



SCOUTS[®]
South Africa

Protection of Personal Information and the Retention of Documents Policy

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Revision Approval

This revision of the Protection of Personal Information and the Retention of Documents Policy was approved for publication at the SCOUTS South Africa Board meeting on 18 April 2023.

1. Introduction

- 1.1. The SSA is a volunteer youth organisation that is obligated to comply with: Protection of Personal Information Act (POPI) act 4 of 2013 which gives effect to the constitutional right to privacy and regulates the manner in which personal information may be processed and provides rights and remedies to protect personal information.
- 1.2. POPI applies to the processing of Personal Information by a responsible person domiciled in the Republic and where processing happens in the Republic. POPI will override other legislation that contains inconsistent provisions relating to the processing of personal information, and where other legislation provides for more extensive conditions for the processing of personal information the other legislation will prevail.
- 1.3. POPI requires SSA to inform their staff and members as to the manner in which their personal information is used, disclosed, and destroyed.
- 1.4. SSA guarantees its commitment to protecting its members' privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.
- 1.5. This Policy sets out the manner in which the SSA deals with their members' personal information and stipulates the purpose for which said information is used.
- 1.6. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to: Race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person.
- 1.7. Processing is any operation or activity, whether or not by automatic means, including:
 - a. 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 form.
 - c. Merging, linking, as well a restriction, degradation, erasure, or destruction.
- 1.8. Key concepts include:
 - a. **Consent** – any voluntary, specific, and informed expression agreeing to the processing of personal information.
 - b. **Data Subject** – means the person to whom the personal information relates.
 - c. **De-identify** – means to delete any information that:
 - i. Identifies the data subject.
 - ii. Can be used or manipulated to identify the data subject.

- iii. Can be linked to other information to identify the data subject.

2. Officers and Responsibility/Accountability

- 2.1. POPI Committee means a committee, consisting of one or more persons that are responsible to review a complaint, by a complainant that is dissatisfied with the outcome of the Officer's decision.
- 2.2. SSA hereby appoints the Chief Executive Officer as the organisation's personal information Officer (Officer). Their details are available below and they are responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPI.
- 2.3. All persons, who collect, process, or use personal information, shall be accountable to the Officer for such information.
- 2.4. This policy shall be made available via the SSA website (www.scouts.org.za), or a paper copy provided upon written request from the SSA national office.
- 2.5. This Policy applies to any personal information supplied to a third party for processing.
- 2.6. Where a new process is introduced the collection, use and retention of personal information is done only, with the Officer's knowledge and consent.
- 2.7. Any person suspecting that the information is being used for purposes other than that explicitly approved and collected for, may register a complaint with the Officer.
- 2.8. The Officer shall investigate the above complaint and inform the complainant of his findings and corrective action taken, if any was required.
- 2.9. If the complainant is dissatisfied with the findings of the Officer, an appeal may be submitted to the SSA POPI Committee. The determination made by the SSA POPI Committee will be final.
- 2.10. The Officer shall be responsible to ensure that training is given to all SSA Staff and volunteers, who might, collect, use, or retain personal information.

3. Personal Information Collected

- 3.1. SSA collects and processes their members' personal information pertaining to the members' Scouting qualifications and training. The type of information will depend on the need for which it is collected and will be processed for that purpose only.

- 3.2. Whenever possible, SSA will inform the members as to the information required and the information deemed optional. Examples of personal information we collect include, but it is not limited to:
 - a. Member's Identity number, Name, Surname, Address, Postal Code, Telephone Number
 - b. The member's Group, Training Records, Permits issued, Courses and other events attended.
- 3.3. SSA also collects and processes the member's personal information for communication and marketing purposes in order to ensure that our products and services remain relevant to our members and potential members.
- 3.4. SSA aims to have agreements in place with all service providers to ensure a mutual understanding with regard to the protection of members' personal information.
- 3.5. SSA service providers will be subject to the same regulations as applicable to SSA.
- 3.6. With the member's consent, SSA may also supplement the information provided with information SSA receives from other providers in order to maintain a more consistent and personalised experience in the member's interaction with SSA.
- 3.7. For purposes of this policy, members include potential and existing members.

4. Purposes of Collection

- 4.1. Personal information must be collected for a specific, explicitly defined, and lawful purpose related to the function or activity of SSA. The data subject must be made aware of the purpose of the collection.
- 4.2. This may include:
 - a. Providing services to members and to carry out the transactions requested.
 - b. Assessing and processing claims and refunds.
 - c. Confirming, verifying, and updating member details.
 - d. For purposes of claims history.
 - e. For the detection and prevention of fraud
 - f. Conducting market or customer satisfaction research.
 - g. For audit and record keeping purposes.
 - h. In connection with legal proceedings, especially child protection.
 - i. Providing SSA services to members, to render the services requested and to maintain and constantly improve the relationship.
 - j. Providing communication in respect of SSA and regulatory matters that may affect members.
 - k. In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

- 4.3. According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for SSA processing of personal information:
- a. The member consents to the processing: - consent is obtained from members during the application process, introductory, investiture, training and warrant stages of the relationship.
 - b. The necessity of processing: in order to conduct an accurate analysis of the member's 'Child Protection Status' requirements, etcetera.
 - c. Processing complies with an obligation imposed by law on SSA.
 - d. Processing protects a legitimate interest of SSA — it is in the member's best interest to have full and proper data records in order to provide them with applicable and beneficial services.
 - e. Processing is necessary for pursuing the legitimate interests of SSA or of a third party to whom information is supplied — in order to provide SSA members with the services they requested.

5. Data Destruction

- 5.1. Records must not be retained any longer than is necessary for achieving the purpose for which it was collected unless.
- a. Further retention is required by law.
 - b. SSA reasonably requires to keep it.
 - c. Retention is required by a contract between the parties.
 - d. The data subject consents to the further retention.
- 5.2. Personal Information must be destroyed, deleted or de-identified as soon as is reasonably practical. Destruction or deletion must be done in a manner that prevents its reconstruction in an intelligible form.
- a. The Officer shall ensure that the information collected will not be used for any other purpose before obtaining the individual's approval unless the new purpose is required by law.
 - b. The Officer shall ensure that a person collecting personal information will be able to explain to the individual why this is being done.
 - c. The Officer shall ensure that limited collection, limited use, disclosure, and retention principles are respected in identifying why personal information is to be collected.
 - d. Documents may be destroyed after the termination of the retention period.
 - e. Each department and regional office is responsible for attending to the destruction of its documents, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by SSA pending such return.
 - f. After completion of the above process, the responsible person of the department or regional office shall, in writing, authorize, the removal and destruction of the

- documents in the authorisation register. These records will be retained as proof that the process was adequately performed.
- g. The documents are then made available for collection by the removers of the SSA's documents, who also must ensure that the documents are shredded before disposal and to provide a certificate of destruction. This also helps to ensure confidentiality of information.
 - h. Documents may also be stored off-site, in storage facilities approved by SSA.

6. Electronic Storage

- 6.1. The online Membership Management System (MMS), currently called Scouts.Digital, and the online Communication Platform called the D6 Business Communicator App, require that member's personal information be stored electronically.
- 6.2. Every member of SSA, as detailed in the SSA Organisational rules (Section 2), has to be registered on the MMS. Depending on the role performed by an individual, authority to view or edit data will be given.
- 6.3. The POPI responsibilities of all service providers to SCOUTS South Africa include - but are not limited to:
 - a. The hosting, backup, and recovery mechanism of the service provider complies with the requirements of the Protection of Personal Information Act 4 of 2013, as amended from time to time.
 - b. Any of the information captured or processed by SSA or its members into the service provider systems will not be released by them to any third party without the express written permission of the Officer.
 - c. In the event of the contract being cancelled for whatever reason the service provider will return all personal information held by them and will not retain any copies.
 - d. The service provider is also responsible for all intrusion protection of the system.
 - e. In the event of a breach or intrusion being detected the service provider will immediately in writing inform the Officer and keep them apprised of the extent of the breach and the remedial measures that are put in place to prevent further attacks.
 - f. In the reasonable expectation of a breach of security having occurred the Officer in conjunction with the service provider must inform the regulator and members.
 - g. In the event of a disaster the service provider is responsible for all and disaster recovery.
 - h. The service provider is responsible for maintaining adequate backups of the personal information stored in the system and to ensure that these kept in a secure environment.
 - i. In the event that the service provider decides to store the data on a server that is not in South Africa they must ensure that the personal information is still stored in accordance with the act.

- 6.4. POPI compliance of the MMS – currently called Scouts.Digital (<https://www.scouts.digital/>) is detailed in:
 - a. <https://www.scouts.digital/privacy>
- 6.5. POPI compliance of the D6 Business Communicator App (<https://d6.co.za/business-communication-apps/>) is detailed in:
 - a. Group Pty. Ltd Privacy Policy: <https://d6.co.za/privacy-policy/>
 - b. Group Pty. Ltd PAIA Manual: <https://docs.google.com/document/d/1fmHGEwSHABFOuYxjyTTRHwymMUOejDVRs4nE3E9yWdw/edit>.
 - c. Group Pty. Ltd Security Letter: <https://docs.google.com/document/d/1i1YaeB8qi1RwoieAnoLzm1tuf7XYrhmxBM5TPg3B8yM/edit>
- 6.6. Scanned documents: If documents are scanned, the hard copy must be retained for as long as the information is used or for 1 year after the date of scanning, with the exception of documents pertaining to paid employees.
- 6.7. Any document containing information on the written particulars of an employee, including: employee's name and occupation, time worked by each employee, and remuneration must be retained for a period of 3 years after termination of employment.
- 6.8. Section 51 of the Electronic Communications Act No 25 of 2005 requires that personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes, or stores the information and a record of any third party to whom the information was disclosed must be retained for a period of 1 year or for as long as the information is used.
- 6.9. It is also required that all personal information which has become obsolete must be destroyed.

7. Consent to Collect Personal Information

- 7.1. When collecting personal information, SSA shall obtain consent from the Data Subject, to use, collect, retain, or disclose said personal information.
- 7.2. When collecting personal information, SSA shall ensure that the Data Subject understands how the personal information will be used.
- 7.3. Express consent will be obtained from the Data Subject, unless in the Officer's opinion implied consent will be acceptable. The consent must be clear and verifiable.
- 7.4. The reasonable expectations of the Data Subjects will be respected. (For example, the Data Subject may reasonably expect that by giving personal information to SSA they will not market the data to a Third Party.)

7.5. The Data Subject may at any time withdraw consent given, subject to legal and contractual restrictions by giving reasonable notice.

8. Disclosure of Personal Information

- 8.1. SSA has specifically ruled that the distribution of/ sale of/ trading of/ or any other utilisation of membership data/ lists in exchange for any gain is prohibited. The records of all members are confidential and must under no circumstances be open to the scrutiny of anyone other than those with the authority to do so.
- 8.2. SSA may disclose a member's personal information to any active volunteers or members that are conducting training or running any activity under the auspices of SSA.
- 8.3. SSA may also share a member's personal information with / and obtain information about members from third parties when required.
- 8.4. SSA may also disclose a member's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect SSA rights.

9. Safeguarding Personal Information

- 9.1. It is a requirement of POPI to adequately protect personal information. SSA will continuously review its security controls and processes to ensure that personal information is secure.
- 9.2. The following procedures are in place in order to protect personal information:
 - a. SSA must secure the integrity and confidentiality of the personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss, damage or unauthorised destruction, unlawful access to, or processing of the personal information.
 - b. This Policy has been put in place throughout SSA and training on this policy and the POPI Act has already taken place and will continue to be conducted by the SSA Adult Training team as part of their Warrant and other training programmes.
 - c. Each new employee will be required to sign an Employment Contract containing relevant consent clauses for the use and storage of employee and member information, or any other action so required, in terms of POPI.
 - d. Each new volunteer will be required to sign the Warrant/Appointment containing relevant consent clauses for the use and storage of employee and member information, or any other action so required, in terms of POPI.
 - e. Every employee currently employed within the SSA will be required to sign an addendum to their Employment Contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI.
 - f. Every volunteer currently warranted/appointed within the SSA will be required to sign an addendum to their Warrant/Appointment containing relevant consent

- clauses for the use and storage of employee information, or any other action so required, in terms of POPI. SSA's archived member information is stored both on and offsite which is also governed by POPI, access to these areas is limited to authorised personal.
- g. SSA service suppliers and other third-party service providers will be required to sign a Service Level Agreement guaranteeing their commitment to the Protection of Personal Information. This is however an ongoing process that will be evaluated as needed.
 - h. Anyone processing personal information on behalf of SSA must:
 - i. Treat the information as confidential and not disclose it unless required by law.
 - ii. Apply the same security measures as SSA.
 - iii. The processing must be governed by a written contract ensuring safeguards are in place.
 - iv. If the personal information is stored outside the Republic, comply with local protection of personal information laws.
 - i. The Data Subject may request SSA to:
 - i. Correct or delete personal information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully.
 - ii. Delete or destroy personal Information that SSA is no longer authorised to retain.
 - j. The Officer shall ensure that all employees and volunteers know the importance of keeping personal information confidential.
 - k. The Officer shall ensure that care is taken when personal information is disposed of or destroyed to prevent unauthorised parties from gaining access to it.

10. Limiting Collection and Further Processing

10.1. SSA shall ensure that personal information will not be collected indiscriminately, but by fair and lawful means, and be limited to what is necessary to fulfil the specific purpose for which the personal information is being collected.

10.2. Personal information may only be processed if:

- a. The data subject consents to the processing.
- b. Processing is necessary for the conclusion or performance of a contract to which the data subject is a party.
- c. There is a legal obligation to do the processing.
- d. Processing protects the legitimate interests of the data subject.
- e. Processing is necessary for the proper performance of a public law duty by a public body.
- f. Processing is necessary for the pursuit of legitimate interests of SSA.
- g. A data subject may object, at any time, on reasonable grounds, to the processing of their personal information. SSA may then no longer process the personal information.
- h. Personal information must be collected directly from the data subject except if:
 - i. The information is contained in a public record or has deliberately been made

- public by the data subject.
- ii. The data subject has consented to the collection from another source.
 - iii. Collection from another source would not prejudice a legitimate interest of the data subject.
 - iv. Collection from another source is necessary:
 - For the conduct of court proceedings.
 - To maintain the legitimate interests of SSA.
 - Compliance would prejudice a lawful purpose of the collection.
 - Compliance is not reasonably practicable in the circumstances of the particular case.

10.3. Further processing must be compatible with the purpose for which it was collected, unless the data subject gives consent to the further processing.

11. Direct Marketing

11.1. Direct marketing means unsolicited electronic communication. The processing of personal information for the purpose of direct marketing by any form of electronic communication is prohibited unless the data subject:

- a. Has given consent.
- b. SSA has obtained the contact details of the data subject in the context of their membership of the organisation.
- c. It is for marketing SSA's own similar products or services.
- d. If the data subject has been given reasonable opportunity to object, free of charge, at the time the information was collected or on the occasion of each communication for the purpose of marketing.

11.2. SSA may only approach a data subject whose consent is required, and who has not previously withheld such consent, once to gain consent and such consent must be in the prescribed manner and form.

12. Accuracy

12.1. SSA must take reasonably practical steps to ensure that personal Information is complete, accurate, not misleading and updated where necessary.

12.2. The personal information shall not be updated routinely unless it is required to fulfil the purpose for which the personal information was collected.

13. Openness

13.1. The Officer must take reasonably practicable steps to ensure the Data Subject is aware of:

- a. The information being collected.
- b. The name and address of the SSA.
- c. The purpose for which the information is being collected.
- d. Whether or not the supply of the information is voluntary or mandatory.

- e. The consequences of failure to provide the information.
- f. Any particular law authorising the requiring of the collection.
- g. The right of access to and the right to rectify the information collected.
- h. The fact that, where applicable, SSA intends to transfer the information to a third country/international organisation and the level of protection afforded by that third country/organisation.
- i. The right to object to the processing of the information.

13.2. This must done prior to collecting personal information if it is collected directly from the data subject, or in any other case as soon as is reasonably practical after collection.

13.3. Policies and information about the related practices shall be available without unreasonable effort in a format that is generally understandable.

14. Access and correction of personal information

14.1. Members have the right to access the personal information SSA holds about them.

14.2. Members also have the right to ask SSA to update, correct or delete their personal information on reasonable grounds.

14.3. Once a member objects to the processing of their personal information, SSA may no longer process said personal information.

14.4. SSA will take all reasonable steps to confirm its members' identity before providing details of their personal information or making changes to their personal information.

14.5. The Officer shall ensure that upon request SSA shall inform an individual whether SSA holds personal information about them. If possible, the information's source shall also be given. SSA shall allow the individual access to the information. SSA may, however, choose to make sensitive medical information about its employees or volunteers available through a medical practitioner. SSA shall also account for the use that has been made or is being made of this information and give an account as to the third parties to whom it has been disclosed. (Note, if the Officer believes for valid reasons that access to personal information should be denied, the Officer shall consult legal counsel before making such a decision.)

14.6. A person requesting their personal information may be required by the Officer to give sufficient information to permit SSA to provide an account of the existence, use, and disclosure of personal information. Information shall be used only for the purpose for which it was obtained.

14.7. If SSA has supplied personal information about an individual to third parties the Officer shall ensure that an attempt is made to be as specific as possible. When it is

impossible to give a list of organisations to which SSA has actually disclosed information about an individual, SSA shall provide a list of organisations to which it might have disclosed information about the individual.

14.8. The Officer shall ensure that SSA responds to an individual's request within a reasonable time and at minimal or no cost to the individual. The requested information shall be made available in a generally understandable form. For example, the organisation shall explain abbreviations or codes it uses to record information.

14.9. The Officer shall ensure that when an individual successfully demonstrates the inaccuracy or incompleteness of personal information, SSA shall amend the information as required. Depending on the information challenged, amendment involves the correction, deletion, or addition of information in question.

14.10. The Officer shall ensure that when a challenge is not resolved to the individual's satisfaction, SSA shall record the unresolved challenge's substance. When appropriate, the unresolved challenge's existence shall be transmitted to third parties having access to the information in question.

14.11. All Member information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- a. Where disclosure is under compulsion of law.
- b. Where there is a duty to the public to disclose.
- c. Where the interests of SSA require disclosure. And
- d. Where disclosure is made with the express or implied consent of the client.

15. Disclosure to 3rd Parties

15.1. All employees, volunteers, and members have a duty of confidentiality in relation to SSA and members. The following is also applicable:

- a. Information on members: 'Our members' right to confidentiality is protected in the South African Constitution and in terms of ECTA. Information may be given to a 3rd party if the member has consented in writing to that person receiving the information.

15.2. Requests for member information:

- a. These are dealt with in terms of PAIA, which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like SSA, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party.
- b. In terms hereof, requests must be made in writing on the prescribed form to SSA's CEO, who is also the Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee if applicable.
- c. SSA's manual in terms of PAIA, which contains the prescribed forms and details

of prescribed fees, is available on the SSA website www.scouts.org.za

15.3. SSA views any contravention of this policy very seriously and employees and volunteers who are guilty of contravening the policy will be subject to disciplinary procedures.

16. Review of this Policy

16.1. The Protection of Personal Information Policy will be reviewed when legislation or circumstances change internally or by an outside party such as an auditor or compliance officer, and where necessary, updated to ensure that the arrangements remain adequate to identify, assess, evaluate, and successfully control personal information. The policy will be overseen by the Chief Scout who carries the responsibility for the implementation, reviewing and updating of the process.

16.2. Any proposals for amendment of the contents of this policy should be submitted in line with the process described in the standing Organisation Rules in effect at the time of submission of the proposed amendment.

16.3. Members are advised to access SSA's website periodically to keep abreast of any changes. Where material changes take place, members will be notified directly, or changes will be stipulated on the SSA website.

17. Contact Details

17.1. The details of SSA's Information Officer and National Office are as follows:

INFORMATION OFFICER DETAILS

NAME: Mr. new CEO name **TELEPHONE NUMBER:** 068 069 9463
E-MAIL ADDRESS: ceo@scouts.org.za

DEPUTY INFORMATION OFFICER DETAILS

NAME: Mr. Gary Pienaar **TELEPHONE NUMBER:** 082 562 1324
E-MAIL ADDRESS: cc@scouts.org.za

NATIONAL OFFICE DETAILS

TELEPHONE NUMBER: 068 0699 463
POSTAL ADDRESS: PO Box 2434, Clareinch 7400
PHYSICAL ADDRESS: 124 Belvedere Road, Claremont, Cape Town 7708
E-MAIL ADDRESS: popi@scouts.org.za
WEBSITE: www.scouts.org.za

Amendment Submission Contact Details

While every attempt is made to ensure that the contents of this policy are correct and consistent at the time of publication, the changing nature of SCOUTS South Africa and the communities that we serve is acknowledged, and as living documents this Policy should and will require correction and amendment from time to time.

Any proposals for amendment of the contents of this policy should be submitted in line with the process described in the standing Organisation Rules in effect at the time of submission of the proposed amendment.

The proposed amendments for this document should be submitted to:

SCOUTS South Africa

National Office

PO Box 2434

Clareinch

7740

popi@scouts.org.za