has the right to ask Kwalata Game Lodge if it holds personal information about the data subject; and the identity of all third parties, who have, or have had, access to the information.
3. A data subject may request Kwalata Game Lodge to correct or delete personal information about the data subject in its possession.
4. On receipt of a request, the Kwalata Game Lodge as soon as reasonably practicable, correct, destroy, or delete the information.
5. Kwalata Game Lodge will notify the data subject of the action taken consequent to the request.

Backups

Safeguarding of personal Information

Kwalata Game Lodge is legally required to adequately protect personal information.

Therefore, Kwalata Game Lodge will continually review its security controls and processes to ensure that personal information is secure.

1. The following procedures are in place to protect personal information pertaining to and held by members:
 - a) Each new staff member/personnel/executive is required to sign an undertaking pertaining to the relevant consent clauses for the use and storage of personal information relating to any data subject. The staff member/personnel/executive undertakes not to convey any personal information of any data subject collected by Kwalata Game Lodge to any third party during or subsequent to membership of the organisation.



- b) *All current staff members/personnel/executives are required to sign an undertaking pertaining to the relevant consent clauses for the use and storage of personal information relating to any data subject. The signatories undertake not to convey any personal information of any data subject collected by Kwalata Game Lodge to any third party during or subsequent to employment of the organisation.*
2. *The following procedures are in place to protect personal information held by Kwalata Game Lodge employees:*
 - a) *All personal computers/ servers hosting personal information shall be in a physically secure environment and equipped and protected with approved antivirus software. The General Manager: Information and Technology or designated information technology (IT) service provider shall regularly install patch updates and upgrades.*
 - b) *Only an authorised administrator shall be granted administrative rights to the web sites and employees' laptops.*
 - c) *If there are reasonable grounds to believe that the personal information of a data subject has been compromised, Kwalata Game Lodge will notify the Regulator and data subject of such an event in terms in writing.*
 - d) *The notification must provide sufficient information to allow the data subject to take protective measures against the potential consequences of the security compromise.*
3. *The following procedures are in place to protect personal information held by third-party service providers:*
 - a) *Third-party service providers will be required to sign a service provider agreement guaranteeing their commitment to the protection of personal information.*

Retention of records

1. *Records of PI must not be retained longer than necessary for achieving the purpose for which it was obtained; unless retention of the record is required by law;*
2. *Records of PI may be retained for longer periods for historical, statistical or research purposes if appropriate safeguards are in place against use for any other purposes.*
3. *The record of PI must be destroyed or de-identified as soon as reasonably practicable after Kwalata Game Lodge is no longer authorised to retain the record.*

Further processing limitation

Further processing must be compatible with purpose of initial collection.

The further processing is allowed if the data subject has consented thereto.

Openness of documentation

A responsible party must retain the documentation of all processing operations under its responsibility as referred to in section 51 of the Promotion of Access to Information Act (Act No. 2 of 2000) ref; Section 17 of POPIA.

Notification to data subject when collecting information.

Before collecting PI -Kwalata Game Lodge must take reasonable, practicable steps to ensure that the data subject is aware of:

- a) *The name and address of the Kwalata Game Lodge ;*
- b) *The purpose for which the PI is collected;*
- c) *whether or not the supply of PI is voluntary or mandatory and the consequences of failure to provide the information.*



Code of Conduct.

Kwalata Game Lodge and their associates comply at all times with any Code of Conduct the Regulator may issue, as well as Kwalata Game Lodge 's Code of Conduct.

Appointment of information officer

CEO of Kwalata Game Lodge, must be registered as the Information Officer with the Information Regulator. The Information Officer may only take up his duties after such registration. Deputy Information Officers may also be appointed.

Policy Amendments

In accordance with Kwalata Game Lodge Constitution this policy may only be amended at an executive board meeting.

Appendix 1 Prescribed retention periods for personal information:

- ◆ *Compensation for Occupational Injuries and Diseases Act (CODIA) 130 of 1993:*
- ◆ *A retention period of four (4) years is required from the last date of entry of the record of the earnings and other prescribed particulars of the employees.*
- ◆ *Occupational Health and Safety Act (OHSA) 85 of 1993:*
- ◆ *Records of incidents reported at work must be kept for three (3) years.*
- ◆ *Basic Conditions of Employment Act (BCEA) 75 of 1997*
- ◆ *A retention period of three (3) years is required from the last date of entry for the following documents:*
 - ◆ *Written particulars of an employee after termination of employment,*
 - ◆ *Employee's name and position*
 - ◆ *Time worked and*
 - ◆ *Remuneration paid to the employee.*
- ◆ *Employment Equity Act (EEA) 55 of 1998*
- ◆ *A retention period of two (2) years is required for the following documents:*
 - ◆ *Records in respect of Kwalata Game Lodge 's workforce, employment equity plan and other records with relevant to compliance with the EEA.*
 - ◆ *The report that is sent to the Director-General, as prescribed.*
- ◆ *Labour Relations Act (LRA) 66 of 1995*
- ◆ *A retention period of three (3) years is required for the following documents:*
 - ◆ *Records in respect of any collective agreement or arbitration award.*
- ◆ *The following records are retained indefinitely:*
 - ◆ *Prescribed details of any strike, lock-out or protest action involving Kwalata Game Lodge employees and*
 - ◆ *Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions.*
- ◆ *Unemployment Insurance Act (UIA) 63 of 2002*
- ◆ *A retention period of five (5) years is required from the date of submission for the following documents:*
 - ◆ *Personal records of each current employee, including names, identification numbers, monthly remuneration and work address.*
- ◆ *Income Tax Act (ITA) 58 of 1962*
- ◆ *A retention period of five (5) years is required from the date of submission for the following documents:*
 - ◆ *The amount of remuneration paid or due to each employee,*
 - ◆ *The amount of employee's tax deducted or withheld from the remuneration paid or due;*
 - ◆ *The income tax reference number of that employee;*
- ◆ *Any further prescribed information and*



- ◆ *The employer's reconciliation return.*
- ◆ *Personal information regarding donations for which a Section 18 A Certificate has been issued.- Personal information relating to payments made including the bank details of natural and juristic persons.*

Appendix 2. Processes undertaken by Kwalata Game Lodge

In compliance with POPIA

- ◆ *Invoicing*
- ◆ *Electronic data records for the purposes of direct mailing.
Personnel records, covering applicants, members and veterans*
- ◆ *Independent National Board member information*
- ◆ *Information sought for the PI of guests at Lodge and events, and other relevant training sessions and programs etc.*
- ◆ *Indemnity Forms at Lodge, events, fundraising events, and other training sessions and programs especially regarding medical information.*
- ◆ *Information requested by Kwalata Game Lodge manning info desks at shows, shows in shopping malls, site inspection and customer introduction days and the like.*
- ◆ *Donations made via the internet.*
- ◆ *Section 18A Donation Receipts*
- ◆ *Any personal information shared with Ad agency, website designer*
- ◆ *Requests to delist or remove PI from data base.*
- ◆ *Debriefing records after events regarding guest feedback.*
- ◆ *Payments to suppliers and vendors (bank account details etc)*
- ◆ *Sales figures for merchandising agreements*
- ◆ *Personal information for juristic persons with whom Kwalata Game Lodge sign agreements*
- ◆ *Transfer of PI from an incumbent to a successor.*



Post Script

Once the Policy on PI is finalised, you need to create SOPs in compliance with POPIA with respect to the above-mentioned situations. I suggest the persons working with the various sections should write their own SOPs.

- *Invoices*
- *S18A*
- *Electronic records.*
 - *PAN Booking system*
 - *Web request forms*
 - *Email & Messaging services*
- *Consent & Indemnity Forms.*
- *Training*
 - *Frontoffice*
 - *Facilitators and instructors.*
 - *Sales*
 - *Accounts*
 - *Guides*
 - *Waiters*