







PRIVACY STATEMENT AND INFORMED CONSENT

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Control Sheet

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A. Preamble.

Since its proclamation, the Protection of Personal Information Act 4, 2013 (POPIA) has been implemented incrementally with the majority of its Sections commencing in June 2020 (under Proclamation No.R. 21 of 2020 in Gazette no. 11136, Vol. 660 No 43461 dated 22 June 2020). The POPIA Information Regulator provided all entities with a grace period of one year from the commencement date to comply with POPIA i.e 01 July 2020 to 30 June 2021. It is against this background that SAQA has formulated this Privacy Statement and Informed Consent to provide its undertaking and commitment to the lawful processing of personal information collected through its Website, Databases and other social media platforms.

B. Purpose.

The purpose of the Privacy Statement and Informed Consent document is to comply with Section 18 “Notification to Data Subject when collecting Information” of the Protection of Personal Information Act 4, 2013, which requires that organisations be forthcoming and transparent about their information processing practices. Organisations that collect personal information must take reasonable steps to ensure that individuals are aware of certain information, such as:

- i. The personal information being collected;
- ii. The purpose of such collection;
- iii. The law authorising or requiring the collection of information, if applicable;
- iv. The name and address of an entity ;
- v. The consequences of failure to provide the requested personal information;
- vi. Whether the supply of personal information by the individual is voluntary or mandatory; and
- vii. Who has access to such information.

C. Scope

The Privacy Statement and Informed Consent applies to all users of the SAQA Website, Databases and social media platforms. The SAQA Privacy Statement and Informed Consent addresses:

- i. The nature of personal information collected and processed by SAQA on its Website, Databases or social media platforms;
- ii. Personal Information obtained from third parties and processed by SAQA;
- iii. The purpose of the collection of the personal information;
- iv. Security measures in place at SAQA to protect personal information; and
- v. Contact information for queries.

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D. Type of Policy

This is an operational policy.

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IF YOU DO NOT AGREE WITH ANY TERM OF THIS PRIVACY STATEMENT, YOU MUST CEASE YOUR ACCESS OF THE SAQA WEBSITE, DATABASES OR SOCIAL MEDIA PLATFORMS IMMEDIATELY.

1. Definitions and Interpretation.

- 1.1. **“SAQA”** means the South African Qualifications Authority, a statutory body established in terms of the South African Qualifications Authority Act No 58 of 1995 (SAQA Act) and continuing under the National Qualifications Framework Act, No 67 of 2008 as amended (NQF Act);
- 1.2. **“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—
 - 1.2.1 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;
 - 1.2.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 1.2.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 1.2.4 the biometric information of the person;
 - 1.2.5 the personal opinions, views or preferences of the person;
 - 1.2.6 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;
 - 1.2.7 the views or opinions of another individual about the person; and
 - 1.2.8 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;
- 1.3. **“POPIA”** means the Protection of Personal Information Act, No. 4 of 2013, as amended;

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- 1.4. **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including—
- 1.4.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 1.4.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 1.4.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 1.5. **“You”** or the **“user”** means any person (including but not limited to Third Parties) who accesses and browses the SAQA Website, Database or other media platform utilized by SAQA for any purpose.
- 1.6. **“Website”** means the Website of SAQA at <https://www.saqqa.org.za> or such other URL as SAQA may choose from time to time.
- 1.7. **“Database/s”** means the electronic platform/s utilised by SAQA and Third Parties doing business with SAQA for the collection, population, storage and retrieval of Personal Information which platforms include but are not limited to:
- 1.7.1 NQF MIS (The National Learners’ Records Database [NLRD]);
- 1.8. **“Third Parties”** means the organisations conducting business with SAQA whether contractually or per legislative mandate which Third Parties utilise the SAQA Website, Databases or social media platforms to populate, store or retrieve Personal Information.
- 1.9. In the event of any inconsistencies between the definitions in sub-clauses 1.2 to 1.4 above and those in POPIA, the definitions in POPIA shall take precedence to the extent of such inconsistency.

2. Status and Amendments.

- 2.1. SAQA respects your privacy. This Privacy Statement sets out SAQA’s information gathering and dissemination practices in respect of its Website, Databases or social media platforms as applicable.
- 2.2. This Privacy Statement governs the processing of Personal Information provided to SAQA through your use of its Website, Databases or social media platforms if applicable.
- 2.3. Please note that, due to legal and other developments, SAQA may amend its Privacy Statement from time to time. This version of the Privacy Statement is indicated by the effective date incorporated in the title of this Privacy Statement. It is your duty to remain

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appraised of the current version of this Privacy Statement. The date indicated in the heading of this Privacy Statement is the effective date that governs the browsing and use of this Privacy Statement from that date until the next revision of this Privacy Statement becomes effective.

- 2.4. By continuing to browse or use this Privacy Statement after a revised Privacy Statement becomes effective constitutes your agreement to observe this Privacy Statement as may be revised.

3. Processing of Personal Information.

- 3.1. By providing your Personal Information to SAQA:

- 3.1.1 You acknowledge that it has been collected directly from you;
- 3.1.2 You acknowledge that you have read and understood this Privacy Statement and related provisions;
- 3.1.3 You agree to be bound by this Privacy Statement;
- 3.1.4 You agree to comply with this Privacy Statement; and
- 3.1.5 You give SAQA consent to process and further process the required Personal Information for the required purpose, in accordance with this Privacy Statement.

- 3.2. Where you submit Personal Information (such as name, address, telephone number and email address) via the Website, Database, a Third Party or social media platform (e.g. through completing any online form) the following principles are observed in the processing of that information:

- 3.2.1 SAQA will only collect Personal Information for a purpose consistent with the purpose for which it is required. The specific purpose for which information is collected will be apparent from the context in which it is requested.
- 3.2.2 Generally, SAQA collects and processes Personal Information, per the mandate in Section 13 of the NQF Act, 2008 as amended, for *inter alia* the following purposes which are non-exhaustive:
 - 3.2.2.1 Population of the NLRD;
 - 3.2.2.2 Verification of qualification achievements;
 - 3.2.2.3 Evaluation of foreign qualifications;
 - 3.2.2.4 Registration of qualifications and part-qualifications;

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- 3.2.2.5 Recognition of professional bodies and registration of professional designations;
 - 3.2.2.6 Informing you about the services offered by SAQA; or
 - 3.2.2.7 Conducting Research.
- 3.2.3 SAQA will only process Personal Information in a manner that is adequate, relevant and not excessive in the context of the purpose for which it is processed.
- 3.2.4 Personal information will only be processed for a purpose compatible with that for which it was collected unless you have agreed to an alternative purpose in writing or SAQA is permitted in terms of national legislation of general application dealing primarily with the protection of Personal Information.
- 3.2.5 SAQA will keep records of all Personal Information collected and the specific purpose for which it was collected for 1 (one) year from the date on which it was last used or a longer period if required by legislation.
- 3.2.6 SAQA will not disclose any Personal Information relating to you to any third party unless:
- 3.2.6.1 your prior written consent is obtained; or
 - 3.2.6.2 SAQA is required by law to disclose such information; or
 - 3.2.6.3 It is required for the proper performance of a function by SAQA.
- 3.2.7 If Personal Information is released with your consent, SAQA will retain a record of the information released, the third party to which it was released, the reason for the release and the date of release. Some of these records of released information are required to be retained permanently. Notwithstanding that SAQA is required to retain some of these records permanently, SAQA shall not retain any other records of Personal Information for longer than is necessary for achieving the purpose for which the information was collected or subsequently processed.
- 3.2.8 Subject to clause 3.2.7 above, SAQA will destroy or delete any Personal Information that is no longer needed by SAQA for the purpose it was initially collected, or subsequently processed.

3.3. Note that,

- 3.3.1 As permitted by the Electronic Communications and Transactions Act 25 of 2002, as amended, SAQA may use Personal Information collected to compile profiles for statistical purposes. No information contained in the profiles or statistics will be able to be linked to any specific user; and

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3.3.2 SAQA is a Public Entity in terms of the Public Finance Management Act No.1, 1999 and is listed under Schedule 3, Part A. SAQA thus falls within the definition of a “Public Body” as defined in section 1 of POPIA. As such the exemption provided in section 38 of POPIA applies to SAQA. Section 38 reads in part as follows:
 “Personal information processed for the purpose of discharging a relevant function is exempt from sections 11(3) and (4), 12, 15 and 18 in any case to the extent to which the application of those provisions to the Personal Information would be likely to prejudice the proper discharge of that function.”

4. Third parties

- 4.1 SAQA requires all Third Parties doing business with SAQA to comply with POPIA, in particular the conditions for lawful processing of Personal Information set out in Chapter 3 of POPIA.
- 4.2 No Third Party shall make use of the SAQA Databases without first signing the SAQA POPIA Undertaking which is available on request at this email address sagasecretariat@saqa.org.za .
- 4.3 Before loading or sharing any Personal Information on the SAQA Databases, all Third Parties shall have obtained written consent from the Data Subject and clearly informed the Data Subject that the Personal Information will be shared with SAQA and loaded on the SAQA Databases and the purpose thereof.

5. Collection of anonymous data

- 5.1 SAQA may use standard technology to collect information about the use of its Website or social media platforms. This technology is not able to identify individual users but simply allows SAQA to collect statistics.
- 5.2 SAQA may utilise temporary or session cookies to keep track of users’ browsing habits. A cookie is a small file that is placed on your hard drive to keep a record of your interaction with the Website or social media platform and facilitate user convenience.
 - 5.2.1 Cookies by themselves will not be used to identify users personally but may be used to compile identified statistics or to provide SAQA with feedback on the performance of its Website or social media platform. Cookies cannot be used to run programs or deliver viruses to your computer. You can accept or decline cookies.
 - 5.2.2 The following classes of information may be collected in respect of users who have enabled cookies:

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- 5.2.2.1 The browser software used;
- 5.2.2.2 IP address;
- 5.2.2.3 Date and time of activities while visiting the Website or social media platform;
- 5.2.2.4 URLs of internal pages visited; and
- 5.2.2.5 Referrers.

5.3 If you do not wish cookies to be employed to customise your interaction with the Website or social media platform, it is possible to alter the manner in which your browser handles cookies. Please note that, if this is done, certain services on the Website or social media platform may not be available.

6. Security

6.1 SAQA is legally obliged to provide adequate protection for the Personal Information it holds and to stop unauthorised access and use of Personal Information. SAQA will, on an ongoing basis, continue to review its security controls and related processes to ensure that your Personal Information remains secure.

6.2 SAQA’s security policies and procedures cover:

- 6.2.1 Physical security;
- 6.2.2. Computer and network security;
- 6.2.3 Access to Personal Information;
- 6.2.4 Secure communications;
- 6.2.5 Security in contracting functions;
- 6.2.6 Retention and disposal of information;
- 6.2.7 Acceptable usage of Personal Information;
- 6.2.8 Governance and regulatory issues;
- 6.2.9 Monitoring access and usage of private information; and
- 6.2.10 Investigating and reacting to security incidents.

6.3 When SAQA contracts with Third Parties, SAQA imposes appropriate security, privacy and confidentiality obligations on the Third Party to ensure that Personal Information that SAQA remains responsible for, is kept secure.

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7. Links to other websites

- 7.1 SAQA has no control over and accepts no responsibility for the privacy practices of any third-party websites to which hyperlinks may have been provided and SAQA strongly recommends that you review the privacy statement of any website you visit before using it further.

8. Queries

- 8.1 If you have any queries about this Privacy Statement; need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your Personal Information, please contact us by emailing sagasecretariat@saga.org.za .

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