# DELEGATE PERSONAL INFORMATION POLICY

## 1. POLICY STATEMENT

DQS MSS (Pty) Ltd. ("DQS Academy" or "Academy") is responsible for the processing and storage of personal information of delegates. It is the policy of DQS Academy to keep a profile on each of the delegates attending a course or other learning and development intervention managed by it. Delegate profiles must contain certain information about a delegate and by implication, this will include personal information.

The purpose of this policy is to promote the protection of personal information and ensure that delegates' right to privacy are protected, subject to justifiable limitations.

This policy prescribes that delegate profiles and information are kept in line with the Protection of Personal Information Act of 2013 (hereinafter referred to as the 'Act') and all other relevant South African legislation.

Also refer to the DQS Academy IT Privacy Policy (DQSMSS-LEGAL-007) for information regarding the use of the DQS Academy website and the online eLearning portal (https://dqs/anewspring.com).

## 2. SCOPE

This policy applies to all DQS MSS staff members and employees, all delegates enrolled for any course or learning and development intervention managed by DQS Academy, all customers and delegates enrolled for any course or learning and development intervention and all third parties acting as operators who process personal information of delegates.

## 3. DEFINITIONS

The following definitions are relevant to this policy and are as included in the Protection of Personal Information Act 4 of 2013:

3.1. "Act" means the Protection of Personal Information Act 4 of 2013;

3.2. ''consent'' means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

3.3. ''data subject'' means the person to whom personal information relates;

3.4. ''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;

3.5. ''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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3.6. ‘‘information officer’’ means an employee of DQS Academy that had been appointed by top management to ensure that personal information is processed in terms of the Protection of Personal Information Act 4 of 2013;

3.7. ‘‘operator’’ means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;

3.8. ‘‘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—

3.8.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

3.8.2. information relating to the education or the medical, financial, criminal or employment history of the person;

3.8.3. any identifying image, number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

3.8.4. the biometric information of the person;

3.8.5. the personal opinions, views or preferences of the person;

3.8.6. 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;

3.8.7. the views or opinions of another individual about the person; and

3.8.8. 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;

3.9. ‘processing’’ means any operation or activity or any set of operations, whether or not by

3.10. automatic means, concerning personal information, including—

3.10.1. the collection, receipt, recording, organisation, collation, storage, updating or modification,

3.10.2. retrieval, alteration, consultation or use;

3.10.3. dissemination by means of transmission, distribution or making available in any other form; or

3.10.4. merging, linking, as well as restriction, degradation, erasure or destruction of information;

3.11. ‘‘record’’ means any recorded information—

3.11.1. regardless of form or medium, including any of the following: (i) Writing on any material; (ii) 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; (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; (iv) book, map, plan, graph or drawing; (v) 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;

3.11.2. in the possession or under the control of a responsible party;

3.11.3. whether or not it was created by a responsible party; and

3.11.4. regardless of when it came into existence;

3.12. ''Regulator'' means the Information Regulator established in terms of section 39 of the Act which establishes a juristic person to be known as the Information Regulator, which—

3.12.1. has jurisdiction throughout the Republic;

3.12.2. is independent and is subject only to the Constitution and to the law and must be impartial and perform its functions and exercise its powers without fear, favour or prejudice;

3.12.3. must exercise its powers and perform its functions in accordance with this Act and the Promotion of Access to Information Act; and

3.12.4. is accountable to the National Assembly.

## 4. DEPUTY INFORMATION OFFICER

The Head of Learning and Development (and in the absence of an executive head, the most senior employee at the Academy) is automatically appointed as Deputy Information Officer, to work with the Information Officer appointed for DQS Academy.

The Information Officer appointed for DQS Academy may, from time to time, delegate responsibilities to the Deputy Information Officer, subject to it being in writing and which will be in addition to the responsibilities set out in this policy.

The Deputy Information Officers shall be responsible for ensuring that the Academy is compliant with the Act and shall:

4.1. Promote the proper processing of all delegate personal information;

4.2. Ensure that appropriate systems are put in place to ensure that personal information is protected;

4.3. Ensure that appropriate computer software is installed on DQS Academy computers to ensure that personal information cannot be obtained by unauthorised parties;

4.4. Co-operate with the government regulator in any investigations conducted at DQS Academy;

4.5. Where a third party is acting on behalf of the Academy, ensure that the third party complies with this policy;

4.6. Where the Academy is an operator, and where the Deputy Information Officer reasonably suspects that personal information has been accessed by an unauthorised party, the Deputy Information Officer must report the suspected breach to the Information Officer who will in turn report the suspected breach to the responsible party;

4.7. Maintain clear communication with the Information Officer regarding compliance with this policy;

4.8. Notify the Information Officer, immediately, in writing and telephonically, if reasonably suspecting that personal information has been accessed by an unauthorised party. The Information Officer shall determine whether to report the suspected breach to DQS Academy Board of directors. The Information Officer shall consider the best course of action to follow depending on the severity of the breach.

## 5. LAWFUL PROCESSING OF PERSONAL INFORMATION

The Academy shall process personal information lawfully to ensure that delegate rights to privacy are not infringed, which shall include:

5.1. only processing personal information where consent has been given. Consent through the POPIA Consent Form (DQSMSS-FORM-021) or the signing of the Course Registration Form, shall be considered compliance with this clause;

5.2. limiting the processing of personal information to the purpose for which it is being processed which must be clearly defined and for a functional activity/reason and not obtaining excessive amounts of unnecessary information;

5.3. collecting information directly from the data subject if possible and only collecting information from a third party if good cause can be shown;

5.4. alerting the data subject as to the reason why the personal information is required;

5.5. not storing personal information for a period that is longer than necessary. The period shall be determined by purpose/use of the information. The information may be stored for a longer period if consent is given. Consent through the POPIA Consent Form (DQSMSS-FORM-021) or the signing of the Course Registration Form, shall be considered compliance with this clause;

5.6. ensuring, with the Information Officer, that a contract is drawn up with third parties that are required to process personal information on behalf of the Academy. The contract shall ensure compliance with this policy;

5.7. not processing personal information for a different purpose than for which the information was collected from the data subject. Should it be necessary to use the information for a different purpose than the original purpose, the consent of the data subject must be given;

5.8. to the best of their ability ensure that the personal information that is processed and/or stored is accurate and complete.

## 6. SECURITY AND SAFEGUARDS

The Academy shall take the following measures to ensure that personal information is secure and safeguarded:

6.1. by taking appropriate, reasonable technical and organisational measures to prevent the loss or damage or unauthorised destruction to personal information;

6.2. by taking appropriate, reasonable technical and organisational measures to prevent unlawful access to or processing of personal information;

6.3. by identifying all reasonably foreseeable internal and external risks to personal information in its possession or under its control and taking steps to ensure that the personal information is stored and processed securely;

6.4. by performing regular checks to ensure that the safeguarding measures are updated to ensure information is secure and securities against new risks that arise are provided for;

6.5. by performing regular checks to ensure that the safeguarding measures are effectively implemented;

6.6. by concluding contracts with operators or responsible parties to ensure that security measures are maintained.

## 7. UNAUTHORISED ACCESS TO PERSONAL INFORMATION

7.1. The Academy must notify the Regulator (through the Information Officer) and data subject, if possible, if it reasonably believes that the personal information of a data subject has been accessed or acquired by any unauthorised party. The data subject must be informed via a notice that is in writing and is either mailed to the data subject's last known physical or postal address; sent by e-mail to the data subject's last known e-mail address; placed in a prominent position on the official DQS Academy website; published in the news media; or as may be directed by the Regulator.

7.2. The notification must provide sufficient information to allow the data subject to take protective measures against the potential consequences of the compromise. The notice must include a description of the possible consequences of the security compromise; a description of the measures that the responsible party intends to take or has taken to address the security compromise; a recommendation with regard to the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and if known to the responsible party, the identity of the unauthorised person who may have accessed or acquired the personal information.

7.3. The notification must take place as soon as reasonably possible after the parties have become aware of the compromise. DQS Academy must consider the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system when deciding on the length of time in which to report the compromise to the Regulator and the data subject. Should the Academy become aware of the fact that disclosing the compromise to the data subject will impede a criminal investigation it may delay disclosing the compromise to the data subject.

## 8. CONSENT TO PROCESSING AND STORING PERSONAL INFORMATION

DQS Academy shall allow a data subject, who adequately identifies him/herself to the Information Officer or Deputy Information Officer, to access his/her personal information. The data subject may request that corrections be made to his/her personal information if it has changed. The data subject may also request that the Information officer delete information that was unlawfully obtained, is excessive, out of date, irrelevant, misleading or incomplete.

8.1. The Academy shall not process or store personal information without the consent of the data subject.

8.2. The Academy may process information without the data subject's consent if it is necessary for the conclusion or performance of a contract to which the data subject is a party; and/or the processing complies with an obligation contained in South African legislation; and/or it protects the legitimate interest of the data subject ;and/or it is necessary for the proper performance of a public law duty that has been imposed on the Academy; and/or it is necessary for pursuing the legitimate interests of the Academy or a third party to whom the information is supplied. The Information Officer shall determine what shall constitute a legitimate interest and if necessary shall seek legal advice.

## 9. PROCESSING OF SPECIAL PERSONAL INFORMATION

Any information regarding a data subject's religious or philosophical beliefs, race or ethnic origin, political persuasion, trade union membership, health or sex life or biometric information, alleged criminal offences, legal proceedings relating to offences allegedly committed by the data subject or details of an internal disciplinary hearing of the data subject shall be considered special personal information. Special personal information may only be stored with the consent of the data subject; or if the processing is for statistical reasons that would serve the public interest and is necessary for the purpose concerned and steps are taken to ensure that the data subject is not adversely affected to a disproportionate extent; or if the data subject deliberately made the information public. The relevant Information Officer shall take special precautions when processing such special personal information and ensure that extra measures are taken to safeguard and secure the information which shall include storing any printed documentation in a secure place and ensuring that data communication is securely stored with passwords and other technical safety measures.

## 10. PROCESSING AND STORING OF 'DELEGATE PROFILE' CONTENT

10.1. DQS Academy has a policy of maintaining delegate profiles for each delegate enrolled for any course or learning and development intervention. The Academy keeps these profiles in a way that is in line with this policy:

10.1.1. The responsibility to ensure that delegate profiles are managed in compliance with law resides with the Learning and Development Head of the Academy, appointed as deputy information officer.

10.1.2. Delegate profiles must be kept for each delegate and must meet at least the following criteria:

10.1.2.1. Each delegate must have a cumulative record of courses completed.

10.1.2.2. At least the surname, name, identity number, gender, date of birth, home language, date of admission, all addresses, employment information and telephone numbers must be kept.

10.1.2.3. Where applicable (i.e. for registration, recognition or prior learning and/or evidence of prerequisite information), the profile must contain:

a. Delegate information (application form, indemnity form, copy of ID)
b. Assessments and Portfolios of Evidence
c. Assessment and Moderation results
d. Curriculum vitae containing previous employment and qualifications
e. Copies of previous secondary and tertiary certificates
f. Relevant communication such as appeals, etc.

10.1.3. The Deputy Information Officer shall ensure that all documentation and electronic information is stored safely in a locked filing cabinet or safe that only a limited number of DQS Academy staff have access to. Special attention must be given to:

10.1.3.1. The storage of a copy of Identity documents and in the case of foreign delegates – passport, work and study permits.

10.1.3.2. DQS Academy employees must ensure that all data is updated regularly when new information is received.

10.1.3.3. The filing of most recent reports and Assessments;

## 11. AMENDMENTS

This policy can only be amended and reviewed in line with the Documentation Control Procedure (DQSMSS-PM-002) by authorised individuals.

The individuals responsible for amendment and review of this policy is displayed on page 1 of this policy.

This policy must be reviewed biennially and in particular, within 24 months of the Current Approval Date displayed on page 1 of this policy.