

**REG NO:** DOTP/8/5/8/R

### Privacy notice

*The Department of the Premier respects and protects your privacy*

\*Where applicable please click on the underlined words for more information\*

#### What is this notice for and who does it apply to?

This is a general notice that explains:

- **Who** we collect personal information from;
- **What** personal information we collect;
- **Why** we collect your personal information;
- **How** we use your personal information; and
- **What rights you have** in relation to your personal information.

This notice also explains:

- **How** you can **access** the information we hold about you and ask for that information to be corrected; and
- **How** you can lay a **complaint** about the way we have handled your personal information.

This general notice applies to all persons (both natural and juristic, like companies and close corporations) whose personal information we collect, regardless of form and medium. This includes our employees, consultants, agents and service providers.

It applies to all our services and related websites.

Read this privacy notice together with the [rules for using our website](#) (including our disclaimer), our [copyright licence](#) and any other notices and policies that may apply to you (for example, the WCG IT End User Policy).

In addition to this general notice we may need to explain specific privacy practices in more detail. In such circumstances, we develop and provide separate privacy notices to describe how we will handle the personal information that we collect.

For example, where we ask you to provide personal information in relation to your employment or in a public submission to a policy proposal, we will provide you with a privacy notice at the time of collection or as soon as practicable afterwards. These privacy notices explain our personal information handling practices in relation to that particular purpose or activity.

Our [contact details](#) appear at the end of this notice.

## The Protection of Personal Information Act, 2013 (POPIA)

The Protection of Personal Information Act, 2013 (POPIA) protects personal information of natural and juristic persons and requires the Department of the Premier to comply with the eight minimum conditions set out in the Act.

'Personal information' is information or an opinion about an identified person, or an individual who is reasonably identifiable.

Personal information includes 'special personal information', which is a category of personal information. While we recognise that protecting all personal information is important in gaining and maintaining your trust, special personal information is often afforded a higher level of protection.

## Collection of personal information from citizens, employees and suppliers

We collect and hold a broad range of personal information in records relating to:

- Correspondence from members of the public or organisations addressed to us or our Premier, Ministers and Heads of Department;
- Correspondence from other Provincial Ministers and organs of state;
- Employment and personnel matters relating to staff and contractors;
- Facilitating appointments;
- Facilitating meetings;
- Administering programmes for which the Department of the Premier is responsible;
- Research we have commissioned;
- Contract management;
- Complaints (including privacy complaints) and feedback provided to us;
- Requests under the Promotion of Access to Information Act, 2000 (PAIA);
- Legal advice provided by internal state law advisors and external lawyers;
- Forensic and Internal Audit services; and
- The performance of legislative and administrative functions.

We collect personal information in a variety of ways. These include:

- Correspondence and submissions;
- Paper-based forms;
- Online (web-based forms and e-mail); and
- Phone calls, faxes and face to face meetings.

We often collect personal information directly from you. However, in some circumstances we may also collect information about you from another organ of state or organisation.

- Certain third-party service providers may collect or check information from or about you on our

behalf. For example, where we use external employment agencies, vetting agencies, credit bureaus, lawyers, accountants, consultants, professional bodies, banks, travel agencies, non-governmental organisations and security companies.

- We work with public bodies or organs of state such as local, provincial and national government departments, municipalities, public universities and state-owned companies, which may collect or check information from or about you on our behalf.
- We only collect personal information where that information is reasonably necessary for, or directly related to, one or more of our functions or activities.

We collect personal information from and about:

● **Visitors to our [website](#):**

- We collect information that you give to us directly via our website contact forms.
- We also use common technologies (including '[cookies](#)') to anonymously and automatically track website use and improve user experience. You can usually disable these if you prefer. Our [website privacy notice](#) has more information.

● **Our job applicants, bursary applicants, intern applicants and employees:**

- We collect information from you when you apply for a job, internship or bursary and if you are successful and we employ you, give you an internship or a bursary.
- We may also collect information about you from third parties, like educational bodies or previous employers.
- We also collect information about employees' and interns' use of email and the internet to monitor and review e-mail and internet activity, where we believe it is reasonable and necessary to detect abuse or unlawful activity on the department's resources. You cannot expect privacy in this regard.

● **Users of our [intranet](#):**

- We collect information you give us directly via contact or feedback forms.
- We also use common technologies (including 'cookies') to track use and improve user experience. Only employees can access the intranet, so we can identify intranet users. Our [internet privacy notice](#) has more information.

● **Our suppliers, service providers, contractors and consultants:**

- We collect information from you when you submit a bid to supply goods or services to us.
- We may also collect or check information about you from various private or public bodies, such as banks or tax authorities.

● **Our citizens and users of the Department of the Premier's public services and facilities:**

- We collect information you give us when you send us a letter, an email or text message, or when you use social media or our call centre to contact us.
- We also collect personal information when it is directly relevant to the specific public services we provide to you.

We also collect information from visitors to our buildings and facilities in terms of the Control of Access to Public Premises and Vehicles Act, 1985.

## Types of personal information we collect and use

The personal information we collect and hold varies, depending on what we need to perform our functions and responsibilities. It may include:

- Your name, address and contact details (for example your phone number or email address);
- Information about your identity (such as date of birth, country of birth, passport details, visa details and driver's licence);
- Information about your personal circumstances (for example age, gender, marital status and occupation);
- Information about your financial affairs (for example payment details, bank account details, and business and financial interests);
- Information about your employment (for example applications for employment, work history, referee comments and remuneration); and
- Government identifiers (for example, your Persal number).

We do not necessarily collect all of this information from every person, only where it is necessary.

### Special personal information

We may also collect 'special personal information' which is a subset of personal information under the POPIA.

Special personal information includes information about the following:

- Your health;
- Your membership of a professional or trade association, or a trade union;
- Your racial or ethnic origin;
- Criminal activities you may have been involved in; and
- Your biometrics (including photographs and voice or video recordings of you).

Generally, we will only collect special personal information if its collection is reasonably necessary for, or directly related to, one or more of our functions or activities or the collection is required or authorised by law.

For example, we collect special personal information such as race and disability to inform the development of a workforce plan. We require employees to complete the EEA 1 form prescribed by the Employment Equity Act, 1998. We ensure that the contents remain confidential and only use the information to comply with previously mentioned act.

We collect **general personal and contact information** about our employees, suppliers and users of our public services and facilities.

- **Job applicants and employees:** We usually collect detailed personal information about your educational, employment, financial and criminal background, and any other relevant information such as images of you, fingerprints, drivers licence details, vehicle registration number, tax number and bank account details. If we employ you, we will also allocate you a unique identifier called a PERSAL number. We may also need further information about matters such as health issues and family members, where

relevant to the employment relationship.

- **Suppliers, service providers, contractors and consultants:** We often collect detailed personal information about your qualifications, experience or suitability as a supplier, and other relevant information such as bank account details and VAT number. We may also need further information relevant to the business relationship, such as financial statements or information about solvency.
- **Visitors to our buildings and facilities:** We usually collect close circuit television (CCTV) images (and audio recordings, where applicable) of visitors to the Provincial Department of the Premier buildings and facilities, as well as names, identity numbers and contact details.

#### ● **Departmental Strategy**

- To control access and safeguard resources (this includes people, property, information and assets).
- To investigate and report on health and safety incidences and perform functions as required by the Occupational Health and Safety Act, 1993 and the Minimum Information Security Standards.

#### ● **Chief Financial Officer**

- To verify claims from Senior Managers for use of cell phones/tablets
- To audit compliance to adherence to financial prescripts.
- To manage the allocation of performance bonuses.
- To manage records required by the Public Service Act, 1994, Provincial Archives and Records Service of the Western Cape Act, No 3 of 2005.
- To enable the department to perform its functions as required by the Public Finance Management Act, 1999 and National Treasury Regulations.
- To monitor and evaluate Supply Chain Management (SCM) and asset management compliance.
- To develop procurement planning and commodity strategies that meet user requirements
- To provide SCM and Financial Management support and guidance to various parties.

#### ● **Strategic Management Information**

- To institutionalise data-led and evidence-based approaches for organisation-wide learning and decision-making
- To increase the access and use of quality data and evidence for results and transparency.

#### ● **Organisation Development**

- To conduct psycho-metric assessments as part of the recruitment and selection process
- To conduct surveys and assessments in pursuit of improved organisational culture
- To provide health and wellness support to employees

#### ● **People Planning and Empowerment**

- To register employees for training and to record individual assessments on learning achieved as part of ongoing employee capability development;
- To develop workplace skills plans;

- To administer and manage the bursary and internship programmes.

#### ● **People Management Practices**

- To conduct employee suitability checks and other processes as part of the recruitment and selection process;
- To access, analyse and evaluate people-management-related data to ensure that there is credible business intelligence available to decision makers in the Western Cape Government;
- To ensure positive employee relations in the workplace;
- To manage and improve employee performance;
- To manage various employee benefits such as pension (including the nomination of beneficiaries), housing, leave, as well as allowances such as overtime, acting in a higher post or resettlement.
- Some of these processes rely on third parties to perform parts of the full process.

#### ● **Centre for e-Innovation**

- To collect information to generate general aggregate statistics about the use of the Western Cape Government website and to improve our services and the user experience when accessing the intranet and internet;
- To collect identifying particulars as part of the services offered by the Contact Centre;
- To enable interaction with electronic applications, networks and systems to ease business processes.

#### ● **Provincial Forensic Services**

- To conduct forensic investigations into allegations relating to economic offences committed against any WCG Department, including fraud, theft and corruption (as defined by the Prevention and Combating of Corrupt Activities Act, 2004), and any gross irregularities which can cause financial loss or reputational damage to the WCG if allowed to continue unchecked will have an adverse effect on the effective and efficient operation of the WCG.

#### ● **Internal Audit**

- To conduct audits on the adequacy and effectiveness of control activities in the WCG with a view to improve citizen-facing processes.

#### ● **Legal Services**

- To provide legal advice and opinions on matters pertaining to the mandates and functions of the Western Cape Government;
- To engage in litigation on behalf of the Western Cape Government.

If you are concerned about the collection of your personal information, **please ask the Information Officer** about our policies, practices and procedures in this regard.

### **Use and disclosure of personal information**

- We **routinely** use your personal information:
  - To communicate and manage our relationship with you;
  - To provide you with public services, as required or allowed by law;

- To manage security and access control to our buildings and facilities; and
- For record keeping and other administrative purposes, as required by law.

● We will not provide your personal information to anyone else unless you consent thereto or one of the following exceptions applies:

- You would reasonably expect us to use the information for that purpose;
- It is legally required or authorised, such as by a law, or a court or tribunal order;
- It is reasonably necessary for an enforcement-related activity;
- We reasonably believe that it is necessary to lessen or prevent a serious threat to the life, health or safety of any individual, or to public health or safety;
- We have reason to suspect that unlawful activity, or misconduct of a serious nature, that relates to our functions or activities has been, is being or may be engaged in and we reasonably believe that it is necessary for us to take appropriate action in relation to the matter;
- It is reasonably necessary for the establishment, exercise or defence of a legal or equitable claim; or
- The information is used only for **historical, statistical or research purposes** and is not published in an identifiable form.

● When we share your personal information with selected **service providers** who work on our behalf, for specific defined purposes related to public services we provide we will ensure that appropriate protections of your personal information are in place with these third parties, in accordance with our obligations under the POPIA.

● We are very careful with special personal information, and where practical, we usually group personal information together as aggregated data so that individuals cannot easily be identified.

Unless we have your clear informed consent or the law clearly allows us in certain limited circumstances, **we will not:**

- Sell or rent personal information;
- Use your personal information for purposes that are different, unusual or unexpected in relation to the reason for collecting it in the first place; or
- Share your personal information with third parties in circumstances other than the ones we have referred to above.

### **Storage and data security**

We **respect and protect your privacy** and store your personal information according to generally accepted information security practices. We take all reasonable steps to protect the personal information held in our possession against loss, unauthorised access, use, modification, disclosure or misuse. The Department of the Premier will promptly deal with any accidental or unauthorised disclosure of personal information.

Storage of personal information (and the disposal of information when no longer required) is managed in accordance with the Western Cape Government records management regime as provided for in the Provincial Archives and Records Service Act of the Western Cape, 2005. When the personal information we collect is no longer required, we delete or destroy it in a secure manner, unless we are required to maintain

it because of a law, or court or tribunal order.

Where a breach of personal information occurs, we will notify the Information Regulator and affected individuals as required. We will aim to provide you with timely advice to ensure you are able to manage any loss—financial or otherwise—that could result from the breach.

## Your choices and consent in connection with your personal information

- We try to obtain your consent to collect and use your personal information, where practical.
- You do not normally have to give us personal information, but if you do not, we may not be able to communicate with or provide government services to you. You may also ask us not to send you unsolicited messages (opt-out), but then we cannot tell you about public services that may be important to you.
- You may access personal information we hold about you and ask us to correct or delete any that is wrong, irrelevant, out of date, misleading and so on. But we may check your identity before giving you access. You can contact the Deputy Information Officer for a copy of our Promotion of Access to Information Manual as required by the Promotion of Access to Information Act 2000.
- You also have certain rights to withdraw consent or object to us using your personal information under POPIA, but these rights are limited. For example, if the purpose for which your personal information was requested initially does not exist anymore, you may request that the information may no longer be used. We can decline your request to delete the information from our records if other legislation requires us to retain the information.

## Privacy complaints

If you feel we are not dealing with your personal information fairly and lawfully, you may complain to the [Information Regulator](#) at JD House 27 Stiemens Street, Braamfontein Johannesburg, 2001 Tel: +27(0) 10 023 5200 Email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za). Kindly allow us the time to resolve any complaint by contacting us using the details below. Your complaint should include a brief description of the situation, when it occurred and what personal information was affected.

## How to contact us to comment, complain or enquire about our privacy notice or your personal information

### INFORMATION OFFICER:

Dr Harry Malila

Email: [Harry.Malila@westerncape.gov.za](mailto:Harry.Malila@westerncape.gov.za)

Tel: 021 483 6032

Fax: 021 483 4715

### DEPUTY INFORMATION OFFICER

Mr Almo Geldenhuys

Email: [Almo.Geldenhuys@westerncape.gov.za](mailto:Almo.Geldenhuys@westerncape.gov.za)

Tel: 021 483 4781

Fax: 021 483 4715

### WCG CONTACT CENTRE



Call Centre: 0860 142 142

Fax: 021 483 7216

SMS: "help" to 31022

Please call me: 079 769 1207

Walk-in Centre: 9 Wale Street, Cape Town

Snail mail: The Information Officer or Deputy Information Officer, Department of the Premier, Western Cape Government, PO Box 659, Cape Town, 8000

Email: [service@westerncape.gov.za](mailto:service@westerncape.gov.za)

Hard copies of this privacy notice or any of the documents referred to in this notice are available for collection from 15 Wale Street, Cape Town, 8001.