

LILIBARA PROJECTS (PTY) LTD



Civil Engineering Consultants And Project Managers

PRIVACY POLICY NOTIFICATION

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Introduction

The Protection of Personal Information Act (POPIA), No 4 of 2013 promotes the protection of personal information by public and private bodies. POPIA has been signed into law by the president on 19 November and published in the government gazette notice 37067 on 26 November 2013. Section 18 of this act states that if personal information is being collected, then the responsible party must take reasonable steps to ensure that the data subject is made aware of:

- 1) The type information being collected and where the information is not collected from you, the source from which it is collected.
- 2) Our name and address (where we act as the responsible party)
- 3) The purpose for which the information is being collected.
- 4) Whether or not the supply of the information by you is voluntary or mandatory.
- 5) The consequences of failure to provide the information.
- 6) Any law authorizing or requiring the collection of the information.
- 7) The fact that, where applicable, we (as the responsible party) intend to transfer the information to a third country or international organization and the level of protection afforded to the information by that third country or international organization.
- 8) Any further information such as the—
 - a) Recipient or category of recipients of the information.
 - b) Nature or category of the information.
 - c) Existence of the right of access to and the right to rectify the information collected.
 - d) Existence of the right to object to the processing of Personal Information as referred to in section 11(3); and
 - e) Right to lodge a complaint to the Information Regulator and the contact details of the Information Regulator

The remainder of this document will cover the items listed above in more detail to show how Lilibara handles the collection of personal information.

Collection of Personal Information

What Personal Information do we collect?

1. Personal Information is normally collected directly from our job applicants, potential employees, and employees. We may also use other sources, subject to restrictions under applicable law, to assist in obtaining relevant Personal Information about you, including -

- a) **Identification data** – such as your name, surname, gender, photograph, date of birth, identification number, languages.
- b) **Contact details** – such as home address, telephone, email addresses, and emergency contact details.
- c) **Employment details** – such as employment history, performance and disciplinary records, grievance procedures, sickness/holiday records.
- d) **Educational and professional background** – such as academic/professional qualifications, education, CV/resumé, reference letters and interview notes.
- e) **General details** – such as Spouse, beneficiary & dependents information, marital status.
- f) **Financial information** – such as banking details, tax information, payroll information, salary, benefits, expenses, company allowances.
- g) **IT information** – information required to provide access to our IT systems and networks such as IP addresses, log files, login information, software/hardware inventories.
- h) **Health information** – such as information about short- or long-term disabilities or illnesses that you might share with us, particularly in relation to any leave of absence you may need to take.
- i) Other information you choose to share with us.

2. We may also collect certain demographic data that qualifies as special personal information in terms of the POPIA Act, including –

- a) Information about your race or ethnicity, religious beliefs, sexual orientation, and political opinions.
- b) Information about your health, including any medical condition, health, and sickness records.
- c) Information about criminal convictions and offences.

3. **Automatic:** We may also have access / collect Personal information that we collect automatically when you visit our website.

4. **Third Parties:** We may also collect information about you through our trusted third-party sources to assist us in providing product and service offerings to you, including –

- a) Recruitment information (including references and other information included in a CV or cover letter or as part of the application process).
- b) Employment records (including job titles, work history, working hours, training records and professional memberships).

5. In terms of the POPIA Act we must have accurate and up to date information about you. Please check that your personal details are correct whenever you visit us and inform us of any changes.

6. We typically collect personal information about employees, workers and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider.

7. We may sometimes collect additional information from third parties including former employers, references, credit reference agencies or other background check agencies, training qualifications, workplace pensions and psychometric testing.

8. We will collect additional personal information during job-related activities throughout the period of our contract.

Our contact Details

Organization Name:	Lilibara Projects (Pty) Ltd
Physical Address:	13 Baobab Street Noordwyk, Midrand 1687
Postal Address:	P.O. Box 627, Halfway House, 1685
Tel No:	+27 11 784 1217
Email:	Info@lilibara.co.za
Website:	www.lilibara.com

Purposes for Which the Information is being collected.

1. We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- a) Where we need to perform the contract, we have entered with you.
- b) Where we need to comply with a legal obligation.
- c) Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.

2. We may also use your personal information in the following situations:

- a) Where we need to protect your interests (or someone else's interests).
- b) Where it is needed in the public interest or for official purposes.

3. The situations in which we will process your personal information are listed below.

- a) Deciding about your recruitment or appointment.
- b) Determining the terms on which you work for us.
- c) Paying you and, if you are an employee, deducting tax and UIF contributions.
- d) Administering the contract, we have entered with you.
- e) Conducting performance reviews, managing performance, and determining performance requirements.
- f) Making decisions about salary reviews and compensation.
- g) Assessing qualifications for a particular job or task, including decisions about promotions.
- h) Gathering evidence for possible grievance or disciplinary hearings.
- i) Making decisions about your continued employment or engagement.
- j) Deciding for the termination of our working relationship.
- k) Education, training, and development requirements.
- l) Dealing with legal disputes involving you, or other employees, workers, and contractors, including accidents at work.
- m) Ascertaining your fitness to work.
- n) Managing sickness absence.
- o) Complying with health and safety obligations.
- p) To monitor your use of our information and communication systems to ensure compliance with our IT policies.
- q) To ensure network and information security, including preventing unauthorized access to our computer and electronic communications systems and preventing malicious software distribution.
- r) Equal opportunities monitoring.

4. Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

Is the supply of information voluntary or mandatory?

Supplying of certain types of information is mandatory in terms of legislation and regulations. For example, in terms of the Basic Conditions of Employment Act we need to process certain Personal Information from our employees.

Any law authorizing or requiring the collection of information

If your Personal Information is collected in terms of a particular law authorizing or requiring the collection of the information, we will take steps to ensure that you are aware of that.

Failure to provide the requested information

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our workers).

Transfer of information to a third country

If your Personal Information is transferred outside the Republic of South Africa to third party service providers, we will take steps to ensure that your Personal Information receives the same level of protection as if it remained within the Republic.

Recipient or categories of recipients of the information

Your Personal Information will be treated as prescribed by the 8 Conditions for the Lawful Processing of Personal Information in the POPIA Act. We may have to share your Personal Information with:

- a) **Service Providers** - We may disclose the information we collect from you to third party vendors, technology and other service providers, contractors or agents who perform functions on our behalf, or are engaged with us. These service providers can access and use the information we make available to them only as needed to perform their functions and for no other purposes, subject to appropriate contractual restrictions and security measures.

- b) ***In Response to Legal Process*** - We may disclose the information we collect from you to comply with the law, a legal proceeding, court order, or other legal process, such as in response to a court order or a subpoena.
- c) ***To Protect Us and Others*** - We also may disclose the information we collect from you where we believe it is necessary to investigate, prevent, or act regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of this Privacy Notification, or as evidence in litigation in which we are involved.
- d) **Legal Obligation** - To carry out our obligation arising from current legislation and legal processes.

How long do we retain your personal information?

We will keep your personal information if is needed to carry out the purposes we've described above, or as otherwise required by law.

Your Rights as a Data Subject.

As a Data Subject in terms of the POPIA Act, you do have the following rights:

1. Right to be Notified:

The right to be notified that -

- a) Personal Information about you is being collected – our Privacy Notification.
- b) Your Personal Information has been accessed or acquired.

2. Right of Access:

The right to establish whether we hold Personal Information of you and to request access to your Personal Information – use the form ***PAIA Form C_ Request for Access to Record of Private Body.***

3. Right to Correction, Destruction or Deletion:

The right to request, where necessary, the correction, destruction, or deletion of your Personal Information – use the form ***Request Correction Deletion Personal Information.***

5. Right to Objection:

The right to object –

- 1. on reasonable grounds relating to your situation to the processing of your Personal Information.

2. to the processing of your Personal Information –
 - a. At any time for purposes of direct marketing; or
 - b. For purposes of direct marketing by means of unsolicited electronic communications

– use the form ***Objection to the Processing of Personal Information***.

6. Right with regards to Automated Processing:

The right not to be subject, under certain circumstances, to a decision which is based solely based on the automated processing of your Personal Information intended to provide a profile of you.

7. Right to Complain:

The right to –

- a) Submit a complaint to the Regulator regarding the alleged interference with the protection of the Personal Information of any Data Subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as; and
- b) To institute civil proceedings regarding the alleged interference with the protection of your Personal Information.

Complaint Process:

If you believe that this office has not replied to your access request or has not handled your Personal Information in a reasonable manner, please address your concerns first with our Information Officer. You may also choose to make a complaint to the Information Regulator.

Information Officer:

Email: Rantoa@lilibara.co.za; info@lilibara.co.za;

Cell: +27 78 378 1515

Information Regulator:

Address:	33 Hoofd Street; Forum III, 3rd Floor Braampark
Tel No:	+27 (0) 10 023 5200
Email:	complaints.IR@justice.gov.za
Web Address:	https://infoeregulator.org.za/