



the dtic

Department:
Trade, Industry and Competition
REPUBLIC OF SOUTH AFRICA

Privacy Policy

The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act (No 4 of 2013) (**POPIA**). POPIA promotes the protection of privacy by providing guiding principles that must be applied to the processing of personal information.

The Department of Trade, Industry and Competition (**the dtic**) processes personal information in lieu of the business activities that it performs. The department uses personal information to provide its products or services to you, to carry out the transactions requested by you and to maintain a relationship with you.

The purpose of this policy is to describe the way that **the dtic** processes (collect, use, store, distribute, destroy and protect) personal information and to help you understand how and why we do it. The policy applies to the processing of all personal information in **the dtic processes**.

Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning:

- 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;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- 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;
- the views or opinions of another individual about the person;
- 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. We process personal information

We process information from you that helps us to provide you with **the dtic's** services and products.

We process:

- your contact information (e.g. name, home address, telephone number(s), fax numbers, email addresses, emergency contact information);

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	<ul style="list-style-type: none"> • your nationality; • your ethnic group; • your gender; • your background information (e.g., education, employment, criminal, and credit history); • your date of birth; • your ID or passport number; • photographs and other visual images of you (such as CCTV footage); • your banking details; and • “cookies” on the dtic websites.
<p>Information will be collected directly from you where you provide the dtic with your personal details.</p>	<p>Personal information is processed when you perform any of the actions below:</p> <ul style="list-style-type: none"> • Provide information to the dtic in forms, for example when you apply for services such as permits or incentive grants; • Provide information to the dtic when you enquire via the dtic website; • Make calls to the dtic. These calls may be recorded for training, quality or business purposes; • Apply for a position to work at the dtic; • Apply or submit documentation to deliver services or products to the dtic; and • Provide non-personally-identifying information (cookies) such as your IP-address when you visit the dtic website.
<p>the dtic will only process personal information that is adequate, relevant and not excessive.</p>	<p>the dtic will process your personal information for specific purposes and for those purposes only. We will also not collect more information than what is required for a specific purpose.</p>
<p>The personal information is processed as per the lawful bases for processing in Section 11 of POPIA.</p>	<p>(a) Consent: the data subject or a competent person where the data subject is a child consents to the processing.</p> <p>(b) Contract: the processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party.</p> <p>(c) Legal obligation: the processing complies with an obligation imposed by law on the responsible party.</p> <p>(d) Legitimate interest of data subject: the processing protects a legitimate interest of the data subject.</p>

1. We process personal information	
	<p>(e) Public task: the processing is necessary for the proper performance of a public law duty by a public body.</p> <p>(f) Legitimate interests: the processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.</p>
<p>Provision of the personal information is voluntary unless required according to legislative prescriptions.</p>	<p>Provision of the personal information is voluntary. Please note, however, that there might be consequences if you do not provide consent to the dtic to process your information as we might not be able to provide the relevant services to you without the required information.</p>
<p>Relevant laws authorising the processing of personal information.</p>	<p>Certain Acts administered by the dtic requires that information, including personal information, be processed by the dtic. These include:</p> <ul style="list-style-type: none"> • Alienation of Land Act, 1981 (Act No. 68 of 1981) • Broad-Based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003) • Companies Act, 2008 (Act No. 71 of 2008) • Consumer Protection Act, 2008 (Act No. 68 of 2008) • Designs Act, 1993 (Act No. 195 of 1993) • Housing Development Schemes for Retired Persons Act, 1988 (Act No. 65 of 1988) • Legal Metrology Act, 2014 (Act No. 9 of 2014) • Liquor Act, 2003 (Act No. 59 of 2003) • Lotteries Act, 1997 (Act No. 57 of 1997) • National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) • National Credit Act, 2005 (Act No. 34 of 2005) • National Gambling Act, 2004 (Act No. 7 of 2004) • National Regulator for Compulsory Specifications Act, 2008 (Act No. 5 of 2008) • Patents Act, 1978 (Act No. 57 of 1978) • Property Time-Sharing Control Act, 1983 (Act No. 75 of 1983) • Protection of Investment Act, 2015 (Act No. 22 of 2015) • Rationalisation of Corporate Laws Act, 1996 (Act No. 45 of 1996)

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	<ul style="list-style-type: none"> • Registration of Copyright in Cinematograph Films Act, 1977 (Act No. 62 of 1977) • Space Affairs Act, 1993 (Act No. 84 of 1993) • Trade Marks Act, 1993 (Act No. 194 of 1993) <p>There are, in addition, certain other Acts which also specifies requirements relating to the processing of personal information. These include:</p> <ul style="list-style-type: none"> • Basic Conditions of Employment Act, 1997(Act No. 75 of 1997) • Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993) • Competition Act, 1998 (Act No. 89 of 1998) • Computer Evidence Act, 1983 (Act No. 57 of 1983) • Electronic Communication and Transaction Act, 2005 (Act No. 25 of 2005) • Employment Equity Act, 1998 (Act No. 55 of 1998) • Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) • Income Tax Act, 1962 (Act No. 58 of 1962) • Labour Relations Act, 1995, (Act No. 66 of 1995) • National Archives of South Africa Act, 1996 (Act No. 43 of 1996) • Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) • Public Finance Management Act, 1999 (Act No. 29 of 1999) • South African Revenue Service Act, 1997 (Act No. 34 of 1997)

2. When and why we process your personal information	
When we collect and use your personal information	Why we process your personal information
<p>Information will be collected directly from you where you provide the dtic with your personal details.</p> <p>the dtic may also supplement the information that you provide with</p>	<ul style="list-style-type: none"> • To provide the dtic's products or services to you, to carry out the transaction you requested and to maintain our relationship;

<p>information received from other governmental bodies such as SARS.</p>	<ul style="list-style-type: none"> • To assess and process applications and claims; • To conduct reference searches or verification; • To confirm and verify your identity or to verify that you are an authorised user for security purposes; • For operational purposes; • For the detection and prevention of fraud, crime, money laundering or other malpractice; • To conduct market research or for statistical analysis; • For audit and record keeping purposes; and • In connection with legal proceedings. <p>The purpose for the processing of the personal information will be set out in the relevant form or application process.</p>
<ul style="list-style-type: none"> • When we produce reports and returns for other government departments, and public bodies. • We may process your personal information to fulfil requirements for a bank signatory. We may require your proof of address and a copy of your ID document in terms of the Financial Intelligence Centre Act 38 of 2001. 	<p>We may process this information as a legal requirement.</p>
<ul style="list-style-type: none"> • We may place small text files called 'cookies' on your device when you visit our website. 	<p>The website server might collect your IP-address, but not any other personal identifiable information. The information on IP-addresses is aggregated to measure the number of visits, the average time spent on the website, pages viewed, etc. The purpose with processing this information is to improve our services.</p>

<p>3. In order to deliver our services to you, we may have to share your information with others</p>	
<p>the dtic may disclose your personal information to other Governmental bodies or third parties in line with the</p>	<p>This will only be done:</p> <ul style="list-style-type: none"> • Where there is a duty or a right to disclose in terms of law or industry codes;

<p>purpose for which the information was collected in the first instance.</p>	<ul style="list-style-type: none"> • Where the dtic believes it is necessary to protect its rights.
<p>the dtic may have to transfer personal information across borders to a third country or international organisation in certain instances.</p>	<p>This will only be done if:</p> <ol style="list-style-type: none"> (a) Similar data privacy laws, corporate rules or binding agreements which provides an adequate level of protection, applies in that country; (b) With the data subject's permission; (c) The transfer of information is necessary for the conclusion or performance of a contract between the data subject and the dtic, or for the implementation of pre-contractual measures taken in response to the data subject's request; (d) The transfer is for the benefit of the data subject and it is not reasonably practicable to obtain the consent of the data subject to that transfer.

<p>4. We have taken reasonable steps to protect personal information</p>	
<p>We have reasonable security measures in place to protect your personal information.</p>	<p>Our security measures are in place to protect your personal information from being accessed or acquired by any unauthorised person.</p>
<p>We regularly monitor our systems for possible vulnerabilities and attacks.</p>	<p>No system is perfect, and we cannot guarantee that we will never experience breach of any of our physical, technical, or managerial safeguards, but we regularly monitor our systems for vulnerabilities. Relevant IT systems and tools are in place to prevent unauthorised access and breaches.</p>
<p>We will let you know of any breaches that may affect your personal information.</p>	<p>If something should happen, we have taken steps to minimise the threat to your privacy, and we will let you know if your personal information has been compromised. We will also let you know how you can help minimise the impact of the breach.</p>
<p>the dtic will only retain your personal information for as long as it is needed to carry out the purpose for which it is processed.</p>	<p>Once the purpose for processing has been fulfilled and all contractual and/or legal requirements satisfied, the personal information will be destroyed in accordance with the dtic's Records Management Policy.</p>

5. You have the right to know what we know about you and what we do with that information

<p>You may ask us about your personal information.</p>	<p>You have the right to confirm with the dtic if we hold any personal information about you.</p>
<p>You may access your personal information.</p>	<p>You may request the record or a description of the personal information that the dtic holds about you, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.</p>
<p>You have control over your personal information.</p>	<p>You may ask that we update incorrect personal information, or complete personal information that may be incomplete.</p>
	<p>You may ask that we delete your personal information.</p>
	<p>You may ask to receive your personal information in a structured, commonly used, and machine-readable format.</p>
	<p>You may ask that we reuse your personal information for your own purposes across different services.</p>
	<p>Under certain circumstances you may object to the processing of your personal information.</p>
	<p>You may object to automated decision-making and profiling.</p>
	<p>You may ask that a human review any automated decisions that we make about you, express your point of view about it, and obtain an explanation of the decision. You may challenge any automated decision made about you.</p>
	<p>You may ask that we restrict our use of your personal information.</p>
<p>Complaints</p>	<p>You have the right to lodge a complaint to the Information Regulator w.r.t. the specific circumstances in which the personal information is or is not processed in order to ensure that the processing is reasonable. Complaints can be submitted at POPIAComplaints@infoeregulator.org.za.</p>

6. How to contact the dtic

If you have questions about this Policy or need further information about **the dtic's** privacy practices or wish to give or withdraw consent, exercise preferences or access or correct your personal information, please contact **the dtic** at the following numbers/addresses:

Customer Call Centre:

National callers: 0861 843 384

International callers: +27 (12) 394 9500

E-mail: contactus@thedtic.gov.za

Physical Address: **the dtic**, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng, 0002

Postal Address: **the dtic**, Private Bag X84, Pretoria, Gauteng, 0001

Deputy Information Officer

E-mail: PAIA@thedtic.gov.za

Tel: 012 394 5561