



Protection of Personal Information ACT (POPIA)

9.1.1 Introduction

The Protection of Personal Information (POPI) act aims to give effect to the constitutional right to privacy by balancing the right to privacy against that of access to information. POPI requires that personal information pertaining to individuals be processed lawfully and in a reasonable manner that does not infringe on the right to privacy.

This consent form sets out how personal information will be collected, used and protected by EWSETA, as required by POPI. The use of the words “the individual” for the purposes of this document shall be a reference to any individual communicating with EWSETA and/or concluding any agreement, registration, or application, with the inclusion of each individual referred to or included in terms of such agreement, registration or application.

9.1.2 What is personal information?

The personal information that EWSETA requires relates to names and surnames, birth dates, identity numbers, passport numbers, demographic information, education information, occupation information, health information, addresses, memberships, and personal and work email and contact details.

9.1.3 What is the purpose of the collection, use and disclosure (the processing) of personal information?

9.1.3.1 EWSETA is legally obligated to collect, use and disclose personal information for the purposes of:

9.1.3.2 reporting skills development initiatives to the Department of Higher Education and Training;

9.1.3.3 reporting enrolments and achievements of programmes to the South African Qualifications Authority;

9.1.3.4 reporting on quality assurance functions to the Quality Council of Trades and Occupations

9.1.3.5 evaluating and processing applications for access to financial and other benefits;

9.1.3.6 compiling statistics and other research reports;

9.1.3.7 providing personalised communications;

9.1.3.8 complying with the law; and/or

9.1.3.9 for a purpose that is ancillary to the above.

9.1.3.10 EWSETA may also use and disclose personal information for the purposes of:

9.1.3.10.1 providing personal information to third parties who demonstrate an interest in either employing or making use of the services provided by an individual, in circumstances

where the individual has indicated in clause 7, below, that he/she would like his/her details made available to potential employers or clients.

9.1.3.10.2 EWSETA will not process personal information for a purpose other than those which are identified above without obtaining consent to further processing beforehand.

9.1.4 ***What is 'processing'?***

POPI provides that the term "processing" covers any operation or activity, whether or not by automatic means, concerning personal information, including collection, receipt, recording, organisation, collation, storage, retrieval, alteration, consultation or use; dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as restriction, erasure or destruction of information.

9.1.5 ***How will EWSETA process personal information?***

9.1.5.1 EWSETA will only collect personal information for the purpose as stated above.

Information will be collected in the following manner:

9.1.5.2 directly from the individual;

9.1.5.3 from an agent, relative, employer, work colleague or other duly authorised representative whomayseek or request our services;

9.1.5.4 from education institutions, training providers, or other service providers that are providing or pro-vided the individual with services;

9.1.5.5 from our own records relating to our previous supply of services or responses to the individual's request for services; and/or

9.1.5.6 from a relevant public or equivalent entity.

9.1.6 ***To whom will personal information be disclosed?***

The personal information may be disclosed to other relevant public or other entities on whose behalf we act as intermediaries, other third parties referred to above in relation to the purpose or who are sources of personal information, service providers such as professional bodies who operate across the borders of this country (trans-border flow of information) where personal information must be sent in order to provide the information and/or services and/or benefits requested or applied for. In the event of another party/ies acquiring all of or a portion of EWSETA's mandate or functions, personal information will be disclosed to that party but they will equally be obliged as we are, to protect personal information in terms of POPI.

9.1.7 ***Consent and Permission to process personal information (authorised signatory):***

I hereby provide authorisation to EWSETA to process the personal information provided for the purpose stated.

I understand that withholding of or failure to disclose personal information will result in EWSETA being ~~not~~ able to perform its functions and/or any services or benefits I may require from EWSETA.

Where I shared personal information of individuals other than myself with EWSETA I hereby provide consent on their behalf to the collection, use and disclosure of their personal information in accordance with this consent provided and I warrant that I am

authorised to give this consent on their behalf.

To this end, I indemnify and hold EWSETA harmless in respect of any claims by any other person on whose behalf I have consented, against EWSETA should they claim that I was not so authorised.

I understand that in terms of POPI and other laws of the country, there are instances where my express consent is not necessary in order to permit the processing of personal information, which may be related to police investigations, litigation or when personal information is publicly available.

9.1.8 *I will not hold EWSETA responsible for any improper or unauthorised use of personal information that is beyond its reasonable control. Rights regarding the processing of personal information*

9.1.8.1 The individual may withdraw consent to the processing of personal information at any time, and should they wish to do so, must provide EWSETA with reasonable notice to this effect. Please note that withdrawal of consent is still subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then such withdrawal will only be effective if EWSETA agrees to same in writing. EWSETA specifically draws to the attention that the withdrawal of consent may result in it being unable to provide the requested information and/or services and/or financial or other benefits. Further, please note that the revocation of consent is not retroactive and will not affect disclosures of personal information that have already been made. In order to withdraw consent, please contact the Information Officer at simphiwem@ewseta.org.za.

9.1.8.2 Where personal information has changed in any respect, the individual is encouraged to notify EWSETA so that our records may be updated. EWSETA will largely rely on the individual to ensure that personal information is correct and accurate.

9.1.8.3 The individual has the right to access their personal information that EWSETA may have in its possession and is entitled to request the identity of which third parties have received and/or processed personal information for the purpose. Please note however, that any request in this regard may be declined if:

9.1.8.4 the information comes under legal privilege in the course of litigation,

9.1.8.5 the disclosure of personal information in the form that it is processed may result in the disclosure of confidential or proprietary information,

9.1.8.6 giving access may cause a third party to refuse to provide similar information to EWSETA,

9.1.8.7 the information was collected in furtherance of an investigation or legal dispute, instituted or being contemplated,

9.1.8.8 the information as it is disclosed may result in the disclosure of another person's information,

9.1.8.9 the information contains an opinion about another person and that person has not consented, and/or

9.1.8.10 the disclosure is prohibited by law.

9.1.9 *Requesting access and lodging of complaints*

9.1.9.1 Please submit any requests for access to personal information in writing to EWSETA's information officer simphiwem@ewseta.org.za.

9.1.9.2 With any request for access to personal information, EWSETA will require the individual to provide personal information in order to verify identification and therefore the right to access the information.

9.1.9.3 There may be a reasonable charge for providing copies of the information requested.

9.1.9.4 If any request has not been addressed satisfactorily, a complaint may be lodged at the office of the Information Regulator.

Signature of authoriser

Date

Position

Name of authoriser