

<b>POLICY ON THE PROTECTION OF PERSONAL INFORMATION (POPI ACT)</b>	
Policy Number	MCEC/ENV/POPIAA
Version	Version 1
Category	Consulting Operations
Date of Approval	01 September 2021
Date of Implementation	01 August 2021
Date of Review	31 August 2024
Policy Custodian	Operations Manager / POPI Information Officer
Applicability	This policy applies to all permanent and contract employees of Moira Cloete Environmental Consulting.
Approving Authority	DEDEAT/DWS/DMR

## 1. PURPOSE

- 1.1 The policy purpose is to give effect to the provisions of POPIA to safeguard personal information in a manner which balances the right to privacy with any other rights and which is subject to lawful and justifiable limitations.
- 1.2 Moira Cloete Environmental Consultants (hereinafter referred to as "MCEC") is responsible for environmental work in accordance with NEMA and the Water Act and in doing so, MCEC collects and processes personal information. This policy sets out the way MCEC collects, uses, stores, disseminates, modifies and destroys said information.

## 2. OUTCOMES / AIMS AND OBJECTIVES

The objective and goal of this policy is to:

- 2.1 Guarantee MCEC's commitment to protecting personal information of persons, stakeholders and I&AP's or businesses.

2.2 Ensure that personal information in MCEC's possession is adequately protected to avoid unauthorised access and use.

2.3 Undertake to protect personal information of all MCEC employees. The personal information will be used appropriately, transparently, and securely in accordance with applicable laws.

### 3. DEFINITIONS

In this document, unless contrary to the context, reference to the male gender includes the female gender; a word or expression to which a meaning has been assigned in the NSP Act shall bear the same meaning unless the context otherwise indicates, and –

3.1 **"MCEC"** means Moira Cloete Environmental Consultants

3.2 **"NSP Act"** means the Natural Scientific Professions Act, 2003. (No. 27 of 2003) as amended

3.3 **"POPIA"** means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013)

3.4 **"Information Officer"** refers to the person registered with the Information Regulator who is responsible for ensuring that the organisation complies with the POPI Act

3.5 **"Data Subject"** means any person to whom personal information relates.

3.6 **"Personal information"** means information about an identifiable individual including, but not limited 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, identity document/passport number, phone number, email address, financial information, physical address, date of birth, criminal record, biometric information, and private correspondence;
- b) Information relating to the educational or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; and
- c) The name of the individual, where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual.

- 3.7 “Public Body”** means any department or state administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or institution when exercising a power or performing a duty in terms of the constitution or a provincial constitution or exercising a public power or performing a public function in terms of any legislation.
- 3.8 “Processing”** means any operation or activity or any set of activities, whether or not by automatic means, concerning personal information including:
- a) The collecting, receipting, recording, organizing, collation, storing, 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.
- 3.9 “Responsible party”** means a member of the public or private body or any other persons which alone or in conjunction with others, determines the purpose of and means for processing personal information.
- 3.10 “Applicant”** means the person who has applied for a permit/license or other relevant documentation for the Project.
- 3.11 “ECO”** means an independent individual appointed by the Applicant, to monitor and report on compliance to the commitments stated in the approved EMPr and the Environmental Authorisation conditions
- 3.12 “public participation process”**, in relation to the assessment of the environmental impact of any application for an environmental authorisation, means a process by which potential interested and affected parties are given opportunity to comment on, or raise issues relevant to, the application;

## **4. POLICY STATEMENTS AND POLICY DIRECTIVES**

### **4.1 Rationale of Protection of Personal Information (POPI Act)**

- 4.1.1 The Protection of Personal Information Act, (Act 4 of 2013) (POPIA) gives effect to the constitutional right to privacy, regulates the way personal information may be processed, and provides rights and remedies to protect personal information.
- 4.1.2 POPIA applies to processing of personal information in any form by a responsible party who is domiciled in South Africa or if not domiciled in South Africa, makes

use of automated or non-automated means, unless the processing relates only to the forwarding of personal information.

4.1.3 The main rationale of POPIA is to promote the protection of personal information and to bring South Africa's privacy laws in line with international standards. It limits the rights of businesses and public bodies to collect, process, store, and share personal information and to only do so in line with the law.

#### **4.2 Preamble to POPI Act policy**

4.2.1 WHEREAS Section 14 of the Constitution of the Republic of South Africa (Act 108 of 1996) grants everyone the right to privacy, and the privacy right includes a right to protection against the unlawful collection, retention and use of personal information.

4.2.2 AND WHEREAS the Protection of Personal Information Act (Act 4 of 2013) regulates the way personal information is processed by requiring responsible parties to safeguard personal information and process it responsibly.

4.2.3 NOW THEREFORE, MCEC determines a policy on the protection of personal information which is collected and processed for purposes of completing environmental or Water Use License Applications relating to projects for which we have been appointed to provide Consulting Services.

#### **4.3 Lawful processing of information**

POPIA sets out the following conditions for the lawful processing of information:

- a) Duty by a public body.
- b) Legal obligation to perform the processing of personal information.
- c) Processing limitation – information may only be processed if it is adequate relevant and not excessive given the purpose for which it is collected.
- d) Purpose specification – personal information must be collected for a specific, explicitly defined and lawful purpose related to the activity of the responsible party.
- e) Further processing limitation – where information is received from a third party and passed on to the responsible party for further processing, the further processing must be compatible with the purpose for which it was initially processed.
- f) Information quality – information must be complete, accurate, not misleading and updated where necessary.
- g) Openness – the data subject must be informed when collecting information and the specific nature thereof.

- h) Security safeguards - the responsible party must ensure the integrity of the personal information by taking measures to prevent the loss, damage or unauthorised destruction of the information.
- i) Data subject specification – the data subject has the right to request a responsible person to confirm, free of charge, whether they hold personal information about them.

## 5. PROCEDURES

### 5.1 The personal information collected

5.1.1 In terms of section 9 of POPIA, personal information may only be processed if given the purpose for which it is processed, it is adequate, relevant and not excessive.

Consequently, MCEC collects personal information for the following reasons:

- a) Necessary personal information relating to a sustainable development application as specified by an applicant.
- b) Personal information is collected for human resources and financial purposes, and contractual relationships with third-party service providers who process personal data on behalf of MCEC.

5.1.2 MCEC collects personal information directly from data subjects. Examples of personal information collected from data subjects include but is not limited to:

**a) MCEC collects personal information for Environmental Impact Assessment and Water Use License Applications (WULA) Projects undertaken on behalf of all DEDEAT/DWS/DMRE Applications for which we have been appointed:**

- Applicant's name
  - Identity number;
  - Physical and Postal addresses;
  - Contact numbers;
  - Email addresses;
  - Title deed number of affected land parcels;
  - 21 Digit SG code of affected land parcels;
  - Property details of affected parcels e.g. farm name, portion etc;

- Expected capital value of the activity on completion;
- Numerous document types relevant to the application e.g. procedure documents, shapefiles, contamination reports etc.

**b) MCEC collects employees' personal information:**

- Name, address, phone number, marital status, date of birth;
- Next of kin;
- Doctor's name;
- Spouse/partner contact information;
- Curriculum Vitae;
- Letters of reference;
- Employment status and history;
- Academic records;
- Banking details;
- Disciplinary information;
- Salary information; and Criminal records.

NEMA EIA Regulations, 2014. **Regulation 42** A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority, which register must contain the names, contact details and addresses of—

(a) all persons who, as a consequence of the public participation process conducted in respect of that application, have submitted written comments or attended meetings with the proponent, applicant or EAP;

(b) all persons who have requested the proponent or applicant, in writing, for their names to be placed on the register; and

(c) all organs of state which have jurisdiction in respect of the activity to which the application relates.

**c) MCEC collects the following information from the public:**

- Names, telephone number, cellphone numbers and fax numbers,
- Organisation;
- Names of persons lodging complaints of improper conduct against applicants;
- Email addresses;

- Physical addresses;
- Email correspondence;

## **5.2 How personal information is used**

5.2.1 Applicants, employees' and members of the public's personal information will only be used for purposes for which it was collected and intended. This includes:

- Applications for Environmental Authorisation/WULA or any other licenses or permits that must be obtained;
- Applications for compliance with a relevant Act;
- ECO work;
- For audit and record keeping purposes;
- Investigations;
- Disciplinary processes;
- Employee contracts;
- Communication with employees;
- Employee personal information is used to establish, manage and terminate employment; and

5.2.2 According to section 10 of POPIA, personal information may only be processed if certain conditions are met, for instance:

- Consent is obtained to process personal information- in MCEC's case consent is obtained at the start of the process by the applicant; from the public in 1) newspaper adverts or signboards or 2) signing a consent form and from employees by signing a consent form.
- Entering into a service level agreement with service providers;
- Processing complies with an obligation imposed by law (NSP Act).

## **5.3 Disclosure of personal information**

- a) MCEC may disclose personal information where it has a duty or a right to disclose in terms of applicable laws and legislation;
- b) MCEC may disclose personal information where it is to further the progress of applications;

- c) MCEC may disclose personal information where it deems necessary to protect the integrity of the environment.

#### **5.4. Safeguarding registered person's personal information**

5.4.1 In terms of section 19 of POPIA, a responsible party must ensure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent: loss of, damage to or unauthorised destruction of personal information, unlawful access to or processing of personal information. POPIA requires that personal information should be adequately protected to avoid unauthorised access. Therefore, MCEC continuously reviews security controls and procedures to ensure that personal information is secured.

5.4.2 The following security controls are in place to protect personal information:

- Personal information is treated as confidential and not disclosed unless required by law;
- Any form of work is kept in a locked office;
- Paperwork is kept in a locked cupboard;
- Computer passwords in place and updated regularly.
- Working on a system to password protect work folders on the computer;
- Work shared on Google Drive is only done so for the intended user. Each user's account is password protected.
- High level anti-virus programs;
- Assessment of data quality controls in place to ensure the accuracy and completeness of personal information (Data management plan);
- Non-disclosure agreements are signed by all employees and 3<sup>rd</sup> party service providers.
- Personal information relating to persons will be blocked out on any document sent to the public for review.



### **5.5 Access and correction of personal information**

- a) Any person has a right to request access to their personal information in MCEC's possession.
- b) Persons' personal information should be continuously updated if needed for a future project.

### **5.6 Information Officer:**

The details of the Information Officer:

Position: CEO Ms Moira Cloete

Tel: 073 500 1235

Email: [info@mcec.co.za](mailto:info@mcec.co.za)

Postal Address: P.O. Box 206, Elliot, 5460

Physical Address: Crossmaloof Farm, Elliot, 5460.

### **5.7 Amendment of the policy**

Amendment to this policy will take place on an ad hoc basis or when needed. Persons are advised to regularly update their personal information electronically via email requests to [info@mcec.co.za](mailto:info@mcec.co.za).

## 6. RELATED DOCUMENTS

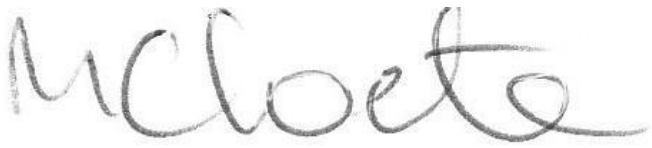
6.1 Appendix A: Data policy.

6.2 Related documents:

1. The Natural Scientific Professions Act, 27 of 2003, as amended
2. The Constitution of the Republic of South Africa, 1996

## 7. AUTHORISATION

This Policy Document was approved by the on and signed by and on behalf of the information Officer.

<b>Signature</b>	
<b>Date</b>	01 September 2021

Version Control		
POPI Policy		Policy No.
Revision frequency	Version No	Approval date
3 -yearly	Version 1	01 September 2021

Appendix A: Data policy.



**Project Data Management Plan**  
**V.1\_2021**

1. Name of Principal EAP:

Date:

2. Project title:

3. Data collection / generation

a. *What are your data sources?*

b. *Where will you obtain permission to collect the primary data?*

c. *Have you obtained permission to reuse data indefinitely?*

d. *What data will you be collecting, from where, and in which formats? How much data do you expect to generate / collect?*

4. Data retention, preservation and sharing

a. *Once the project is complete, list the datasets you plan to retain?*

b. *What are your long term storage plans for the datasets (while it is being retained)?*

c. *Under what conditions could these data be shared with others?*

This information will be destroyed after being retained for five years from end of project date. Physical work will be shredded or burnt while electronic work will be deleted forever.

**Employee Data Management Plan**

**V.1\_2021**

**Date:**

1. **Name of employee/service provider:**
  
2. **What data will be collected?**
  
3. **Have you obtained permission to collect the data?**
  
4. **Have you obtained permission to reuse the data indefinitely?**
  
5. **Data retention, preservation and sharing**
  - a. *Once the project is complete, list the datasets you plan to retain?*
  
  - b. *What are your long term storage plans for the datasets (while it is being retained)?*
  
  - c. *Under what conditions could these data be shared with others?*

This information will be destroyed after being retained for five years from end of project date. Physical work will be shredded or burnt while electronic work will be deleted forever.

**Interested and Affected Parties consent form**

**V.1\_2021**

Consent to take part in project: Proposed Internal Forestry Access Roads for PG Bison, Ugie, Elundini Municipality, Eastern Cape.

PG Bison (hereafter referred to as the Proponent), a large commercial forestry company, operating within the Elundini Local Municipal area, is proposing to construct seven new internal forestry access roads around Ugie and Nqanqarhu, Eastern Cape.

Two proposed access roads will be situated on farm 256, Fontana, portion 3; Wildebees E block forestry area. One proposed access road will be situated on farm 257, Beverin; Wildebees D block forestry area. Two proposed access roads will be situated on farm 3461, Nqanqarhu; Commonage G block forestry area. One proposed access road will be situated on farm 131, Mellow Waters, portion 2; Killarney A block forestry area. Lastly, one proposed access road will be situated on farm 107, Madonel; Killarney B block forestry area. Without new internal forestry roads, existing timber compartments cannot be accessed and harvested.

The proposed new roads will be constructed using gravel. The road layers will consist of crushed gravel material and compacted to 80% strength as per the Proponent's road building procedure and standards. Where required, relevant drainage and erosion control measures such as the use of gabion baskets or reno mattresses will be used.

Your contribution will assist to obtain an Environmental Authorisation for this project in an informed manner.

I \_\_\_\_\_ declare that I am over the age of 18 and willingly agree to participate in this project. I declare that I am informed about this project (refer to Draft BAR email sent on the 22/09/2021 to all Stakeholders) and that the following rights as a 'data subject' have been explained to me:

- I understand that **my participation is of a voluntary nature** and that I can withdraw at any time by contacting the Principle EAP.
- **I have a choice to refuse to answer any question** without any confrontations or monetary reimbursement of any kind.
- **I understand that all the personal information I provide will be treated confidentially and only used for the purpose of this project.**
- **I understand that my identity will remain anonymous on publicly reviewed documents.** Personal information that can identify me will be blocked out. This information will however be available to the relevant departments.
- I understand that the **viewpoints I express might be used in the final document**, but in no way will be associated with me personally.
- I understand that my **personal data will be retained indefinitely** by the Principal EAP in a safe and secure manner. I understand that I will be periodically contacted to update my personal information for reuse in other projects.

**I agree to participate in this project:**

Signature of research participant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of principal EAP: \_\_\_\_\_ Date: \_\_\_\_\_

**Principal EAP contact details:**

Ms Moira Cloete  
 P.O. Box 206, Khowa, 5460  
 Cell: 073 500 1235  
 Fax: 086 590 2032  
 Email: [info@mcec.co.za](mailto:info@mcec.co.za)  
 www.mcec.co.za

**Disclaimer on any advertisement**

**V.1\_2021**

**Disclaimer:** By partaking in this project, I agree that my personal information may be gathered, used, and stored in a safe and secure manner for the purpose of this project. This information will not be used to identify me. I agree to be contacted periodically to update my personal information.



**Disclaimer as part of email signature**

**V.1\_2021**

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**Non-disclosure agreement to be signed by employees and  
service providers for every project**

**V.1\_2021**

**Project title:** \_\_\_\_\_

**Non-disclosure Agreement** between principal researcher (name and ID no.) and  
\_\_\_\_\_ (role) (Name: \_\_\_\_\_)

(ID number: \_\_\_\_\_).

- I agree that I will assist the principal EAP with the named project in any way deemed sufficient.
- I agree to keep any personal information that can be used to identify persons, which I may receive during any part of this study, anonymous.
- I will not reuse this information or disclose it to anyone in accordance with the Protection of Personal Information Act 4 of 2013.
- If appropriate, I will destroy collected personal information after I am done rendering services to the principal EAP.
- I agree that I am sufficiently informed about this project and what is required of me (Have read and discussed the POPI Act 4 of 2013 with principal EAP).

Signed EAP

Date:

\_\_\_\_\_

Signed \_\_\_\_\_ [position]

Date:

\_\_\_\_\_