

**HOPE THROUGH ACTION FOUNDATION SA NPC (REGISTRATION NUMBER: 2009/016163/08**

**(Hereinafter referred to as “HOPE THROUGH ACTION FOUNDATION” or “the company”)**

**MANUAL IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT ACT NO. 4 OF 2013**

**(hereinafter referred to as “The Act”)**

**PURPOSE OF THIS DOCUMENT:**

Hope Through Action is committed to protecting the privacy of Staff, Suppliers and Supporters and will adhere to strict compliance with the Act. This manual sets out the privacy policy of the company and provides user-friendly guidelines.

**COMPANY PARTICULARS**

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**1. Interpretation**

**1.1 Interpretation**

In this document the following rules of interpretation apply unless the contrary intention appears:

- (a) headings are for convenience only and do not affect the interpretation of this document;

- (b) the singular includes the plural and vice versa;
- (c) words that are gender-neutral or gender-specific include each gender
- (d) where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings
- (e) the words “such as”, “including”, “particularly” and similar expressions are not used as, nor are intended to be interpreted as, words of limitation
- (f) a reference to:
  - (i) a person includes a natural person, partnership, joint venture, government agency, association, corporation, trust or other body corporate
  - (ii) a party includes its agents, successors and permitted assigns
  - (iii) a document includes all amendments or supplements to that document
  - (iv) a clause, term, party, schedule or attachment is a reference to a clause or term of, or party, schedule or attachment to this document;
  - (v) this document includes all schedules and attachments to it
  - (vi) a law includes a constitutional provision, treaty, decree, convention, statute, regulation, ordinance, by-law, judgment, rule of common law or equity and is a reference to that law as amended, consolidated or replaced
  - (vii) a statute includes any regulation, ordinance, by-law or other subordinate legislation made under it
  - (viii) an agreement other than this document includes an undertaking, or legally enforceable arrangement or understanding whether or not in writing
- (g) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of this document or any part of it
- (h) when the day on which something must be done is not a Business Day, that thing must be done on the following Business Day
- (i) in determining the time of day where relevant to this document, the relevant time of day is:
  - (i) for the purposes of giving or receiving notices, the time of day where a party receiving a notice is located
  - (ii) for any other purpose under this [deed/agreement], the time of day in the place where the party required to perform an obligation is located
- (j) a day is the period of time commencing at midnight and ending immediately before the next midnight is to occur;

- (i) if a period of time is calculated from a particular day, act or event (such as the giving of a notice), it is to be calculated exclusive of that day, or the day of that act or event
- (k) If there is any conflict between the body of this document and its schedules and/or attachments the terms of the main body of this document will prevail.

## **2. The Purpose of Processing Personal Information**

The purpose of the Act is:

- to promote the protection of personal information processed by public and private bodies;
- to introduce certain conditions so as to establish minimum requirements for the processing of personal information;
- to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act;
- to provide for the issuing of codes of conduct;
- to provide for the rights of persons regarding unsolicited electronic communications and automated decision making;
- to regulate the flow of personal information across the borders of the Republic;
- and to provide for matters connected therewith.

"Processing" means:

- Any operation or activity whether or not by automatic means concerning personal information including the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use.
- Dissemination by means of transmission, distribution or making available in any other form.
- Merging, linking as well as restriction, degradation, erasure or destruction of information.

Hope Through Action Foundation SA NPC will utilise the Personal Information in its care in the following ways:

- The serving of a public interest function by seeking to change the lives of underprivileged people through sport and education

- To request consent from Data Subjects to process their personal information and/or distribute their personal information to third parties for specified purposes;
- Where it concerns the special information of children under the age of 18 the non-profit endeavours to process such special information with the prior consent of a competent person which would ordinarily be a parent or other responsible adult person in connection with the child;
- To notify Data Subjects whenever their personal information is being distributed to third parties, and/or used for marketing purposes;
- To provide Data Subjects the opportunity to opt-out of further marketing and business-related communications (ie: direct marketing) and/or the processing and/or further distribution of their personal information;
- To process and directly market non-profit activities and funding-related communications to Data Subjects whose personal information has been acquired for the purposes of funding, supporting or supplying the non-profit;
- To protect the legitimate business interests of a Data Subject and any Third Party to whom such information was supplied;
- To prospect for potential new funders via website advertisements, and/or donor catalogues, and/or social media posts.

### **3. Application and Interpretation of the Act**

This Act applies to the processing of personal information by Hope Through Action NPC which is entered into an electronic record, such as cloud software, by making use of automated means.

The processing of personal information occurs whenever potential or existing funders, supporters and/or suppliers provide personal information such as contact names, phone numbers and email addresses for the purpose of marketing, funding, procurement, and account settlement.

This Act applies to the exclusion of any provision of any other legislation that regulates the processing of personal information and that is materially inconsistent with an object, or a specific provision, of this Act. If any other legislation provides for conditions that are more extensive, the extensive provisions will prevail.

### **4. Categories of Data Subjects and their Personal Information collected by Hope Through Action Foundation SA NPC**

A “data subject” is defined by the Act as the person to whom the personal information relates. Hope Through Action NPC may process records relating to its Youth-Development

Beneficiaries, Staff, Funders, Supporters, Suppliers and Trustees (hereinafter referred to as “Data Subjects”).

TYPE OF DATA SUBJECT	PERSONAL INFORMATION PROCESSED
Youth-Development Beneficiaries	Names; age; gender; identity number; physical and postal addresses; contact details.
Funders	Physical and postal addresses; contact details; financial information such as account details, email addresses.
Trustees	Physical and postal addresses; contact details; financial information such as account details, credit reports, asset and liabilities statements, bank statements etc; gender; age; pregnancy; marital status and tax-related information; loan accounts; equity; remuneration packages; financial details; identification number; location information; banking details; confidential correspondence; email, name; telephone contact details; mailing lists for bulk communication services.
Staff of Hope Through Action Foundation SA NPC	Gender; pregnancy; marital status; age; education information; criminal record; financial information such as account details, credit reports, etc; employment history; id number; physical and postal addresses; contact details; financial details; identification number; location information; banking details; confidential correspondence; email; name; telephone contact details; mailing lists for bulk communication services.
Supporters	Physical and postal addresses; contact details; financial information such as account details; email, social networks; name; telephone contact details; mailing lists for bulk communication services.
Suppliers	Physical and postal addresses; contact details; company details (if applicable); financial information such as account details; email addresses, social networks; telephone contact details; mailing lists for bulk communication services.

Hope Through Action NPC collects the aforesaid information to plan and bring about a range of programmes including leadership development, life skills, team development and skills training in their respective Community Sport Centres. This is done by collecting the necessary personal information (as mentioned above) in order to provide development opportunities for the underprivileged.

## **5. Lawful Processing of Personal Information**

The responsibilities of Hope Through Action NPC are to adhere to the 8 (eight) conditions that the Act sets out and entails the following:

### **5.1. Accountability**

5.1.1. This condition entails that Hope Through Action NPC ensures that the Act is given effect in its day-to-day business operations.

5.1.2. Hope Through Action NPC confirms that it will be held liable if it breaches any of the applicable sections in this Act and that Data Subjects have the right to notify the Information Regulator if any misconduct is evident.

### **5.2. Processing Limitation**

5.2.1. Hope Through Action NPC acknowledges that there are limitations in place to ensure that the processing of a Data Subject's information is lawful and limited.

5.2.2. The processing of personal information is lawful as a Data Subject is always notified and made aware of any personal information that is being collected and that it is done in a reasonable manner that does not infringe the privacy of the Data Subject.

5.2.3. A Data Subject is made aware that their consent for the processing of personal information can at any time be withdrawn by communicating this to the non-profit, or by way of "opting out" of further direct marketing of non-profit activities and related services. Furthermore, a Data Subject is notified that they may object to the processing of such personal information unless legislation makes provision for the lawful processing thereof.

### **5.3. Purpose Specification**

5.3.1. Hope Through Action NPC notifies the Data Subjects of the purpose of collecting personal information;

5.3.2. The personal information of a Data Subject is destroyed after the purpose for which it was collected has been completed or has ended;

5.3.3. Hope Through Action NPC indicates to its Data Subjects that their information will only further be kept for statistical, historical and research purposes provided there are proper safeguards in place to protect the personal information.

5.4. Further Processing Limitation

5.4.1. Hope Through Action Foundation SA NPC warrants that personal information will not be processed in a manner that is incompatible with its original purpose;

5.4.2. The further processing of personal information is not incompatible with the purpose of its collection if the Data Subject has consented to the further processing of such information;

5.4.3. Hope Through Action Foundation SA NPC ensures that personal information will not be published in an identifiable form and that further processing is in line with the exemptions in terms of section 35 and 37;

5.5. Information Quality

5.5.1. Hope Through Action Foundation SA NPC takes reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.

5.6. Openness

5.6.1. Hope Through Action Foundation SA NPC has a PAIA Manual with a request form which the Data Subjects can complete in order to determine what personal information is being held and to request access to such information;

5.6.2. This condition is adhered to in that a Data Subject is always informed of the personal information that is being collected, and the purpose for its collection.

5.7. Security Safeguards

5.7.1. Hope Through Action Foundation SA NPC applies appropriate, reasonable, technical, and organisational steps as is envisaged by section 19 of the Act;

5.7.2. Hope Through Action Foundation SA NPC has the necessary safeguards in place for the protection of personal information.

5.8. Data Subject Participation (Sections 23 and 25)

5.8.1. The Data Subject may require access to any personal information (see Hope Through Action NPC PAIA Manual July 2021), and/or its correction or deletion. A request for access may be granted if certain grounds and conditions are met, and at a prescribed fee. If the grounds for compulsory disclosure are present the information requested must be provided in a reasonable format and in a manner that is understandable. The Data Subject may contact the Information or Deputy Information Officer appointed herein for such information;

5.8.2. The Data Subject may request that outdated or incorrect information be updated or may request its deletion if, for instance, Hope Through Action NPC is not authorized to process it. Hope Through Action NPC must investigate and follow the Data Subject's instruction relating to its update or deletion unless there are lawful grounds indicating otherwise. The deletion or amendment and/or refusal will be provided in writing within 7 (seven) days of the written request;

5.8.3. Hope Through Action Foundation SA NPC must inform the Data Subject of its actions taken, and if a dispute arises the parties must reach an agreement, failing which either party may refer the matter to the Information Regulator and/or to a court of law;

5.8.4. All data subjects affected due to a change in information must be informed;

5.8.5. If a Data Subject ceases to be a Youth-Development Beneficiary and/or Funder and/or Supporter and/or Supplier, Hope Through Action Foundation SA NPC will delete its personal information, except for statistics and records which will be stored in a de-identified and aggregated manner;

5.8.6. After cancellation, invoices are archived for up to 7 years.

## **6. Prior to Collection of Personal Information**

Hope Through Action Foundation SA NPC must inform the Data Subjects of the:

6.1. Purpose of the collection of information;

6.2. Information required in order to plan and bring about a range of programmes including leadership development, life skills, team development and skills training in their respective Community Sport Centres.

6.3. The information which is voluntary (consent) and information which is mandatory (justification or authorization);

6.4. Source of data acquisition by the Data Subject;

6.5. Consequences of a failure to provide the information;

6.6. Recipients of such information;

6.7. Category of information;

6.8. Name and address of Hope Through Action NPC;

6.9. Transfer of information to another country and the security provided pertaining to such information (if any);

6.10. Right of access to information (see Hope Through Action NPC PAIA Manual July 2021);

6.11. Right to object to the processing of certain information;



6.12. Right to complain to the Information Officer or Deputy Information Officer regarding any breach or malpractice in terms of the Act, or to apply to a court or the information regulator (see Hope Through Action NPC PAIA Manual July 2021);

## **7. Information that may not be collected by Hope Through Action Foundation SA NPC**

7.1. In accordance with Sections 26 and 27 of the Act, the following information will not be processed:

- 7.1.1. Religious or philosophical beliefs of the Data Subject;
- 7.1.2. Race or ethnic origin of the Data Subject;
- 7.1.3. Trade union membership;
- 7.1.4. Political alignment;
- 7.1.5. Health or sex life;
- 7.1.6. Biometric information;
- 7.1.7. Alleged criminal offences.

7.2. The abovementioned list will not apply if:

- 7.2.1. Consent is given by the Data Subject;
- 7.2.2. It is justified in terms of law or is required for the protection of a right;
- 7.2.3. Its purpose serves a public interest function and the processing is necessary for the purpose concerned;
- 7.2.4. Processing is for historical, statistical or research purposes in the public interest or consent cannot be obtained, and safeguards are provided to prevent a breach of the right to privacy;
- 7.2.5. Information has become public knowledge due to the intention of the Data Subject;
- 7.2.6. The Information Officer has authorized the process; or
- 7.2.7. Sections 28 and 33, and/or section 35 have been complied with (the specific authorization and exemptions provisions).

## **8. Trans-border flows of Personal Information**

Section 72 regulates transborder transfers of Personal Information. However, Hope Through Action Foundation SA NPC does not provide personal information of Data Subjects to Third Parties in a foreign country.

In the event that it shall become necessary or be deemed necessary for Hope Through Action Foundation SA NPC to enter into transborder transfers of personal information, Hope Through Action Foundation SA NPC will only do so by acquiring the required consent from Data Subjects and otherwise complying with the precepts of this document, as well as ensuring that the transfer is necessary for the performance of the agreement, express or implied, between Hope Through Action Foundation SA NPC and the Data Subject.

Hope Through Action Foundation SA NPC warrants that it will only enter into transborder transfers of personal information in a manner that is compliant with the conditions for the lawful processing of personal information, and any other applicable domestic or international legislation.

## **9. Security Measures**

Hope Through Action Foundation SA NPC places emphasis on the importance of security measures when processing personal information by notifying Data Subjects that personal information may not be collected and processed without their consent. Furthermore, that such information will not be distributed to any Third Party, unless the necessary consent is given, and undertaken for a specified purpose:

Hope Through Action Foundation SA NPC utilises:

- Firewalls;
- Suppliers who are POPIA and PAIA compliant;
- Operators who are POPIA and PAIA compliant;
- Virus protection software and updated protocols;
- Physical access control;
- Security systems;
- Regularly updating computer software;
- Password management best practice and routine password changes;
- All Trustees and Staff members ensure that callers or visitors to the office or other unauthorised persons are unable to access or view personal and other sensitive information, whether communicated, held on paper documents or information displayed on PC monitors, etc;
- All staff members that have access to personal information of Data Subjects ensure that their PCs are logged off or “locked” when left unattended for any period of time;
- Access privileges on a scaled “Need-to-know” basis and further limitations on outright access;
- Hope Through Action Foundation SA NPC shreds all discarded paper records that contain confidential information which no longer serve the intended purpose and which is not required for archiving purposes;
- Fax machines are not used for transmitting documents containing personal data.

## **10. Security Breach**

In the event of a security breach as mentioned by section 12 of the Act, Hope Through Action Foundation SA NPC will report to the Information Regulator that:

- 10.1. a data breach of personal information has occurred; or
- 10.2. a reasonable belief exists that this has occurred, or
- 10.3. an unauthorised person has acquired or assessed personal information regarding the Data Subject.

In the event that a security breach does occur, Hope Through Action Foundation SA NPC will immediately, or as soon as is reasonably possible after the breach, communicate the event to the Data Subject. Hope Through Action Foundation SA NPC will notify the Information Regulator immediately, or as soon as is reasonably possible after the discovery of the breach.

## **11. Remedies Available if Request for Personal Information is Refused**

Should a request for access to personal information be refused:

- 11.1. See the Hope Through Action Foundation SA NPC PAIA Manual June 2021 for a prescriptive guideline on Requests for Access to Information in terms of PAIA;
- 11.2. Within 10 days of receipt of rejection of such notice, the Requester may apply to the Information Officer to review such decision;
- 11.3. The request should clearly state the grounds for such review;
- 11.4. Should the Information Officer fail to provide the documents as envisioned, the Requester may report the matter to the Regulator at e.gov.za.