

CO-OPERATIVE BANKS DEVELOPMENT AGENCY

Protection of Personal Information Act 4 of 2013 (POPIA)

PAIA and POPIA Manual

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RELEVANT DEFINITIONS

“data subject” means the person to whom personal information relates.

“code of conduct” means a code of conduct issued in terms of Chapter 7;

“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;

“person” means a natural person or a juristic person;

“POPIA” means Promotion of the Protection of Personal Information Act;

“operator” means a person who processes personal information for a party in terms of a contract or a mandate;

“CBDA” means Co-operative Banks Development Agency;

“CFI” means Co-operative Financial Institution;

“CBI” means Co-operative Banks Institution;

“Information Officer and Deputy Information Officers” Responsible for managing and maintaining databases, information catalogues and web resources, information officers use their expertise to make sure that the information they manage is safe, secure and easily accessible.

‘Automated means’, for the purposes of this section, means any equipment capable of operating automatically in response to instructions given for the purpose of processing information.

“public record” means 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” means any recorder information;-

(a) regardless of form or medium, including any of the following;

- (1) Writing on any material;
- (2) 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;
- (3) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- (4) book, map, plan, graph or drawing;
- (5) 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;

“personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to;—

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information relating to 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;

information relating to the education, finances, criminal, or employment history of the person; any identifying number, symbol, e-mail addresses, physical address, telephone number, location information, online identifier, or other assignment to the person.

the physical information of the person, personal opinions or views, or preferences of the person. 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.

the views or opinions of another individual about the person.

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;

“direct-marketing” means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:-

(a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or

(b) requesting the data subject to make a donation of any kind for any reason;

“electronic communication” means 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;

“prescribed” means prescribed by regulation or by a code of conduct;

“private body” means -

(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;

(b) a partnership which carries or has carried on any trade, business or profession; or

(c) many former or existing juristic person, but excludes a public day;

“processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-

(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, degrading, erasure or destruction of information;

“enforcement notice” means a notice issued in terms of section 95;

“filing system” means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria;

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“information matching programme” means 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 ten or more data subjects, for the purpose producing or verifying information that may be used for the purpose of taking any action in regard to an identifiable data subject;

“Minister” means the Cabinet member responsible for the administration of justice;

“Constitution” means the Constitution of the Republic of South Africa, 1996;

“Regulator” means the Information Regulator established in terms of section 39;

“re-identity”, in relation to personal information of a data subject, means to resurrect any information that has been de-identified, that;-

“Republic” means the Republic of South Africa;

“responsible party” means 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” means 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” means personal information as referred to in section 26;

“this Act” includes any regulation or code of conduct made under this Act; and

“unique identifier” means 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;

It was 1 July 2020 and the one year grace period to comply ended on 30 June 2021. Parliament assented to POPIA on 19 November 2013. 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 section 110 and 114(4)). The President of South Africa has proclaimed the POPI commencement date to be 1 July 2020.

WHEN PROCESSING PERSONAL INFORMATION OF DATA SUBJECTS

Accountable parties must process the personal information of data subjects in a lawful and reasonable manner to detect, contain and prevent the leak of information.

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1. Background of the Co-operative Banks Development Agency

The Protection of Personal Information Act is there to ensure that it protects information, which is confidential, legally privileged, and protected by law. It protects the information for the use it is intended only or for or of the intended recipient. Interception thereof is therefore illegal. If you are not the intended recipient of information disseminated, you may not peruse, use, disseminate, distribute or copy the information or any file attached to this any communication to such information. The CBDA is a Schedule 3 A entity under the National Public Entity in terms of the PFMA (Act no. 1 of 1999 as amended) and is obliged to manage all aspects of governance and specifically promote the protection of personal information processed by the CBDA.

2. Alignment to National Treasury

The CBDA POPIA Act policy is aligned to the National Treasury POPIA Act policy since CBDA is dependent on NT ICT infrastructure, data centre and systems (email, website, licenses, etc). The components unique to CBDA is also considered.

3. Purpose and Objectives of the POPIA Act

To promote the protection of personal information processed by public and private bodies including the CBDA; to introduce certain conditions so as to establish minimum requirements for the processing of personal information; to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion to Access to Information Act, 2000; to provide for the issuing of codes of conduct; to provide for the rights of persons regarding unsolicited electronic communications and automated decision making; to regulate the flow of personal information across the borders of the of the Republic; and to provide for matters connected therewith. This Act also give effect to the constitutional right to privacy of the data subject.

4. Why the Protection of Personal Information Act?

The CBDA holds a substantial amount of information from the Cooperative Financial Institutions and Cooperative Banking Institutions as well as employees of such institutions, in its mission to capacitate the cooperative sector. This information is of interest to the people it affects directly or indirectly, whether members, staff, etc. The

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promotion of Access to Information Act, 2000, as amended, (the “Act”) reinforces the confidentiality of information held by the CBDA.

5. Section 13 Interpretation of Act

5.1. This Act applies to the processing of personal information—

- 5.1.1. entered in a record by or for a responsible party by making use of automated or non-automated means: Provided that when the recorded personal information is processed by non-automated means, it forms part of a filing system or is intended to form part thereof; and
- 5.1.2. where the responsible party is—
domiciled in the Republic; or not domiciled in the Republic but makes use of automated or non-automated means in the Republic unless those means are used only to forward personal information through the Republic.

On request, the CBDA will be obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act, and further incorporates or addresses the requirements of the Protection of Personal Information Act, 2013 (“POPIA”)

5.2. This Act must be interpreted in a manner that—

- 5.2.1. gives effect to the purpose of the Act set out in section 2; and
- 5.2.2. does not prevent any public or private body from exercising or performing its powers, duties and functions in terms of the law as far as such powers, duties and functions relate to the processing of personal information and such processing is in accordance with this Act or any other legislation, as referred to in subsection (2), that regulates the processing of personal information.

6. Personal information must be processed—

- 6.1.1. lawfully, and
- 6.1.2. in a reasonable manner that does not infringe the privacy of the data subject

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7. The rights of a data subject

A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Paragraph 4, including the right—

- 7.1. to be **notified** that—
- 7.1.1. personal information about him, her or it is being collected as provided for in terms of section 18; or
- 7.1.2. his, her or its personal information has been accessed or acquired by an unauthorised person as provided for in terms of **section 22**;
- 7.1.3. to establish whether a responsible party holds personal information of that data subject and to request access to his, her or its personal information as provided for in terms of section **23**;
- 7.1.4. **to request**, where necessary, the correction, destruction or deletion of his, her or its personal information as provided for in terms of section 24;
- 7.1.5. to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information as provided for in terms of section **11(3)(a)**;
- 7.1.6. to object to the processing of his, her or its personal information—
- 7.1.6.1.1. at any time for purposes of direct marketing in terms of section 11(3)(b); or
- 7.1.6.1.2. in terms of section **69 (3)(c)**;
- 7.1.7. not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section **69 (1)**;
- 7.1.8. not to be subject, under certain circumstances, to a **decision** which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such **person** as provided for in terms of section **71**;
- 7.1.9. to submit a **complaint** to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section **74**; and;

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7.1.10. to institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information as provided for in section 99.

8. Records held by the CBDA

8.1. The records held by the CBDA Capacity Building Unit

Data subject information held by CBDA			
Registers and contact details of organised groups, CFIs and CBs;	Names of accreditors and accredited service providers of continuing training interventions and contact details and allocated activities.	Registration Regulations and Rules.	Personal files of all registered members with the CFI .
CB; contact details of board members\committees\management of CFICBs, etc. identity numbers, cell phone numbers, addresses.	Prescribed forms;	Loan Agreements between the members, CFI, Boards and the various service providers;	Evaluation reports and evaluation guidelines for the CFIs and CBs.
Board evaluation results for the CFIs and CBs.	Attendance registers, handbooks on internship training.	Bank Statements/financial statements of CFIs/	Ethical Rules.



Data subject information held by CBDA			
		Bank and other reconciliations	
Annual reports/ Media statements/ Electronic newsletter / Bulletin/ Information booklets/ Pamphlets	Bank Statements\ financial statements of CFIs	Regulations for each CFIs/CBIs	Minutes of meetings of the Boards Committees of the Board, and AGM meetings.
Policy documents adopted by the Boards	Prudential Authority Act		

9. Finance & Supply Chain Management Department

Audited financial statements.	Accounting records Including Subledgers, General ledgers and Trial balances.	Tender documents /Terms of references, Memorandum of Understanding/ Contracts of Service Level Agreements / Statutory returns, etc.	Revenue invoice supporting documentation.
Payment files including supporting documentation.			



10. Records available without a formal request

The following records are available at no cost for copies without completing the prescribed form in terms of the Act. Requests for such records must be directed to the Information Officer or the Deputy Information Officers in writing whose details are provided above:

- a) Newsletters.
- b) Regulations, Ethical Rules and Guidelines Booklets.
- c) Forms for lodging complaints.
- d) General information brochures.

11. Access to records & Procedure for requesting access to information

Records held by the CBDA may be accessed on request only once the requirements for request for access have been met. A requester in terms of the Act means:

- a) Any person making a request to access the record of that public body; or a person acting on behalf of the person.

12. Special personal information

Although the CBDA is not allowed to process special personal information of a data subject, the Prudential Authority, South African Reserve Bank, National Treasury, Social Services may process special personal information of a data subject.

CBDA may only process special personal information subject to an obligation of confidentiality by virtue of office, employment, profession, or legal provision, or established by a written agreement between the CBDA and a data subject

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Examples of special personal information

- Religious or philosophical beliefs
- Race or ethnic origin
- Trade union membership
- Political persuasion
- Health, sex life
- Biometric information
- Criminal record

Further processing must be compatible with purpose of collection. The CBDA may further process personal information of a data subject notwithstanding the fact that such processing is not compatible with the original purpose for which it was collected if it is necessary to prevent a serious and imminent misconduct, fraudulent activity at a CFI or CBI.

This exception also applies if the information is used for historical, statistical or research purposes and the party ensures that the further processing is carried out solely for that purpose and will not be published in an identifiable form.

13. Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information. Subject to the provisions of the Act and applicable law, CBDA will provide the requested information, or give access to any record related to the requested personal information. The prescribed fee for reproduction of the information requested will be charged as prescribed in the Act.

14. Other Requester

This requester (other than a personal requester) is entitled to request access to information pertaining to a member. However, the CBDA is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act and any other applicable law. The prescribed fee for reproduction of the information requested will be charged.

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15. Processing of Personal Information

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. To request information, **attached form A** must be completed and sent to the Information Officer of the CBDA or /her Deputy at the postal or physical address, fax number or electronic mail address stated above.

The record requested will be furnished on payment of the prescribed fee, in instances where request for information fees is levied, and a proof of deposit may be requested from the requester in respect of the access fee.

The prescribed form must be filled in with enough particularity to at least enable the information officer to identify:

- The record or records requested;
- The identity of the requester;
- What form of access is required; and
- The postal, electronic mail address or fax number of the requester.

A requester must state that he or she requires the information to exercise or protect the right, and clearly state what the nature of the right to be exercised or protected is. The requester must also provide an explanation as to why the requested record is required to exercise or protect that right.

The CBDA will process a request within the required time as prescribed in the Act, unless the requestor has stated special reasons which would satisfy the Information Officer or his/her Deputy that circumstances dictate that this time it should not be complied with.

The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires reasons for the decision in any other manner, he or she must state in writing the manner and the particulars required.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer or her Deputy.

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If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer or her Deputy and/or should a requester require the assistance of the Information officer or her Deputy in obtaining any record held by the CBDA, such assistance will be provided by the Information Officer or her Deputy.

Upon receipt of the request, where applicable, the Information Officer or her Deputy will inform any third party affected by the request within 14 days of receipt of the request. The third party must inform the Information Officer or her Deputy why such information should not be made available to the requester within a specified period.

16. Decision

The CBDA shall, within 14 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 14-day period within which CBDA must decide whether to grant or refuse a request, may be extended for a further period of not more than 21 days if the request is for a large quantity of information, or the request requires a search for information held at Prudential Authority or National Treasury and the information cannot reasonably be obtained within the original 14-day period.

The Information Officer will notify the requester in writing should an extension be necessary.

17. Fees

The Act provides for two types of fees:

- a) a request fee, which will be a standard fee, and
- b) an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable.

When a request is received by the Information Officer, the Information Officer or his/her Deputy shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer, or her Deputy

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shall notify the requester to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.

The Information Officer or his/her Deputy shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted has to pay an access fee for reproduction as well as for the search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

18. Quality of Information

CBDA must ensure that the personal information is complete, accurate, not misleading and updated where necessary, taking into consideration the purpose for which the information was further processed.

19. Documentation

CBDA must maintain the documentation of all processing operations which relates to The promoting and development of co-operative banking, including deposit-takers and Lending cooperatives. Security measures on the integrity and confidentiality of personal information.

CBDA must ensure that it secures the integrity and confidentiality of personal information collected in relation to promoting and developing the co-operative banking sector by having proper measures of control and governance in place to;-

- a) To prevent the loss or damage to or unauthorised access of personal information.
- b) Only process personal information with the knowledge or authorisation of a party, and should treat such information as confidential, and only disclose such information if required to do so by law, or during the proper performance of their duty.
- c) The data subject must enter a written contract with the CBDA to ensure that the CBDA establishes and maintains appropriate, reasonable, technical, and organisational security measures when processing their personal data.
- d) In the event of unauthorised access to the system of the CBDA, such an incident should be reported immediately to the data subject by the CBDA.

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The CBDA must report any unauthorised access of personal information to the Regulator and the data subjects within reasonable time.

20. Purpose of Processing

The CBDA uses the Personal Information under its care in the following ways:

- a) Administration of the register for CFIs & CBs; -
- b) Managing the continuing training databases of CFIs & CBIs;-
- c) Staff administration; -
- d) Keeping of accounts and records; or
- e) Any other relevant administrative purposes in terms of any other law, code or standard.

21. Categories of Data Subjects and their Personal Information

CBDA may possess or possesses records relating to members, suppliers, board members, contractors, service providers, members of the public who lodged complaints against the CFI or CBI, or their staff:

Data Subject Category	Personal Information Processed
Natural Persons Names	contact details; physical and postal addresses; date of birth; ID number; Passport number, Tax related information, nationality. gender; confidential correspondence
Juristic Persons / Entities Names of contact persons	Financial information; Registration Number; Founding documents. beneficiaries; ultimate beneficial owners
Contracted Service Providers	Names of contact persons;
Name of Legal Entity	Physical and Postal address and contact details; Tax related information. authorised signatories
Employees / Board & Council Members	Gender; Marital Status; Ethnicity; Age. Home Language, Education information. Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being.

22. Categories of Recipients for Processing the Personal Information

Consent would be required from the data subject/s for request for personal information and if the data subject objects, the processing of such information cannot continue with service providers, who render the following services:

- a) Capturing and organising of data; -
- b) Storing of data; -
- c) Sending of emails and other correspondence to stakeholders; -
- d) Conducting due diligence checks; -
- e) Administration Assistance.

23. Actual or Planned Trans-Border Flows of Personal Information

The CBDA may share personal information with Regulators/ Authorities or Associations on an ad hoc basis and for vetting purposes where the laws are similar to what is practised in the South Africa.

24. General Description of Information Security Measures

The CBDA is hosted by the National Treasury who employs up to date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care.

- Measures include:
 - a) Firewalls.
 - b) Virus protection software and update protocols.
 - c) Secure access control.
 - d) Secure setup of hardware and software making up the IT infrastructure.
 - e) Outsource Service Providers who process Personal Information on behalf of the CFI or CBI.
 - f) Non-Disclosure Agreements.

25. Grounds for refusal

The Information Officer or Deputy may refuse a request for information for the following reasons:

- a) Where the disclosure would amount to an unreasonable disclosure of personal information; -
- b) Where the disclosure would amount to disclosure of the trade secrets of a third party; -

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- c) Where the disclosure would lead to a revelation of financial, commercial, scientific or technical information of a third party; -
- d) Where such information was supplied in confidence by a third party; -
- e) Where the disclosure would breach the duty of confidence owed to a third party; -
- f) Where the disclosure would endanger the life or physical safety of an individual; -
- g) If the disclosure is prohibited under the Criminal Procedure Act.

26. The following grounds of discretionary refusal will apply:

- a) Where the disclosure of such information relating to a third party would prejudice the supply of similar information in the future.
- b) Where the record contains information around crime prevention, detection, and prosecution of alleged offenders.
- c) Where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power or performance of a duty.
- d) Where the request is frivolous or vexatious.

27. Remedies available related to the request for Information is refused

27.1. Internal Remedies

The CBDA does not have an internal appeal procedure. As such, the decision made by the Information Officer or Deputy pertaining to a request is final, and requestors must exercise external remedies available at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer or deputy.

27.2. External Remedies

A requestor that is dissatisfied with the Information Officer or Deputy’s refusal to disclose information, may within 90 days of notification of the decision, apply to the Information Regulator South Africa for assistance.

For purposes of the Act, a court application must be lodged with a High Court or another court having jurisdiction.

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28. Availability of the manual

The CBDAs manual is available for inspection, on reasonable prior notice, free of charge, at the registered address stated above and further published on the CBDAs website.

29. Retention and restriction of records; -

CBDA will **not** retain records of personal information of data subjects for longer than authorised or outside of the specific request the data was required for.

30. Consent

Consent must be given by a data subject in all instances when data is processed, requested, or kept.

31. Conclusion

The South African Government have issued Regulations in terms of Protection of Personal Information Act (Act 7 of 2013), under section 115 of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013), I hereby determine— (a) 1 July 2020 as the date on which— (i) sections 2 to 38; (ii) sections 55 to 109; (iii) section 111; and (iv) section 114(1), (2) and (3); and (b) 30 June 2021 as the date of which section (110) and (114)4 of the said Act shall commence. The Regulations should be implemented in conjunction with the applicable conditions for the lawful processing of personal information provided for in POPIA to ensure respect for the right of privacy.

32. Annexure A - Who is the Information Officer, and who can be Deputies?

POPI designates the head of the business as the Information Officer. Depending on the type of business, the Information Officer will therefore be the sole trader, a partner in a partnership or CEO (or equivalent) in an entity such as CBDA. The Managing Director can delegate his or her responsibilities as Information Officer to any other duly authorised person. However, it is important to note that whoever *“determines the purpose of and means for processing personal information”* remains ultimately responsible for ensuring that the processing of personal information is done in a lawful manner and *“retains the accountability and responsibility for any power or the functions authorised to that person”*.

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The Guidance Note specifies that “each subsidiary, entity, group of companies must register its Information Officer” ¹⁰.

The Information Officer must appoint as many Deputies Information Officers as necessary. For example, the appointment of Deputy Information Officers may become necessary to make the organisations records as accessible as reasonably possible for requesters. This must be done in writing, specifically using Template “B” in the Guidance Note which also stipulates that the DIO “should report to the highest management office within a Body” and therefore must be an employee

32.1. Duties and Responsibilities

The Information officer must be registered with the Information Regulator South Africa. The specific duties are spelled out for us in the Guidance Note¹⁰. The Act stipulates the following general responsibilities:

32.2. To encourage compliance with POPI

- a. dealing with requests made to the organisation in relation to POPI (for instance, requests from Data Subjects to update or view their personal information); -
- b. working with the Regulator in relation to investigations; -
- c. otherwise ensuring compliance with POPI Act; -
- d. as may be prescribed (i.e., keep an eye on the Regulator’s website!).

Regulation 4 lists the following prescribed responsibilities in addition to those listed above:

Compliance framework:	- Develop and implement a compliance framework, - ensure it is monitored and maintained over time (this could be captured in a privacy charter or framework, document that outlines who is responsible for what and which policies apply)
Personal Information Impact Assessment (“PIIA”)	- conduct a PIIA to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information (as defined in Chapter 3 of POPIA) (you can find international guidelines on this if you look up Privacy Impact Assessments or “PIIA”)
POPIA Manual:	- ensure that your organisation has a POPIA manual,

	<ul style="list-style-type: none"> - ensure it is monitored, maintained and made available as prescribed PAIA¹¹ - provide copies of the manual to anyone who asks for it (the Regulator may determine in future that a fee must be paid for this)
Enable Data Subject Participation	<ul style="list-style-type: none"> - develop measures and adequate systems to process requests for information or access to information
Awareness Training:	<ul style="list-style-type: none"> - conduct internal awareness sessions regarding; - <ul style="list-style-type: none"> - the provisions of the POPI Act, - the regulations made in terms of the Act, - codes of conduct, or - information obtained from the Regulator (this will need to be ongoing as the Regulator provides updates, guidelines, new regulations, or as new codes of conduct become enforceable) - On a day-to-day basis the Information Officer may find themselves 8: - making recommendations and raising concerns where appropriate documenting information processing procedures; - - evaluating and further developing data protection and security policies; - - suggesting, selecting, and implementing technical security measures; - - drafting forms and contracts appropriate for data protection - selecting employees, service providers and others to be involved in the processing of personal information; - - monitoring data privacy and security measures as well as the proper use of data processing programs; - - handling complaints relating to personal information; - - employee training; - - preparing, submitting, and maintaining notifications to [the Regulator].

32.3. Internal or External?

The CIO Guidance Note provides some clarity. The IO must be an employee of a private body and must be an employee at an executive level or equivalent position at a level of management.

Similarly, DIOs must be employees of the organisation, and multinational entities based outside of South Africa *must* designate a Deputy Information Officer that is present within our borders.

32.4. Suitable Candidates

While POPI does not set out specific skills and qualifications for an Information Officer, realistically the role requires the following:

1. A good understanding of information technology.	2. Basic legal training is advantageous
3. A broad understanding of the company operations (arguably easier to acquire than 1 & 2).	4. No conflicts of interest, “which typically rules out the appointment of business owners, senior managers and employees with a strong interest in data collection and usage, such as marketing and HR managers”
5. Enough spare time from top management.	

33. Information Officer and Deputy Information Officers.

a) The Information Officer of the CBDA is:

Business Support Manager: Catherine Whitley

Physical address: 240 Madiba Street, Pretoria, 0001

Postal address: P O Box 205 Pretoria, 0001

Telephone number: +27 82 8499 874

Email address: Catherine.Whitley@treasury.gov.za

b) The Deputy Information Officers of the CBDA whose physical and postal addresses is the same as those of the Information Officer above are:

- Business Analyst: Raesibe Mphahlele - Capacity Building:
Raesibe.Mphahlele@treasury.gov.za

c) The Deputy Information Officers of the CBDA whose physical and postal addresses is the same as those of the Information Officer above are:

- Technical Analyst : Nare Senne – Capacity Building:
Nare.Senne@treasury.gov.za

34. References

1. Protection of Personal Information Act 4 of 2013, s1
2. Promotion of Access to Information Act 2 of 2000, s1
3. Protection of Personal Information Act 4 of 2013, s4(1)
4. Protection of Personal Information Act 4 of 2013, s56
5. Protection of Personal Information Act 4 of 2013, s55(1)
6. Protection of Personal Information Act 4 of 2013, 22, 23, s55(2). 69,
7. Guidance notes on Information Officers and Deputy Information Officers, 1 April 2021
8. Promotion of Access to Information Act 2 of 2000, s14 and s51
9. POPIA Regulations, December 2018
11. [Enforcement, Penalties and Administration fines when in breach link](#)

35. Document versions

Document presented for 1st approval on 28 October 2021.

Version	Revision date	Status
1.2	18 October 2021	Recommended by Risk & ICT Committee
1.3	22 October 2021	Recommended by Audit Committee
1.4	28 October 2021	Approved by CBDA Board

36. APPROVAL

The policy on the Protection of Personal information is hereby approved for and on behalf of the CBDA.

SIGNED FOR AND ON BEHALF OF THE CBDA.

Date: _____

Mr Luyanda Ntuane

CHAIRPERSON OF BOARD: CBDA

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Form A

Request for access to record of CBDA

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

A. Particulars of CBDA

The name and postal or physical address, fax number or e-mail address of the Information Officer or Deputy Information Officer must be stated below.

Attention:

Information Officer /Deputy Information Officer: CBDA

B. Particulars of person requesting access to the record

a) The particulars of the person requesting access to the record must be recorder below.

b) Furnish an address and/or fax number in the Republic to which information/decision must be sent.

c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full name(s) and surname:

Postal address:

Telephone number:

E-mail address:

Capacity in which the request is made, together with proof of such capacity, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made.

This section must be completed only if a request for information is made on behalf of another person.

Full name (s) and surname:

Identity / Company number: _____

D. Particulars of record

- a) CBDA must deny a request for a record if it contains information that CBDA holds or has obtained for the purposes of enforcing legislation unless that information is about or relates to you or the person that you represent.
- b) Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be located.
- c) If the provided space is inadequate, please continue on a separate page and attach it to this form. ***You must sign all the additional pages.***

Description of record or relevant part of the record:

Reference number, if available : _____

Any further particulars of record:

E. Fees

A request for access to a record, other than a record containing personal information about yourself, will only be processed after a request fee has been paid.
 The request fee is R35.00.
 The access fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

F. Form of access of record.

Mark the appropriate box with an “X”. (a) Your indication as to the required form of access depends on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

If you are prevented by a disability from reading, viewing or listening to the record in a form provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

If the record is in written or printed form –

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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If record consists of visual images – (including photographs, slides, video recordings, computer-generated images, sketches etc.)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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If record consists of recorded words or information which can be reproduced in sound —

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	inspection of record
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If record is held on computer or in an electronic or machine-readable form –

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (usb or compact disc)
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If you are requesting a copy or transcription of a record above, do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
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In which language would you prefer the record?

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

G. Notice of decision regarding request for access

You will be notified in writing, at the address or fax number provided in Part B, whether your request has been approved or denied. If you also wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request?

Email address	Cell phone	Postal	Other

Signed at _____ this _____ day of _____ 20....

SIGNATURE OF REQUESTER

FOR CBDA USE

Reference number allocated:

Request received by:

Request received on:

Request fee (if any):

Access fee:

Decision: