



The South African Council for the Project and Construction Management Professions

— CONSTRUCTING NEW PERSPECTIVES —

**SACPCMP PROTECTION OF
PERSONAL INFORMATION ACT (POPIA)
COMPLIANCE MANUAL**

COMPILED BY:

**The South African Council for the Project Management Construction Professions
(SACPCMP)**

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General Information

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GENERAL ABBREVIATIONS AND ACRONYMS

ACHASM	Association of Construction Health and Safety Management
ACPM	Association of Construction Project Managers
APP	Annual Performance Plan
B-BBEE	Broad-Based Black Economic Empowerment
BE	Built Environment
BEPEC	Built Environment Professions Export Council
Capex	Capital Expenditure
CBE	Council for the Built Environment
CBEP	Council for the Built Environment Professions
CESA	Consulting Engineers South Africa
CHE	Council on Higher Education
CHS	Construction Health and Safety
CIDB	Construction Industry Development Board
CIOB	Chartered Institute of Building
CM	Construction Management
CMentor	Construction Mentor
CPD	Continued Professional Development
CPM	Construction Project Management
CPM	Construction Project Manager
CRM	Customer Relationship Management
DPME	Department of Planning, Monitoring and Evaluation
DPW	Department of Public Works
ECSA	Engineering Council of South Africa
EPWP	Expanded Public Works Programme
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GIAMA	Government Immovable Asset Management Act
HDI	Historically Disadvantaged Individual
HEI	Higher Educational Institution
HR	Human Resources
ICT	Information and Communication Technology
IDMS	Infrastructure Delivery Management System
IDoW	Identification of Work

IHL	Institutions of Higher Learning
IMF	International Monetary Fund
IoSM	Institute of Safety Management
IT	Information Technology
KPI	Key Performance Indicator
MBA FS	Master Builders Association: Free State
MBA KZN	Master Builders Association: KwaZulu-Natal
MBA North	Master Builders Association North
MBSA	Masters Builders South Africa
MC&SRM	Marketing, Communications and Stakeholder Relations Management
MISA	Municipal Infrastructure Support Agency
MM	My Membership System
MoA/U	Memorandum of Agreement/Understanding
MTEF	Medium-Term Expenditure Framework
MTSF	Medium Term Strategic Framework
MV	Military Veteran
NDP	National Development Plan
NHBRC	National Home Builders Registration Council
NHRA	National Housing and Rehabilitation Association
NQF	National Qualifications Framework
PA	Programme Accreditation
PM	Project Manager
PMO	Project Management Office
PMSA	Project Management South Africa
PMTE	Property Management Trading Entity
POE	Portfolio(s) of Evidence
POPI	Protection of Personal Information
PrCHSA	Professional Construction Health and Safety Agent
PrCM	Professional Construction Manager
PrCmentor	Professional Construction Mentor
PrCPM	Professional Construction Project Manager
PWD(s)	People With Disability/ies
Q	Quarter
RICS	Royal Institute of Chartered Surveyors
RPL	Recognition of Prior Learning

SA	South Africa
SABTACO	South African Black Technical and Allied Careers Organisation
SACAP	The South African Council for the Architectural Profession
SACLAP	South African Council for the Landscape Architect Profession
SACPCMP	South African Council for the Project and Construction Management Professions
SACPVP	South African Council for the Property Valuers Profession
SACQSP	The South African Council for the Quantity Surveying Profession
SAFCEC	South African Forum of Civil Engineering Contractors
SAIA	South African Institute of Architects
SAIOSH	South African Institute for Occupational Health and Safety
SAPS	South African Police Service
SAQA	South Africa Qualifications Authority
SCM	Supply Chain Management
SGB	Standards Generating Body
SMART	Specific, Measurable, Achievable, Realistic and Time bound
SO	Strategic Objective
SWOT	Strengths, Weaknesses, Opportunities, Threats
VA	Voluntary Association
VAT	Value-Added Tax

POPIA-RELATED DEFINITIONS

Biometrics	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 Association of Construction Health and Safety Management.
Child	A natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself.
Code of conduct	A code of conduct issued in terms of Chapter 7 (see Chapter 7 - POPIA)
Competent person	Means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.
Consent	Any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
Constitution	The Constitution of the Republic of South Africa, 1996.
Data subject	The person to whom personal information relates.
De-identify	in relation to personal information of a data subject, means to delete any information that – <ol style="list-style-type: none"> identifies the data subject; can be used or manipulated by a reasonably foreseeable method to identify the data subject; or can be linked by a reasonably foreseeable method to other information that identifies the data subject; “de-identified” has a corresponding meaning.
Direct marketing	To approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of: <ol style="list-style-type: none"> 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 of any kind for any reason.
Electronic communication	Any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient.
Enforcement notice	A notice issued in terms of section 95.
Filing system	Any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria.
Information matching programme	The comparison, whether manually or by means of any electronic or other device, of any document that contains personal information about ten or more data subjects with one or more documents that contain personal information of ten or more data subjects, for the purpose of producing or verifying information that may be used for the purpose of taking any action in regard to an identifiable data subject.
Information Officer	of, or in relation to, a –

- a. public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or
- b. private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act.

Minister	The Cabinet member responsible for the administration of justice.
Operator	A person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
Person	A natural person or a juristic person.
Personal information	<p>information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-</p> <ul style="list-style-type: none"> 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 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.
Prescribed	Means prescribed by regulation or by a code of conduct.
Private body	<p>Means –</p> <ul style="list-style-type: none"> a. a natural person who carries or has carried on any trade, business, or b. profession, but only in such capacity. c. a partnership which carries or has carried on any trade, business or profession, or d. any former or existing juristic person but excludes a public body.
Processing	<p>Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including -</p> <ul style="list-style-type: none"> a. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use. 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.
Professional legal adviser	Any legally qualified person, whether in private practice or not, who lawfully provides a client, at his or her or its request, with independent, confidential legal advice.

Promotion of Access to Information Act	The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
Public body	Means – <ul style="list-style-type: none"> a. any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government, or b. any other functionary or institution when – <ul style="list-style-type: none"> (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution, or (ii) exercising a public power or performing a public function in terms of any legislation.
Public record	A record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.
Record	Any recorded information – <ul style="list-style-type: none"> a. regardless of form or medium, including any of the following: <ul style="list-style-type: none"> (i) Writing on any material, (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored. (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means. (iv) book, map, plan, graph or drawing. (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced. b. in the possession or under the control of a responsible party. c. whether or not it was created by a responsible party, and d. regardless of when it came into existence.
Regulator	The Information Regulator established in terms of section 39.
Re-identify	In relation to personal information of a data subject, means to resurrect any information that has been de-identified, that – <ul style="list-style-type: none"> a. identifies the data subject. b. can be used or manipulated by a reasonably foreseeable method to identify the data subject, or c. can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “re-identified” has a corresponding meaning.
Republic	The Republic of South Africa.
Responsible party	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.

Restriction	To withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information.
Special personal information	Personal information as referred to in section 26.
This Act	Includes any regulation or code of conduct made under this Act.
Unique identifier	Any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

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1. STRATEGIC OVERVIEW OF THE SACPCMP

The South African Council for the Project and Construction Management Professions (SACPCMP) derives its mandate from Section 22 of the Constitution of the Republic of South Africa, the relevant section dealing with freedom of trade, occupation and profession, states that “every citizen has a right to choose their trade, occupation and profession freely. The practice of a trade, occupation or profession may be regulated by law.”

The SACPCMP was thus established to regulate and promote specific Built Environment Management Professions.

It is further tasked with the protection of public interest, which is achieved by ensuring suitably qualified and registered professionals in specific Built Environment Management Professions in South Africa through promoting and enforcing high standards of professional ethics and conduct within the built environment.

The Minister of Public Works and Infrastructure is the Executive Authority of all the councils within the built environment including the SACPCMP.

The Built Environment refers to the functional area within which registered persons practice and includes all structures that are planned and/or erected above or underground, as well as the land utilised for the purpose and supporting infrastructure. The CBE and the SACPCMP Acts enjoin us to work in concert in respect of the 13 administrative functions, alongside the eight mandates of the CBE for a sustainable built environment.

The SACPCMP operates in the Built Environment alongside five Councils, namely:

SACAP: The South African Council for the Architectural Profession

ECSA: The Engineering Council of South Africa

SACLAP: The South African Council for the Landscape Architect Profession

SACQSP: The South African Council for the Quantity Surveying Profession

SACPVP: The South African Council for the Property Valuing Profession

In response to the mandate of the SACPCMP and the strategic priorities of the Department of Public Works and Infrastructure (DPWI), the vision, mission and values of the organisation were formulated in the 2015-2020 SACPCMP Strategic Plan. These were further enhanced in the 2020-2025 SACPCMP Strategic Plan to align to the legacy statement.

The vision, mission and values provide overall direction and inspiration in meeting and exceeding the objectives of the mandate, summarised as follows:

VISION	To be a progressive regulatory body for the Built Environment Management Professions.
MISSION	To create an enabling environment for the promotion, growth and transformation of Built Environment Management Professions through advocacy, research and best practice.

VALUES	Integrity	What we do is informed by who we are, we are committed to act honestly, fairly and respectfully to our stakeholders.
	Accountability	We are committed to do what is necessary to consistently deliver on our Value Proposition
	Innovation	We continually search for new ways to improve the quality of work we do.
	Transparency	We ensure that our stakeholders have timeous access to information that is accurate and relevant to realise value from our work.
	Teamwork	We are committed to collaborate with one another and our stakeholders to ensure success and sustainability of our organisation

2. LEGISLATIVE AND OTHER MANDATES

The South African Council for the Project and Construction Management Professions (SACPCMP) derives its mandate from Section 22 of the Constitution of the Republic of South Africa.

Constitutional Mandates

The South African Council for the Project and Construction Management Professions (SACPCMP) derives its mandate from Section 22 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), the relevant section dealing with freedom of trade, occupation and profession, states that “every citizen has a right to choose their trade, occupation and profession freely. The practice of a trade, occupation or profession may be regulated by law.”

Legislative Mandates

The South African Council for the Project and Construction Management Professions (SACPCMP) is a juristic person established by Section 2 of the Project and Construction Management Professions Act No. 48 of 2000, “to regulate Project and Construction Management Professionals to protect the public”.

The SACPCMP fulfils the statutory mandate by:

1. Identification of Work
2. Guideline Professional Fees
3. Continuous Professional Development
4. Accreditation of Built Environment Programmes
5. Code of Conduct for the Professions
6. Professional Registration
7. Recognition of Voluntary Associations
8. Recognition of New Professions
9. International Agreements
10. Recognition of Prior Learning
11. Standard Generating
12. Appeals and Tribunals
13. Competency Standards for Registrations

Policy Mandates

The following Acts guide the SACPCMP's processes over and above the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and the Project and Construction Management Professions Act No. 48 of 2000.

Short Title of the Act	Purpose of the Act
Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)	The Constitution is the supreme law of the land. No other law or government action can supersede the provisions of the Constitution Republic of South Africa Constitution of 1996
Project and Construction Management Professions Act No. 48 of 2000	To provide for the establishment of the Council for the Project and Construction Management Profession and matters incidental thereto.
Council for the Built Environment Act No. 43 of 2000	To provide for the establishment of the Council for the Built Environment and matters incidental thereto.
Public Finance Management Act (PFMA) No. 1 of 1999	To regulate financial management and to ensure that all revenue, expenditure, assets and liabilities of Government departments or entities are managed efficiently and effectively.
Employment Equity Act No. 55 of 1998	Applies to all employers and workers and protects workers and job seekers from unfair discrimination, and also provides a framework for implementing affirmative action.
Promotion of Administrative Justice Act (PAJA) No. 3 of 2000	To give effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution of the Republic of South Africa, 1996; and to provide for matters incidental thereto.
Occupational Health and Safety (OHS) Act No. 85 of 1993 which has been further supplemented by the Construction Regulations of 2014	The Occupational Health and Safety Act aims to provide for the health and safety of persons at work and for the health and safety of persons in connection with the activities of persons at work and to establish an advisory Council for occupational health and safety. The Construction Regulation of 2014 brought to the fore the need for registration of the CHS practitioner.
National Archives of South Africa Act No. 43 of 1996	Provides for the proper management and care of the records of governmental bodies; and the preservation and use of a national archival heritage.
Promotion of Access to Information Act (PAIA) No. 2 of 2000	To give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith.

Protection of Personal Information Act (POPIA) No. 4 of 2013	To promote the protection of personal information processed by public and private bodies; and to provide for matters connected therewith.
South African Qualifications Authority (SAQA) Act No. 58 of 1995	To provide for the development and implementation of a National Qualifications Framework and for this purpose to establish the South African Qualifications Authority; and to provide for matters connected therewith.
Higher Education Act No. 101 of 1997	To regulate higher education; to provide for the establishment, composition and functions of a Council for Higher Education; and to provide for matters connected therewith.
National Qualifications Framework (NQF) Act, No 67 of 2008	To provide for the National Qualifications Framework, the South African Qualifications Authority and Quality Councils; and to provide for matters connected therewith.
Basic Conditions of Employment Act, No 75 of 1997	To regulate employment conditions for the employees.
Labour Relations Act, No 66 of 1995 (LRA)	To promote the relations between employers, employees, unions and employer organisations.
Compensation for Occupational Injuries & Diseases Act, No 130 of 1993	To provide framework within which employees who have suffered occupational injuries and/or diseases could be compensated.
Skills Development Act, No 97 of 1998	To provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce; and to provide for matters connected therewith.
Skills Development Levies Act, No 9 of 1999	To expand the knowledge and competency of the labour force in order to improve on productivity and employability of employees.
Unemployment Insurance, Act No 63 of 2001	To provide temporary financial relief employees following their unemployment, illness, maternity and other benefits that the fund provides to both employed those that have lost their jobs.
Employment Equity Act, No 55 of 1998	To achieve equity in the workplace by promoting equal opportunities and fair treatment in employment through the elimination of unfair discrimination and implementing affirmative action measures to redress the disadvantages in the workplace.

3. OVERVIEW OF THE POPI ACT AND REQUIREMENTS

The Protection of Personal Information Act, No. 4 of 2013 (also referred to as POPIA or the POPI Act) promoted the protection of personal information by private and public bodies and is aimed at ensuring that those who process personal information do so in a responsible manner and take all steps necessary and reasonable to protect that personal information they have gathered.

POPIA-Related Deadlines

Parliament assented to POPIA in November 2013 (published in Government Gazette Notice 37067). The commencement date of section 1 (Part A of Chapter 5, section 112 and section 113) was 11 April 2014. The commencement date of the other sections was 1 July 2020, with the exception of sections 110 and 114(4).

The President of South Africa proclaimed the POPI commencement date to be 1 July 2020. A 12-month grace period was provided to organisations to ensure POPIA compliance by 01 July 2021.

POPIA will be regulated by a new Information Regulator while within organisations, the **Information Officer** is the key person to ensure compliance (see page 18 for more details on the Information Officer).

Purpose of the POPIA

The purpose of the Act is to:

1. 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:
 1. balancing the right to privacy against other rights, particularly the right of access to information; and
 2. protecting important interests, including the free flow of information within the Republic and across international borders;
2. regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information.

3. provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act, and
4. establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by this Act.

Information Officer: POPIA and PAIA

The Information Officer (IO) of an organisation is an important person when it comes to information. By default, every single organisation in South Africa has one. The law (more particularly the POPI Act or PAIA) automatically designates a person in each organisation as an officer. Not the Chief Information Officer or CIO, but an Information Officer. They perform very different roles.

At a point in time, it was referred to as the Information Protection Officer, but the correct term is Information Officer. Some people also refer to the Privacy Officer, but in our view, this is the incorrect terminology. The role of a Privacy Officer is something else and may encompass the Information Officer. But the two should not be confused.

Every organisation has an IO; All public bodies, like a national department, provincial administration, or municipality. And all private bodies, like companies, CCs, partnerships, and trusts. Unlike the PAIA manual, nobody is exempt.

What are The Responsibilities of the IO?

Under PAIA:

The Information Officer is an important person because they are responsible for ensuring that the organisation complies with PAIA. An information officer of a responsible party (or body) must:

- encourage and ensure compliance with PAIA in accordance with the body's definition of compliance,
- create, maintain and update a PAIA manual for the body,
- evaluate and approve requests for access to information received in terms of the grounds set out in PAIA, within the time constraint or any extended period.

Under POPIA and the regulations:

They are also the person who is responsible for ensuring that the organisation complies with the POPI Act. They are a key person in any project or programme. An information officer of a responsible party (or body) must:

- Encourage compliance with conditions for the lawful processing of personal information,
- Deal with requests made pursuant to POPIA (presumably by the Information Regulator or data subjects),
- Work with the Regulator in relation to investigations conducted related to prior authorisations,
- Otherwise ensure compliance by the body with the provisions of POPIA,
- Develop, implement and monitor a compliance framework,

- ensure that a personal information impact assessment is done to ensure that adequate measures and standards exist,
- develop, monitor, maintain and make available a PAIA manual,
- develop internal measures and adequate systems to process requests for access to information,
- ensure that internal awareness sessions are conducted, and
- as may be prescribed (presumably by the Minister or the Information Regulator).

Registering with the Information Regulator?

The responsible party was provided with a deadline to register the Information Officer with the Information Regulator by 1 July 2021; this deadline however was extended due to system difficulties experienced by the information regulator.

See Amendment of IO registration – June 2021: [Information Regulator on deadline for registration of Information officers and Deputy Information Officers | South African Government \(www.gov.za\)](#)

The Registrar of the SACPCMP is the entity's Information Officer. However, the Council has appointed Natasha van der Berg as its Deputy Information Officer to manage POPIA compliance. The Deputy Information Officer can be contacted via the following email: DeputyIO@sacpcmp.org.za

4. POPIA REQUIREMENTS FOR THE SACPCMP

Overview

The aim of the Act is to ensure that those who process personal information do so in a responsible manner and take all steps necessary and reasonable to protect that personal information they have gathered.

Who must comply - Anyone who processes personal information.

What is '**personal information**'?

- Information about a person's identity or beliefs (ie age, race, religion, disability)
- Information about a person's educational, medical, financial, criminal or employment history
- Identifiers such as name, ID number, contact information, or online identifier (ie cookies)
- Personal views
- Private correspondence

Processing means any operation or activity (either automated or not) that involves the collection, receipt, recording, organisation, collation, storage, updating, retrieval, dissemination, distribution, merging and degradation or erasing of data.

In addition, processing means, in effect, doing something with the data. Examples of activities that constitute the processing of personal data include:

- Collecting an email address via a web form
- Storing a list of customers' addresses
- Sending a person marketing communication

Is the SACPCMP involved in 'processing' (as per the above definition)? Yes; the Council engages in the following activities that pertain to 'processing':

- Registration – database management
- Communication to stakeholders – outgoing (ie: bulk mailers)
- Communication to stakeholders – incoming (ie: website visits)
- Council operations/communications – use of email
- Surveys
- Staffing/HR operations
- Payroll and Finance operations

Responsible Party vs. Operator

The responsible party is who determines the purposes and means of the processing of personal information.

A business can act as a responsible party in several scenarios:

- Collecting a person's address in order to mail them a product.
- Sharing a person's email address with an email marketing company
- Storing the resumes of job applicants in a filing cabinet.

A responsible party decides how and why to process personal information.

The operator refers to a person who processes personal information FOR a responsible party in terms of a contract or mandate but does not come under the direct authority or control of the responsible party. E2 and Sizwe would be examples of the SACPCMP's operators.

What is a data subject?

A data subject is a person whose personal information has been processed. To put this in context, if you hold someone's personal data on file, that person is a data subject, and you must respect their data subject rights. The types of data subjects that interact with the Council are:

- Public Visitors: Members of the public visiting the website/portal
- Public Visitors: Members of the public visiting the office
- Conference/event attendees
- Registered Persons and applicants
- Staff
- Council stakeholders (Committee members, media, students etc)
- Service Providers

Consent

POPIA states that one must capture consent from a data subject. This means that data subjects must:

- Know what is being processed
- Understand the implications of the personal information being processed
- Agree to their personal information being processed

The Documentation of Processing Activities

The documentation of processing activities is an important requirement; the SACPCMP must ensure that it has, in place, a record of its processing operations.

The following must be documented:

- Name and contact details of the SACPCMP's responsible parties (and where applicable, other joint responsible parties and Information Officer).
- The purpose of the SACPCMP's processing
- A description of the categories of individuals and categories of personal data
- The categories of recipients of personal data
- Details of transfers to third countries (including documenting the transfer mechanism safeguards in place)
- Retention schedules
- A description of the SACPCMP's technical and organisational security measures.

5. POPIA COMPLIANCE FOR SACPCMP DATA SUBJECT CATEGORIES

This section will look at the various requirements for ensuring POPIA compliance in terms of each of the SACPCMP's data subject categories as follows:

1. Public Visitors: Members of the public visiting the website/portal
2. Public Visitors: Members of the public visiting the office
3. Conference/event attendees
4. Registered Persons and applicants
5. Staff
6. Council stakeholders (Committee members, media, students etc)
7. Service Providers

5.1. Public Visitors (electronic)

Public Visitors can include members of the public visiting the SACPCMP website/portal.

The type of information collected from Public Visitors includes:

- Cookies
- Google analytics
- E-information (IP address, what page(s) did they view, how long did they view it for, what type of device did they access the site from)

What should Public Visitors know?

In terms of electronic visitors, these should see/have:

- Website terms and conditions of use
- Cookie consent form
- Access to the SACPCMP's Privacy Policy
- Access to the SACPCMP POPIA manual

See Annexures 1, 2 and 4 for documentation related to this section.

5.2. Public Visitors (non-electronic)

Public Visitors can also be members of the public visiting the SACPCMP office where their personal information is requested in terms of signing a visitor's form.

The type of information collected from Public Visitors can include, but not be limited to:

- Name and Contact details
- Address
- Covid/health status

In terms of other (non-electronic) visitors, these should see/have:

- A visitor form (that requests personal information) with the relevant terms and conditions.
- Access to the SACPCMP's Privacy Policy upon request
- Access to the SACPCMP POPIA manual upon request

See Annexure 3 for inclusions to all visitor/guest forms requesting personal information.

5.3. Conference/Event Attendees

In terms of individuals registering for an event, the following type of information is usually collected:

- Delegate identifier information (email/name/surname)
- Personal preferences (food)
- Online payment (credit card details)

With regard to online payment (credit card details): this information should never be collected by the SACPCMP itself. This should be collected and encrypted using a secure online payment gateway (ie: Netcash). In these cases, the SACPCMP should request the payment gateway provider for their security and POPIA compliance measures.

The following information must be shared with these individuals:

- Terms and conditions of registering for the event (each event should have its own/separate terms and conditions for registering for the event)
- Who you share their event registration details with (ie: event organiser).

See applicable annexures

5.4. Registered Persons/Applicants/Members Joining the SACPCMP

RPs/Applicants/Members can be requested to submit information via the following avenues:

- Application for membership, designation or critical skills
- Registering for events
- CPD activities
- Training

The following information should be presented to the RPs/Applicants/Members:

- Portal terms of use and conditions that will include:
 - Why you collect their personal information
 - How you store their personal information
 - Who you share their personal information with (i.e. member management software provider etc)

In communicating with this category, it is advisable to:

1. Provide an introduction
2. Include a terms and conditions (click here for acceptance) button

This is provided via Annexure 7: the new members consent form, which also provides access links to the privacy policy/data protection declaration, and website/portal terms and conditions.

5.4.1. Current Members

In terms of members already on the SACPCMP database, a consent form should be presented to members upon logging in. An example of the wording can be seen in Annexure 6: Current members consent form.

To set up a current member consent form, the following needs to be sent to MM:

1. Introduction sentence
2. Copy of your updated or most recent privacy policy
3. Accept button wording
4. Reject button wording
5. Confirmation of the frequency (every time, once off, once a year)

5.5. Staff

To ensure the SACPCMP complies with regulations related to the POPI Act, all SACPCMP staff members, whether permanent or contract, must be made aware of the Council's actions in terms of processing personal information.

This relates to the SACPCMP's collection, use and storage of personal information for HR purposes.

The following information should be presented to all staff members in addition to the SACPCMP Privacy Policy:

- Why you collect their personal information
- How you store their personal information
- Who you share their personal information with (i.e. member management software provider etc)

In communicating with this category, it is advisable to include a consent form that all staff members should sign. (See Annexure 8)

5.6. Council stakeholders (Committee members, media, students etc)

Council stakeholders, including committee members, Council members, industry contacts, students or media, engage (or are engaged) with the organisation predominantly via:

- Email
- Online meetings

In each of these cases, the key identifier would be an email address and recordings of the meetings that take place.

Another way in which the Council engages through its stakeholders is bulk mailer-communication and through surveys.

The type of information collected here would be:

- Email identifier
- Survey responses (which may include personal data)

What should stakeholders know?

In terms of electronic communication to/with stakeholders, these should see/have:

- Notification of recordings (where applicable)
- Terms and conditions of engagement
- Why you collect their personal information
- How you store their personal information
- Who you share their personal information with (i.e. member management software provider etc)
- Access to the SACPCMP's privacy policy
- Access to the POPIA document/manual

See Annexure: XX in regard to this section

6. SECURING OF SACPCMP INFORMATION

The following section outlines the action taken by the SACPCMP and its service providers to:

1. Key locations/placement/storage of information
2. Action items in place to ensure the security of information

Organisation	Purpose	Country	Security Measures
E2/My Membership	Processing, hosting of member details and email Communication delivery; SMS communication delivery	South Africa (SA)	Online security, authorised access, password management
Brilliant Link	Payment services related to registration applications and annual fees	South Africa (SA)	Online security, authorised access, password management
Sizwe IT Africa	Server management, data backups; ICT Services to SACPCMP	South Africa (SA)	Online security, authorised access, password management
Limil	Call desk/PABX	South Africa (SA)	Online security, authorised access, password management
Microsoft	Storage of emails and documentation	South Africa (SA)	Online security, authorised access, password management
Document Warehouse	Document & record storage	South Africa (SA)	Authorised access to secure storage location
SACPCMP hard copy document storage	Document & record storage	South Africa (SA)	Authorised access to office premises; lockable/secure storage facilities/equipment.

For further information on the processing of personal information by the SACPCMP, a request and justification can be submitted via DeputyIO@sacpcmp.org.za to for the SACPCMP Data Processing Matrix.

7. CHECKLIST OF SACPCMP POPIA REQUIREMENTS

The following table provides a checklist of requirements pertaining to the Council's POPI Act compliance actions and requirements, as well as the location of these documents.

Checklist/Item	Document Location
Website/Portal Terms & Conditions of Use	SACPCMP Website & portals; SACPCMP online repository
Cookie consent form	SACPCMP Website
Data Protection Declaration & Privacy Policy	SACPCMP Website & portals; SACPCMP online repository
SACPCMP POPIA document/manual	SACPCMP Website & portals; SACPCMP online repository
Visitor Form terms and conditions	SACPCMP online repository; Office Reception Area
Consent Notice	SACPCMP Website & portals; SACPCMP online repository
Event registration terms and conditions	SACPCMP online repository
Webinar terms and conditions	Complete
Event consent form & detail of who the information is shared with	SACPCMP online repository
Joining Form with terms and conditions	SACPCMP registration portals
Current member consent form	SACPCMP registration portals
Stakeholder Consent form	SACPCMP online repository
Staff Consent form	SACPCMP online repository
Council Member/Director Consent form	SACPCMP online repository
Provision of process/actions/ procedures outlining management and security of information	SACPCMP online repository
Document matrix	SACPCMP online repository
Information Audit	SACPCMP online repository

8. ANNEXURES, REFERENCES AND ASSOCIATED DOCUMENTATION

8.1. Annexures *(available only on request via DeputyIO@sacpcmp.org.za)*

Annexure 1: SACPCMP Privacy Policy & Data Protection Declaration

Annexure 2: SACPCMP Website/Portal Terms and Conditions

Annexure 3: Visitor forms (and template example)

Annexure 4: Cookies notice

Annexure 5: Webinar Terms and Conditions

Annexure 6: Current member consent form

Annexure 7: New Member consent form

Annexure 8: Staff Consent form (and template example)

Annexure 9: Stakeholder letter

Annexure 10: Stakeholder consent form

For further information on the processing of personal information by the SACPCMP, a request and justification can be submitted via DeputyIO@sacpcmp.org.za to for the SACPCMP Data Processing Matrix.

8.2. References

1. www.michaalsons.com: Information Officer for POPI and PAIA
2. www.POPIA.co.za : Protection of Personal Information Act (POPI Act) - POPIA
3. www.gov.za: Protection of Personal Information Act guidelines

8.3. Legislation

POPI Act:

https://www.gov.za/sites/default/files/gcis_document/201409/3706726-11act4of2013protectionofpersonalinforcorrect.pdf

8.4. Enforcement

Enforcement of the POPI Act: [Chapter 10 - POPIA](#)

8.5. POPIA Commencement related documentation:

Protection of Personal Information Act: Commencement of Section 1, Part A of Chapter 52 and Sections 112 and 113: [Protection of Personal Information Act: Commencement of Section 1, Part A of Chapter 52 and Sections 112 and 113 \(www.gov.za\)](#)

1 July 2020, Sections 2 to 38, Sections 55 to 109, Section 111, Section 114(1), (2) and (3): [Protection of Personal Information Act: Commencement of Section 1, Part A of Chapter 52 and Sections 112 and 113 \(www.gov.za\)](#)

30 June 2021, Sections 110 and 114(4): [Protection of Personal Information Act: Commencement of certain sections \(English / Afrikaans\) \(www.gov.za\)](#)

1 July 2021, Section 58(2): [Protection of Personal Information Act: Commencement of section 58\(2\) \(www.gov.za\)](#)

Amendment of IO registration – June 2021: [Information Regulator on deadline for registration of Information officers and Deputy Information Officers | South African Government \(www.gov.za\)](#)