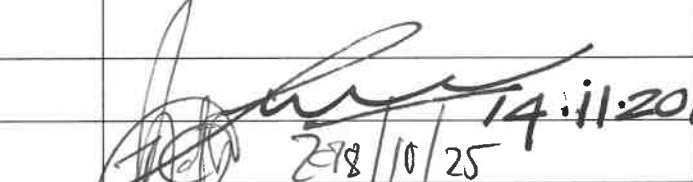




South African Council
for the Architectural Profession

POLICY ON THE PROTECTION OF PERSONAL INFORMATION (POPI ACT)

Author of Policy: Legal and Compliance Unit	
Name of the Policy:	Policy On The Protection Of Personal Information (POPI Act)
Revised by Council	
Date of approval by Council:	
Signature: President of Council	
Signature: Vice President of Council	29/10/25 14.11.2018.



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1. Introduction

Protection of Personal Information Act (POPI) gives effect to the constitutional right to privacy, regulates the manner in which personal information may be processed, and provides rights and remedies to protect personal information. POPI applies to processing of personal information in any form by a responsible party who is domiciled in South Africa or if not domiciled in South Africa, makes use of automated or non-automated means, unless the processing relates only to the forwarding of personal information.

2. Preamble

- 2.1 **WHEREAS** Section 14 of the Constitution of the Republic of South Africa, 1996 grants every one the right to privacy, and the privacy right includes a right to protection against the unlawful collection, retention and use of personal information:
- 2.2 **AND WHEREAS** Section 19 of the Architectural Profession Act, 2000 (Act no. 44 of 2000) ("the Act") prescribes the requirements for the registration for a person to be registered in the architectural profession.
- 2.3 **AND WHEREAS** the Protection of Personal Information Act regulates the manner in which personal information is processed by requiring responsible parties to safeguard personal information and process it responsibly.
- 2.4 **NOW THEREFORE**, the South African Council for the Architectural Profession ("SACAP") determines a policy on the protection of personal information which is collected and processed for purposes of registration in the architectural profession.

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3. Definitions

In this document, unless contrary to the context, reference to the male gender includes the female gender; a word or expression to which a meaning has been assigned in the Architectural Profession Act shall bear the same meaning unless the context otherwise indicates, and —

"POPI" means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013)

"Data Subject" means any person to whom personal information relates.

"Personal information" means information about an identifiable individual including, but not limited to:

- a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, color, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, identity document/passport number, phone number, email address, financial information, physical address, date of birth, criminal record, and private correspondence;
- b) Information relating to the educational or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; and
- c) The name of the individual, where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual.

"Public Body" means any department or state administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or institution when exercising a power or performing a duty in terms of the constitution or a provincial constitution, or exercising a public power or performing a public function in terms of any legislation.

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“Processing” means any operation or activity or any set of activities, whether or not by automatic means, concerning personal information including:

- a) The collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) Dissemination by means of transmission, distribution, or making available in any other form; or
- c) Merging, linking, as well as restriction, degradation, erasure or destruction of information.

“Responsible party” means a member of the public or private body or any other persons which alone or in conjunction with others, determines the purpose of and means for processing personal information.

4. Policy goals and objectives

The policy objective is to give effect to the provisions of POPI to safeguard personal information. SACAP is responsible for registering persons in accordance with Section 19 of the Act in the architectural profession and in doing so, it collects and processes personal information. The policy sets out the manner in which SACAP deals with registered person’s personal information and the purpose for the said information to be used.

The objective and goal of this policy is to guarantee SACAP’s commitment to protecting personal information of registered persons. SACAP will ensure that registered person’s personal information in its possession is adequately protected to avoid unauthorised access and use. Furthermore, SACAP undertakes to protect personal information of all its Council members and employees. The personal information will be used appropriately, transparently, and securely in accordance with applicable laws.

POPI sets out the following conditions for the lawful processing of information:

- a) Duty by a public body.



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- b) Legal obligation to perform the processing of personal information.
- c) Processing limitation – information may only be processed if it is adequate relevant and not excessive given the purpose for which it is collected.
- d) Purpose specification – personal information must be collected for a specific, explicitly defined and lawful purpose related to the activity of the responsible party.
- e) Further processing limitation – where information is received from a third party and passed on to the responsible party for further processing, the further processing must be compatible with the purpose for which it was initially processed.
- f) Information quality – information must be complete, accurate, not misleading and updated where necessary.
- g) Openness – the data subject must be informed when collecting information and the specific nature thereof.
- h) Security safeguards - the responsible party must ensure the integrity of the personal information by taking measures to prevent the loss, damage or unauthorised destruction of the information.
- i) Data subject specification – the data subject has the right to request a responsible person to confirm, free of charge, whether they hold personal information about them.

5. The personal information collected

In terms of section 9 of POPI, personal information may only be processed if given the purpose for which it is processed, it is adequate, relevant and not excessive, consequently, SACAP collects personal information for the following reasons:

- Registration of persons who qualify for registration in the Architectural Profession;
- Personal information is collected for human resources purposes.

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SACAP collects personal information directly from data subjects. Examples of personal information collected from data subjects include but is not limited to:

SACAP collects personal information for registration of persons in the architectural profession

- Registered professionals names,
- Candidate's names;
- Categories of registration information;
- Monthly training records;
- Continuing Professional Development records;
- Status of registration;
- identity numbers,
- Date of birth;
- Physical and Postal addresses;
- Employment details;
- Practice details, where applicable;
- Telephone and fax numbers,
- Email addresses;
- Academic information and records;
- Records of experience in the architectural profession.
- Copies of qualifications; and
- Curriculum Vitae.

SACAP collects employees' personal information

- Name, address, phone number, marital status, date of birth;
- Next of kin;
- doctor's name;



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- spouse/partner contact information;
- Curriculum Vitae;
- letters of reference;
- Employment status and history;
- Academic records;
- Banking details;
- Disciplinary information;
- Salary information; and
- Criminal records.

SACAP collects the following information from the public:

- Names, telephone numbers,
- Company from which the visitor comes from;
- Names of persons lodging complaints of improper conduct against registered persons;
- Email addresses, identity number;
- Physical addresses;
- Drawing plans;
- Email correspondence;
- Proof of payments;
- Personal information used on Service level agreements; and
- Service provider personal information

6. How personal information is used

Registered persons and employees' personal information will only be used for purposes for which it was collected and intended. This includes:

- Registration;
- Upgrades from a candidate to a professional;



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- Continuing Professional Development points;
- For audit and record keeping purposes
- Disciplinary processes;
- Nomination of Council members;
- Provides information on registered persons to the Council for the Built Environment;
- Communicate with registered persons;
- Employee contracts;
- Communication with employees;
- Employee personal information is used to establish, manage and terminate employment; and
- Analysis and review of service provider contracts, in terms of which personal information is processed for and on behalf of SACAP.

According to section 10 of POPI, personal information may only be processed if certain conditions are met, for instance:

- Consent is obtained to process personal information- in our case consent obtained during registration, employment and entering into a service level agreement with service providers;
- Processing complies with an obligation imposed by law (Architectural Profession Act).

7. Disclosure of personal information

- SACAP may disclose personal information where it has a duty or a right to disclose in terms of applicable laws; and
- SACAP may disclose personal information where it deems necessary to protect the esteem, dignity and the professionalism of the Architectural Profession.



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- SACAP may disclose the Name and Surname of a registered person, his/her category of registration, registration number and the status of registration.

8. Safeguarding registered persons personal information

In terms of section 19 of POPI, a responsible party must ensure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent: loss of, damage to or unauthorised destruction of personal information, unlawful access to or processing of personal information. POPI requires that personal information should be adequately protected to avoid unauthorised access. Therefore, SACAP continuously reviews security controls and procedures to ensure that personal information is secured.

The following security controls are in place to protect personal information:

- Personal information is treated as confidential and not disclosed unless required by law;
- High level IT controls in place to maintain the protection of personal information;
- High level anti-virus programs;
- Access rights in place;
- Computer passwords in place;
- Assessment of data quality controls in place to ensure the accuracy and completeness of personal information;
- A third party service provider is mandated to ensure safeguarding of registered persons personal information;
- Personal information is stored at a third party service provider who is subject

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to POPI provision in the Service Level Agreement;

- SACAP internal server hard drives are protected by firewalls;
- Employees of SACAP sign confidentially agreement which is part of the employment contract;
- Hardcopy files are archived at a secured place;

9. Access and correction of personal information

- Registered persons have a right to request for access to personal information in SACAP's possession;
- Registered persons' personal information should be continuously updated.
- The details of the Information Officer:

Position: Registrar

Tel: 011 479 5000

Email:

Physical Address: 51 Wessel Road, Rivonia, Sandton, 2128

Postal Address: P O Box 1500, Rivonia, 2128

10. Amendment of the policy

Amendment to this policy will take place on an ad hoc basis or when needed. Registered Persons are advised to regularly update their personal information electronically on YM.

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