

SOUTH AFRICAN



***CIVIL AVIATION
AUTHORITY***

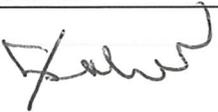
SOUTH AFRICAN CIVIL AVIATION AUTHORITY
Privacy Policy



1. AUTHORISATION

The Policy has been developed for use by all South African Civil Aviation Authority ("SACAA") Data Subjects and contractors on issues relating to Privacy at the SACAA. The policy is compiled by the Office of the Company Secretary, recommended by the DCA and Audit and Risk Committee, and approved by the Board.

This Policy document is applicable from the date of signature of the Chairperson of the Board.

Compiled By	Legal Compliance & Governance Specialist		
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Signature		Date	29 NOV 2022
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Name in Block Letters	SURENDRA SOOKLAL		
Signature		Date	18/12/22
Approved by	Chairperson of the Board		
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Signature		Date	15/12/2022



PRIVACY POLICY

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2. SCOPE

SACAA is committed to the highest standards of ethics and compliance with applicable laws, regulations, standards, adopted non-binding rules and policies and thereby contributing to sustained good governance.

Accordingly, this policy outlines the standards and guidelines regarding data privacy and the protection of personal information for the SACAA and its stakeholders. It affirms SACAA's commitment to respect the constitutional right to privacy and to comply with the applicable legislative requirements and to ensure that its employees, contractors, and service providers always act with due skill, care, and diligence when processing personal information.

3. PURPOSE

The purpose of this policy is to amongst others:

- 3.1. Ensure that SACAA as a regulator, its agents and its employees process Data Subjects personal information responsibly and thereby ensuring that the SACAA complies with the Protection of Personal Information Act No. 4 of 2013 ("POPIA") and any other applicable legislation.
- 3.2. It also seeks to also inform Data Subjects about how the SACAA processes their personal information.
- 3.3. This policy is further aligned to the purpose of the POPIA which aims inter alia to give effect to the constitutional right to privacy, by safeguarding personal information when processed by SACAA as a responsible party, subject to justifiable limitations.

4. LIST OF DEFINITIONS AND ABBREVIATIONS USED IN THIS DOCUMENT

4.1. Definitions

TERMINOLOGY	DESCRIPTION
Child	Means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him or herself.
Data breach	Is an incident where information is stolen or taken from a system without the knowledge or authorization of the system's owner.
Data Subject/s	Means the person to whom personal information relates.
Deputy Information Officer	Means the person designed or delegated by the Information Officer to assist the requester with their information request, and to whom the Information Officer can delegate other PAIA powers to.
Information Officer	Means Chief Executive Officer or the person who is acting as such, who is authorised to handle PAIA requests.
Information Regulator Operator	Means the Information Regulator established in terms of section 39 of POPIA. Means a person who processes information for a responsible party in terms of a contract or mandate, without coming into the direct authority of that party.
Personal Information	Means information relating to an identifiable living, natural person, and where it is applicable, an identifiable existing juristic person.
Processing	Means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including – a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use;



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	<ul style="list-style-type: none"> b) Dissemination by means of transmission, distribution or mailing available in any other form; or c) Merging, linking, as well as restriction, degradation, erasure, or destruction of information.
Regulator	Means the Information Regulator established in terms of section 39 of POPIA.
Responsible Party	Means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.
SACAA	South African Civil Aviation Authority.
Third Party	<ul style="list-style-type: none"> a) Means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than— <ul style="list-style-type: none"> i. the requester concerned; and ii. a public body; or b) A record of a private body, means any person (including, but not limited to, a public body) other than the requester, but, for the purposes of sections 34 and 63, the reference to “person” in paragraphs (a) and (b) must be construed as a reference to “natural person.
Special Personal Information	<p>Means personal information concerning—</p> <ul style="list-style-type: none"> a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or b) the criminal behaviour of a data subject to the extent that such information relates to— <ul style="list-style-type: none"> i. the alleged commission by a data subject of any offence; or ii. any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

4.2. Abbreviations

ABBREVIATION	MEANING
ARC	Audit and Risk Committee
DCA	Director of Civil Aviation
DIO	Deputy Information Officer
ExCo	Executive Management Committee
GDPR	General Data Protection Regulation
IO	Information Officer
MISS	Minimum Information Security Standards
PAIA	Promotion of Access to Information Act
PFMA	Public Finance Management Act
POPIA	Protection of Personal Information Act
SACAA	South African Civil Aviation Authority

5. REFERENCE DOCUMENTS

- i. Civil Aviation Act, 2009 (Act No.13 of 2009);
- ii. Compliance Management Standard – ISO 19600: 2014;
- iii. Constitution of the Republic of South Africa, 1996
- iv. Corporate Security Policy.
- v. Ethics Policy;
- vi. Information and Records Management Policy;
- vii. King IV™ on Corporate Governance, 2016;
- viii. Legal Compliance Management Policy;
- ix. Minimum Information Security Standards
- x. National Archives Act, 1996 (Act No. 43 of 1996);
- xi. Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- xii. Promotion of Access to Information Manual
- xiii. Protection of Personal Information Act, 2013 (Act No. 4 of 2013);
- xiv. Public Finance Management Act, 1999 (Act No. 1 of 1999);
- xv. The Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000);

6. POLICY GENERAL

6.1. Applicability

6.1.1. This policy applies to all personal information processed by SACAA, about its Data Subjects, agents, employees, board members and contractors whether generated electronically or otherwise.

7. PROCESS OF COLLECTING PERSONAL INFORMATION

7.1. SACAA collects personal information from Data Subjects as and when required for a defined purpose and to fulfill its mandate in terms of the Civil Aviation Act unless an exception applies in terms of POPIA.

7.1.1. In so doing, SACAA will always collect Personal Information in a fair, lawful, and reasonable manner and process personal information based on SACAA's legitimate business interest, which may include but is not limited to recruitment, promotions and other employment related requirements, performance of a contract, and for audit purposes. This will be subject to:

- i. Consent that a Data Subject provides, and SACAA may require Data Subjects to provide information voluntarily.
- ii. SACAA collects personal information directly from Data Subjects and/or in some instances from Third Parties. Where SACAA collects information from Third Parties, it will only do so if permitted by law, it has consent to do or if it is in terms of a contract. An example of Third-Party information includes information obtained through recruitment agencies, other companies providing services to SACAA and publicly available information on websites.

7.2. The types of information SACAA may collect about a Data Subject are, for example:

7.2.1. Personal details, such as name, personal email address, current address, telephone number; race, gender, nationality, citizenship, disability status. Recruitment information, such as application form (SACAA website and paper), CV, resumes, interview notes of successful candidates, interview notes of unsuccessful candidates, video interviews, references from previous employers, psychometric test results, background screening information;

7.2.2. Diversity information, such as Data Subject age group, gender, or nationality;

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- 7.2.3. Internal candidate information, such as references given by SACAA, interview notes, internal transfer or promotion, succession planning documents;
- 7.2.4. Identification information, such as proof of identity;
- 7.2.5. Authentication information, username, and password for the recruitment portal.
- 7.2.6. SACAA may also process sensitive personal information about Data Subject, but only where this is strictly necessary to assess Data Subject suitability for the role the Data Subject has applied for. For example, records of criminal convictions or right to work in the country Data Subject are applying to perform security background checks where it is required by local law;
- 7.2.7. SACAA may collect information such as Data Subject age, gender, or nationality to evaluate who applies for roles at SACAA to meet our targets for diversity and inclusion.
- 7.3. For the purpose of processing Personal Information in terms of 7.1 above, the SACAA understands its obligation to make Data Subjects aware of the fact that it is processing their Personal Information and inform them of the purpose for which SACAA processes such Personal Information.
- 7.4. SACAA will only process a Data Subject's Personal Information for a specific, lawful, and clear purpose (or for specific, lawful, and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.
- 7.5. It will ensure that there is a legal basis for the Processing of any Personal Information. Further, SACAA will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).
- 7.6. SACAA will generally use Personal Information for purposes required to operate and manage its normal operations and these purposes include one or more of the following non-exhaustive purposes:
 - 7.6.1. for the purposes of fulfilling its mandate in terms of the Civil Aviation Act;
 - 7.6.2. for the purposes of providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting;
 - 7.6.3. for purposes of onboarding suppliers or service providers as approved suppliers/service providers of SACAA. For this purpose, SACAA will also process a service provider's/supplier's Personal Information for purposes of performing the necessary due diligence checks;
 - 7.6.4. generally, for procurement and supply chain purposes;
 - 7.6.5. for purposes of monitoring the use of SACAA's electronic systems and online platforms by Data Subjects. SACAA will, from time to time, engage third party service providers (who will Process the Data Subject's Personal Information on behalf of SACAA) to facilitate this;
 - 7.6.6. for purposes of preventing, discovering, and investigating violations of this Policy, the applicable law and other SACAA policies;
 - 7.6.7. in connection with the execution of payment processing functions, including payment of SACAA's suppliers'/service providers' invoices;
 - 7.6.8. for employment-related purposes such as recruiting staff, administering payroll, background checks, etc.;
 - 7.6.9. in connection with internal audit purposes (i.e., ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
 - 7.6.10. in connection with external and/or international audit assessment purposes. For this purpose, SACAA may engages external service providers and international bodies or regulators, in so doing, shares Personal Information of the Data Subjects with third parties;
 - 7.6.11. for such other purposes to which the Data Subject may consent to from time to time;
 - 7.6.12. for such other purposes as authorised in terms of applicable law; and
 - 7.6.13. to comply with any applicable law or any query from Government authorities, including any regulatory or international authority that has authority or oversight over SACAA.

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- 7.7.** Where SACAA processes personal information about a Data Subject:
- 7.7.1.** In order to secure and maintain the Employee's employment, as well as all aspects relating to such employment, it will be necessary for the SACAA to Process Personal and Special Personal Information of the Employee. Such Information may be shared with or obtained from Related Companies or external business partners who provide a service to the Employer, such as health care providers, retirement benefit administrators, regulatory bodies, successors in title of the SACAA as well as other third parties who may have a justifiable interest in obtaining the information, such as a professional body with authority over the Employee or the Employer, or subsequent potential employers of the Employee.
 - 7.7.2.** In fulfilling the legal and compliance responsibilities the SACAA is required to discharge, Information may be shared in line with legal and compliance requirements that are applicable, which may include local and international dissemination of Information in the exercise of the SACAA responsibilities, such as in relation to audits, cooperation arrangements and information sharing with relevant aviation and regulatory bodies. The SACAA will take reasonable steps to ensure that there is a legal basis for such transfer and that the Information is adequately protected and processed as required by applicable law.
 - 7.7.3.** The Employee hereby – undertakes to comply with the SACAA's policies and procedures relating to the use of Personal Information and data protection, as amended from time to time; and
 - 7.7.4.** Consents to the Processing of the Employee's Personal Information by the Employer, for the purposes of securing and further facilitating the Employee's employment with the Employer. Examples of such Personal Information that may be Processed include (without limitation) –
 - 7.7.5.** The Employee's application for employment, including all of the reference and background checks [including but not limited to criminal checks and credit record checks] that may be required pursuant to such application, whether or not such check is reflected as a Condition Precedent;
 - 7.7.6.** Attendance and performance records, including medical records;
 - 7.7.7.** Personal profile information (such as gender, age, ethnic origin, and disability);
 - 7.7.8.** Information relating to any breaches of this Agreement, and/or conduct underlying disciplinary action taken against the Employee, including the outcome of such processes; and
 - 7.7.9.** Consents to the marketing of any of the Employer's products, services or offerings to the Employee, such consent to include permission to Process the Employee's Personal Information and communicate with the Employee by way of personal, mail or electronic communications, in order to give effect hereto.
 - 7.7.10.** Without derogating from the generality of the afore stated, the Employee consents to the Employer's Processing of Personal Information insofar as Personal Information of the Employee is contained in relevant electronic communications.
 - 7.7.11.** The Employee is hereby notified of the purpose and reason for the collection and processing of such Personal Information.
 - 7.7.12.** The Employee undertakes to make available to the SACAA all necessary Personal Information required by the SACAA for the purpose of securing and further facilitating the Employee's employment with the Employer.
 - 7.7.13.** Without limiting the generality of the afore stated, the Employee absolves the SACAA from any liability in terms of POPIA for failing to obtain the Employee's consent or to notify the Employee of the reason for the processing of any of the Employee's Personal Information. This election will not in any way be misused by the SACAA and that the Employee has a right to withdraw such consent which should not be unreasonable, unjust or in bad faith.
 - 7.7.14.** In terms of privacy, the SACAA undertakes to protect the Employee's information in its possession and in the event of a breach, the Employer will disclose to the Employee as to what information has been compromised.
 - 7.7.15.** In doing the above, if SACAA may send personal information about Data Subject to a country that is not in the European Economic Area (EEA), SACAA will make sure that there is a legal basis for such transfer and that Data Subject's personal information is adequately protected as required by applicable law, for



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example, by using standard agreements approved by relevant authorities and by requiring the use of other appropriate technical and organisational measures to protect Data Subject personal information.

- 7.7.16.** Further information on the way SACAA discharges its legal obligations in relation to international data transfers may be obtained in writing from the Information Officer or the Deputy Information Officer. Their contact details are available in this policy.
- 7.7.17.** By submitting personal information to SACAA via a contact form, the Data Subject is giving SACAA permission to contact Data Subject for purposes of customer services related to SACAA's core business

8. RETENTION OF PERSONAL INFORMATION

- 8.1.** SACAA may keep records of the Personal Information, correspondence, or comments it has collected in an electronic or hardcopy file format.
- 8.2.** In terms of POPIA, SACAA may not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –
- 8.2.1.** Where the retention of the record is required or authorised by law or by any Government authority;
- 8.2.2.** SACAA requires the record to fulfil its lawful functions or activities in terms of the Civil Aviation Act, regulations or to fulfil the ICAO requirements;
- 8.2.3.** retention of the record is required by a contract between the parties thereto;
- 8.2.4.** the Data Subject (or competent person, where the Data Subject is a Child) has consented to such longer retention; or
- 8.2.5.** the record is retained for historical, research, archival or statistical purposes provided safeguards are put in place to prevent use for any other purpose.
- 8.3.** Where SACAA retains Personal Information for longer periods for regulatory, statistical, historical, archival or research purposes, SACAA will ensure that appropriate and reasonable safeguards have been put in place to ensure that all recorded Personal Information will continue to be processed in accordance with this Policy and applicable laws.
- 8.4.** Once the purpose for which the Personal Information was initially collected and processed no longer applies or becomes obsolete, SACAA will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re- identify such Personal Information. In instances where we de-identify your Personal Information, SACAA may use such de-identified information indefinitely.

9. KEEPING PERSONAL INFORMATION ACCURATE

- 9.1.** SACAA will take reasonable steps to ensure that all Personal Information is kept as accurate, complete, and up to date as far as reasonably possible depending on the purpose for which Personal Information is collected or further processed.
- 9.2.** SACAA may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.
- 9.3.** SACAA, however, expects that the Data Subject/s will notify SACAA from time to time in writing of any updates required in respect of his/her/its Personal Information.

10. WHAT RIGHTS DATA SUBJECTS HAVE OVER THEIR DATA

If Data Subject has an account on our site, or have left Data Subject information, Data Subject can request to receive an exported file of the personal data SACAA hold about Data Subject, including any data that Data

Subjects have provided to us. Data Subject can also request that SACAA erase any personal data SACAA hold about Data Subject. This does not include any data SACAA are obliged to keep for administrative, legal, or security purposes.

11. WEBSITE PRIVACY POLICY

The SACAA shall develop a customised SACAA website privacy policy suited to Data Subject needs for the SACAA which details SACAA's commitment to comply with POPIA but does not include the applicability of the European GDPR.

12. BREACHES OF PERSONAL INFORMATION

- 12.1. A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.
- 12.2. A Data Breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which Personal Information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of Personal Information without permission and loss of availability of Personal Information.
- 12.3. SACAA will address any Data Breach in accordance with the terms of POPIA, the Corporate Security Policy, MISS, and any other applicable policy.
- 12.4. SACAA will notify the Regulator and the affected Data Subject (unless the applicable law or a government authority requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.
- 12.5. SACAA will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.
- 12.6. Where SACAA acts as an 'Operator' for purposes of POPIA and should any Data Breach affect the data of Data Subjects whose information SACAA processes as an Operator, SACAA shall (in terms of POPIA) notify the relevant Responsible Party immediately where there are reasonable grounds to believe that the Personal Information of relevant Data Subjects has been accessed or acquired by any unauthorised person.

13. DATA SUBJECT RIGHTS

- 13.1. Data Subjects have a right to correct or update the personal information that was processed by SACAA about Data Subject if it is not accurate. If the information SACAA process about Data Subject needs updating, or Data Subject think it may be inaccurate, Data Subject can update Data Subject information by contacting the relevant division within SACAA in writing.
- 13.2. Data Subjects have the right to request a copy of the personal information SACAA process about Data Subject. Data Subject can apply for a copy of Data Subject personal information from paia@caa.co.za
- 13.3. Data Subjects have the right to object in writing to SACAA processing Data Subject personal information where SACAA relies on our legitimate interest to do so for example, using Data Subject contact information to contact Data Subject about other roles at SACAA.
- 13.4. In certain circumstances a Data Subject has the right to request that SACAA erase the personal information SACAA hold about Data Subject. The Data Subject can request for Data Subject information to be deleted by contacting paia@caa.co.za or the relevant division within SACAA in writing.



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- 13.5. If Data Subject feels the personal information, SACAA hold about Data Subject is inaccurate or believe SACAA should not be processing Data Subject personal information, the Data Subject may have the right to ask us to restrict processing that information. Data Subject can request to restrict processing by contacting the relevant division within SACAA in writing.
- 13.6. If SACAA do not act based on any of the above requests, SACAA will inform Data Subject of the reasons, therefore.

14. HOW TO CONTACT SACAA:

If Data Subject has any further questions about this Privacy Policy or how SACAA process Data Subject information, please contact the Deputy Information Officer.

14.1. SACAA's Information Officer

The Information Officer of the SACAA is the Director of Civil Aviation (Chief Executive Officer).

Full Names	Ms P Khoza
Telephone number	011-545-1017
Email address	paia@caa.co.za

14.2. SACAA's Deputy Information Officer

The Deputy Information Officer of the SACAA is the Company Secretary.

Full Names	Ms N Naraindath
Telephone number	011-545-1269
Email address	paia@caa.co.za

- 14.3. SACAA will do its best to help but if the Data Subject is still unhappy, they can contact The Information Regulator (South Africa):

Physical Address:

JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001
Tel: 010 023 5200
Fax: 086 500 3351
E-mail: infoereg@justice.gov.za
Website address:
www.justice.gov.za/infoereg

Postal Address:

PO Box 31533
Braamfontein
2017

15. REVIEW OF THE POLICY

This policy is a living document. The policy will be amended as and when there are developments in the policy, governance and operational environment that necessitates a review.

The policy must be reviewed every 3 years from the date signed by the Chairperson of the Board on the current policy.

-END-