South African Council
for the Architectural Profession

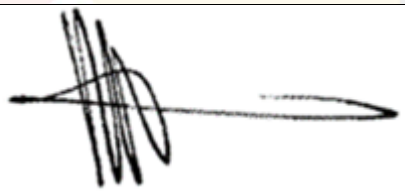
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Protection of Personal Information Manual

Status:	Final
Custodian:	Senior Manager: Mun
Reviewed:	MANCO
Recommended by:	Registrar
Signed by:	Mr Charles Nduku
Approved:	Council of SACAP
Signed by: President of Council	
Date signed:	12 December 2024
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1. Introduction

1.1 The Protection of Personal Information Act, Act 4 of 2013 gives effect to the constitutional right to privacy and regulates how personal information may be processed.

1.2 Protection of Personal Information provides rights and remedies to protect personal information. It applies to the processing of personal information in any form by a responsible party who is domiciled in South Africa or if not domiciled in South Africa, makes use of automated or nonautomated means, unless the processing relates only to the forwarding of personal information.

2. Preamble

2.1 **WHEREAS** Section 14 of the Constitution of the Republic of South Africa, 1996 grants everyone the right to privacy, and the privacy right includes a right to protection against the unlawful collection, retention, and use of personal information.

2.2 **AND WHEREAS** the Promotion of Access to Information Act, Act 2 of 2000 (PAIA) gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

2.3 **AND WHEREAS** Section 19 of the Architectural Profession Act, 2000 (Act NO. 44 of 2000) ('the Act") prescribes the requirements for the registration for a person to be registered in the architectural profession.

2.4 **AND WHEREAS** the Protection of Personal Information Act regulates how personal information is processed by requiring responsible parties to safeguard personal information and process it responsibly.

2.5 **NOW THEREFORE**, the South African Council for the Architectural Profession ("SACAP") determines a policy on the protection of personal information that is collected and processed for purposes of registration in the architectural profession.

3. Definitions

In this document, unless contrary to the context, reference to the male gender includes the female gender; a word or expression to which a meaning has been assigned in the Architectural Profession Act shall bear the same meaning unless the context otherwise indicates.

"**Data Subject**" means any person to whom the personal information relates;

"**My Membership**" shall mean a database system that captures Registered Persons' profiles inclusive of registration history, upgrades, renewals, cancellations, etc.

"**Personal information**" means information about an identifiable individual including, but not limited to; *Information relating to race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, color, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, identity document/passport number, phone number, email address, financial information, physical address, date of birth, criminal record, and private correspondence;*

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Information relating to the educational or the medical, criminal, or employment history of the individual or information relating to financial transactions in which the individual has been involved; and

The name of the individual, where appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual.

"**POPIA**" means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

"**Processing**" means any operation or activity or any set of activities, whether or not by automatic means, concerning personal information including:

The collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation, or use;

Dissemination utilizing transmission, distribution, or making available in any other form; or

Merging, linking, as well as restriction, degradation, erasure, or destruction of information;

"**Public Body**" means any department or state administration in the national or provincial sphere of government any municipality in the local sphere of government; or any other functionary or institution when exercising a power or performing a duty in terms of the constitution or a provincial constitution, or exercising a public power or performing a public function in terms of any legislation;

"**Responsible party**" means a member of the public or private body or any other persons who alone or in conjunction with others, determines the purpose of and means for processing personal information.

4. Policy goals and Objectives

4.1 The policy objective is to give effect to the provisions of POPIA to safeguard personal information.

4.2 SACAP is responsible for registering persons under Section 19 of the Act in the architectural profession and in doing so, it collects and processes personal information.

4.3 The policy sets out how SACAP deals with a registered person's personal information and the purpose for the said information to be used.

4.4 The objective and goal of this policy is to guarantee SACAP's commitment to protecting the personal information of registered persons.

4.5 SACAP will ensure that the registered person's personal information in its possession is adequately protected to avoid unauthorized access and use.

4.6 Furthermore, SACAP undertakes to protect the personal information of all its Council members and employees. The personal information will be used appropriately, transparently, and securely per applicable laws.

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4.7 POPIA sets out the following conditions for the lawful processing of information:

a) Duty by a public body;
b) Legal obligation to perform the processing of personal information;
c) Processing limitation — information may only be processed if it is adequately relevant and not excessive given the purpose for which it is collected;
d) Purpose specification — personal information must be collected for a specific, explicitly defined, and lawful purpose related to the activity of the responsible party.
e) Further processing limitation — where information is received from a third party and passed on to the responsible party for further processing, the further processing must be compatible with the purpose for which it was initially processed.
f) Information quality — information must be complete, accurate, not misleading, and updated where necessary.
g) Openness — the data subject must be informed when collecting information and the specific nature thereof.
h) Security safeguards - the responsible party must ensure the integrity of the personal information by taking measures to prevent the loss, damage, or unauthorized destruction of the information.
i) Data subject specification — the data subject has the right to request a responsible person to confirm, free of charge, whether they hold personal information about them.

5. Personal information collected.

5.1 In terms of section 9 of POPIA, personal information may only be processed if given the purpose for which it is processed, it is adequate, relevant, and not excessive.

5.2 Consequently, SACAP collects personal information for the Registration of persons who qualify for registration in the Architectural Profession. Examples of personal information collected from Registered Persons include but are not limited to:

- Registered professionals' names;
- Candidate's names;
- Categories of registration information;
- Monthly training records;
- Continuing Professional Development records;
- Status of registration;
- identity numbers,
- Date of birth;
- Physical and Postal addresses;
- Employment details;
- Practice details, where applicable;
- Telephone and fax numbers,
- Email addresses;
- Academic information and records,
- Records of experience in the architectural profession.
- Copies of qualifications; and
- Curriculum Vitae.

5.3 Personal information collected for human resources purposes. Examples of personal information collected from SACAP employees include but are not limited to

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- Name;
- Address;
- phone number;
- marital status;
- date of birth;
- Next of kin;
- doctor's name;
- spouse/partner contact information;
- Curriculum Vitae;
- letters of reference;
- Employment status and history;
- Academic records;
- Banking details;
- Disciplinary information;
- Salary information; and
- Criminal records

5.4 SACAP collects the following information from the public:

- Names;
- Telephone numbers;
- Company which the visitor comes from;
- Names of persons lodging complaints of improper conduct against registered persons;
- Email addresses;
- Identity numbers;
- Physical addresses;
- Drawing plans;
- Email correspondence;
- Proof of payments;
- Personal information used on Service level agreements; and
- Service provider personal information.

6. How personal information is used

6.1 Registered persons and employees' personal information will only be used for the purposes for which it was collected and intended. This includes:

- Registration;
- Upgrades from a candidate to a professional;
- Continuing Professional Development points;
- For audit and record-keeping purposes
- Disciplinary processes;
- Nomination of Council members;
- Provides information on registered persons to the Council for the Built Environment;
- Communicate with registered persons;
- Employee contracts;
- Communication with employees;
- Employee personal information is used to establish, manage, and terminate employment; and
- Analysis and review of service provider contracts, in terms of which personal information is processed for and on behalf of SACAP.

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6.2 According to section 10 of POPI, personal information may only be processed if certain conditions are met, for instance;

- ❖ Consent is obtained to process personal information- in our case consent is obtained during the registration, employment, and entering into a service level agreement with service providers;
- ❖ Processing complies with an obligation imposed by law (Architectural Profession Act & PAIA).

7 Disclosure of personal information

- ❖ SACAP may disclose personal information where it has a duty or a right to disclose in terms of applicable laws;
- ❖ SACAP may disclose personal information where it deems it necessary to protect the esteem, dignity, and professionalism of the Architectural Profession; and
- ❖ SACAP may disclose the name and surname of a registered person, his/her category of registration, registration number, and the status of registration.

8 Safeguarding registered persons' personal information

8.1 In terms of section 19 of POPI, a responsible party must ensure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organizational measures to prevent loss of, damage to, or unauthorized destruction of personal information, unlawful access to or processing of personal information

8.2 POPI requires that personal information should be adequately protected to avoid unauthorized access. Therefore, SACAP continuously reviews security controls and procedures to ensure that personal information is secured.

8.3 The following security controls are in place to protect personal information:

- ❖ Personal information is treated as confidential and not disclosed unless required by law;
- ❖ High-level IT controls in place to maintain the protection of personal information;
- ❖ High-level anti-virus programs;
- ❖ Access rights in place;
- ❖ Computer passwords in place;
- ❖ Assessment of data quality controls in place to ensure the accuracy and completeness of personal information;
- ❖ A third-party service provider is mandated to ensure safeguarding of registered persons personal information;
- ❖ Personal information is stored at a third-party service provider who is subject to POPI provision in the Service Level Agreement;
- ❖ SACAP internal server hard drives are protected by firewalls;
- ❖ Employees of SACAP sign a confidential agreement which is part of the employment contract;
- ❖ Hardcopy files are archived in a secured place;

9 Access and correction of personal information

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9.1 SACAP takes reasonable steps to ensure that the Personal Information collected is complete, accurate, not misleading, and updated where necessary.
9.2 SACAP has regard to the purpose for which Personal Information is collected or further processed when taking such steps.
9.3 SACAP complies with section 16 of the POPIA, however, Data Subjects are required to ensure that the Personal Information they provide is complete, accurate, not misleading, and consistently updated where necessary.
9.4 Registered persons have a right to request access to their personal information in SACAP's possession;
9.5 Data subjects have a right to correct their personal information that is already in SACAP'S possession.
9.6 Whereby a data subject corrects personal information in SACAP's possession, the Information Officer and or designated personnel will forward the corrected information to third parties.

10 The details of the Information Officer:

Position: Registrar
Tel: 01 1 479 5000
Email: Toto.Fiduli@sacapsa.com
Physical Address: 51 Wessel Road, Rivonia, Sandton, 2128
Postal Address: P O Box 1500, Rivonia, 2128

11 POPIA Compliance challenges

a) The Information Officer and or any designated person shall appropriately train and address POPI compliance challenges communicated by SACAP personnel.
b) The Information Officer and or a designated data custodian will be responsible for forwarding corrected personal information to third parties.
c) SACAP ensures compliance with sections 20 and 21 of the POPIA by entering into data processing agreements with Operators who process Personal Information for or on behalf of SACAP, thereby also ensuring that the Operator establishes and maintains the security measures referred to in section 19 of the POPIA.

12 Complaints

a) SACAP shall receive and investigate complaints about alleged violations of the protection of personal information of data subjects and report to complainants in respect of such complaints. The Complaint form is accessible on SACAP's website and or upon request.
b) SACAP shall gather such information that in its opinion will assist in discharging the duties and carrying out its functions under POPIA.
c) SACAP shall attempt to resolve complaints employing dispute resolution mechanisms such as mediation and conciliation; serving any notices in terms of POPIA and further promoting the resolution of disputes under the prescripts of POPIA.
d) SACAP will modify its actions if a complaint received is substantiated by conclusive evidence and will monitor and evaluate its processes to minimize the likelihood of such complaints recurring.

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e) Any person alleging interference with the protection of the personal information of a data subject may, in terms of section 74(1) of POPIA, submit a complaint to the Regulator. Any person who wishes to submit a complaint contemplated in section 74(1) of POPIA must submit such a complaint to the Regulator in the prescribed manner and form.
f) SACAP or a data subject who is aggrieved by a determination, including any declaration, order, or direction that is included in the determination, made by an adjudicator, may submit a complaint to the Regulator against the determination in terms of section 74(2) of POPIA.
g) There is a fee payable by SACAP or data subject in respect of a complaint lodged against the adjudicator's determination. A responsible party or a data subject who wishes to submit a complaint contemplated in paragraph 10.3 above, must submit such a complaint to the Regulator on the prescribed form, which form is available on the Regulator's website.

13 Any person may request access to a list of Third parties to whom information has been disclosed or to whom such information is generally disclosed.

- Particular third parties
- Service providers
- Voluntary Associations
- Municipalities
- Academic Institutions
- Other Regulatory Bodies

14 **Amendment of the policy**

Amendment to this policy will take place on an ad hoc basis or when needed. Registered Persons are advised to regularly update their personal information electronically on My Membership.