

PRIVACY NOTICE

Introduction

The Eastern Cape Department of Sport, Recreation, Arts and Culture ("the Department") understands that your privacy and the security of your personal information is important. Accordingly, the Department undertakes to process your personal information in line with the requirements of the Protection of Personal Information Act 4 of 2013 ("POPIA").

Purpose

This Notice sets out what the Department does with your personal information, what it does to keep it secure, from where and how your personal information is collected, as well as your rights in relation to the personal information the Department holds about you. It ensures that the Department can collect personal information necessary for its services and functions, while recognising the right of individuals and organisations to have their personal information handled in accordance with POPIA and in ways that they would reasonably expect.

Scope

This Notice applies to you if you interact with the Department through its services or any other functions it may perform.

Mandate of the Department

The mandate of the Department is drawn directly from Schedules 4 and 5 of the Constitution of the Republic of South Africa, 1996 ("Constitution"), which describe the functional areas of exclusive provincial legislative competence. In summary, the Department is a body which ensures access to, increased participation in, and transformation of the sport, arts, culture and recreation sectors in a manner that yields optimum social and economic benefit for all in the province.

What personal information does the Department process

In order to fulfil its mandate and perform its functions, the Department processes personal information through our various departmental programmes, which include the following personal information of artists, athletes, parents, educators, learners, service providers, general public (libraries, museums, heritage or other events, etc), organisations, schools, district offices, third parties or service providers contracted to the Department from time to time, etc.

The Department's legal basis for processing your personal information

Whenever the Department processes your personal information, it has to have something called a "legal basis" for what it does. The different legal bases that the Department relies on are –

- Consent - You have told the Department you are happy for it to process your personal information for a specific purpose(s). For example, when a parent provides the Department with personal information relating to their child, they must provide the Department with the necessary permission to process that information.

- Legitimate interests - The processing is necessary for the Department to fulfil its mandate and perform its functions, but not where its interests are reasonably overridden by your interests or rights.
- Performance of a contract - The Department must process your personal information in order to be able to provide you with one of its services or fulfil a contract which it has with you or to which you are a party.
- Legal obligation - the Department is required to process your personal information by law.

How and Why the Department uses your personal information

The Department is responsible for archives other than national archives, libraries other than national libraries, museums other than national museums, provincial cultural matters, provincial recreation and amenities and provincial sport. Therefore, the Department will use your personal information in fulfilment of the above mandate/purposes. In particular, the Department may use your information in the following ways –

- To provide services to the public - it needs to use your personal information to make its services available to you and perform its mandated functions;
- Contacting you - the Department uses your personal information to contact you regarding service you are receiving from the Department;
- To fulfil various reporting requirements/legislative compliance such as requests from the Auditor General of South African and Department of Employment and Labour.

Personal Information Sharing

The Department may share information about you with service providers who help the Department to fulfil its mandate, the Auditor General of South Africa as required for audit purposes, internally between its various directorates where necessary to perform its functions, law enforcement agencies, regulatory organisations, courts or other public entities if the Department is required by law to do so, emergency services (e.g. at events related to sports and recreation activities), and if the Department is reorganised or amalgamated with another department, it may transfer any personal information it holds about you to that entity.

Information Quality Measures

The Department has a duty in terms of POPIA to ensure that it takes reasonably practicable steps to ensure that the personal information it collects and processes is complete, accurate, not misleading and updated where necessary. Accordingly, the Department implements quality assurance systems guided by checklists when collecting information, updates its records on an as and when basis (i.e., when the need arises) and individuals also have the ability to update their own information on various other systems and processes such as through direct email contact with the Department.

Data Retention

The Department will keep your personal information for the purposes set out in this Notice and in accordance with the law and relevant regulations. The Department will apply its best and

reasonable endeavours not to retain your personal information for longer than is necessary. Some of the measures the Department has in place in this regard are as follows –

- depending on the case and need, the Department may retain the relevant information in accordance with defined retention periods; and
- the Department archives certain records with Provincial Archives.

Data Security

The Department has identified some of the risks faced by it in terms of being in possession of personal information, such as having it lost, corrupted, or stolen/accessed by unauthorised parties. Accordingly, the Department takes protecting your personal information seriously. Some of the measures the Department has in place are that –

- it limits access to its premises and information/data storage site(s) according to job functions / need-to-know;
- it uses technology controls for its information systems, such as antivirus software on work devices and firewalls to protect its internal LAN;
- it uses password protection on its electronic devices which are only accessible to authorised individuals;
- it has confidentiality and non-disclosure arrangements in place with relevant officials/staff to limit or prevent the disclosure of personal information;
- system backups are performed as and when necessary; and
- the Department has an Information Security Policy in place.

Transfer of personal information outside South Africa

In rare instances, the Department may need to transfer personal information to recipients outside of South Africa. For example, where learners travel overseas for sports and recreation purposes the Department may be required to share the personal information of such learners (e.g. name, surname, etc.) for travel and accommodation purposes, amongst other reasons. In such instances, the Department will ensure that it complies with section 72 of POPIA which requires that –

- the third-party recipient of the information is subject to a law or binding agreement which provides an adequate level of protection for the transferred personal information;
- it has obtained consent from the data subject;
- the transfer is necessary for the performance of a contract the Department has with the data subject; or

- the transfer is necessary for the conclusion of a contract in the interest of the data subject between the Department and the third-party recipient.

Notification of Data Breach

In the event of a data breach leading to the accidental or unlawful damage, loss, modification, unauthorised disclosure or any unauthorised access to a data subject's personal information that has been transmitted, stored or otherwise processed, the Department has the relevant policy and procedure in place in order to cater for and assess the details relating to any such data breach in a prompt and efficient manner. The Department will notify you of such data breach in accordance with applicable law.

Your rights

You have a number of rights under POPIA which, in certain circumstances, you may be able to exercise in relation to the personal information the Department processes about you. These include the right to –

- request the Department to confirm, free of charge, whether or not it holds certain personal information about you;
- access a copy or record of the personal information the Department holds about you, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information;
- correction of inaccurate personal information the Department holds about you;
- restrict the Department's use of your personal information;
- ask the Department to destroy or delete the information it holds about you; and
- object to the Department's use of your personal information.

Where we rely on consent as the legal basis on which we process your personal information, you may withdraw that consent at any time.

If you are seeking to exercise any of these rights, please contact us. Please note that the Department will need to verify your identity before it can fulfil any of your rights under POPIA. This helps the Department to protect the personal information belonging to data subjects against fraudulent requests. You may also refer to the Department's PAIA Manual for further details.

Contact the Department

If you would like to exercise one of your rights, or you have a question or a complaint about this Notice, or the way your personal information is processed, please contact the Department by email on customercare@ecsrac.gov.za The Department is also situated at – No. 5 Eales Street, eQonce, Eastern Cape, 5600.

Information Regulator (South Africa)

The Regulator is an independent body empowered to monitor and enforce compliance with the provisions of POPIA by public and private bodies. The Regulator can be reached at –

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

General Enquiries : enquiries@inforegulator.org.za

Complaints : PAIAComplaints@inforegulator.org.za
POPIAComplaints@inforegulator.org.za

Policy Revision

This Notice is subject to review and amendment without prior notice. Any review and update hereof will take account of new laws, regulations, and other developments which may affect our processing of personal information. The Department undertakes to ensure that any amendments hereto are communicated on our publicly available platforms such as our website, for the benefit of the general public who we serve and any other persons who may be affected by this Notice.