



South African Council
for the Architectural Profession

51 Wessel Road, Right Wing,
Rivonia, Sandton, 2128

P.O. Box 1500, Rivonia, 2128

Tel: 011 475 5000 | Fax: 011 479 5100

Email: info@sacapsa.com
Web: www.sacapsa.com

Privacy Notice

1. Introduction and purpose of this policy

1.1 To comply with the Protection of Personal Information Act 4 of 2013 (POPIA) and all related data privacy laws, the South African Council for the Architectural Profession (SACAP) must, when processing another's Personal Information provide the data subject with several details about the processing of his/her/its Personal Information before such information is processed; and obtain permission or consent from the owner of such Personal Information, to process his/her/its Personal Information, unless such processing:

- a) is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
- b) is required to comply with an obligation imposed by law;
- c) is for a legitimate purpose or is necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests of i) the data subject, ii) the person processing the Personal Information, or iii) that of a third party to whom the Personal Information is supplied; or
- d) is necessary for properly performing a public law duty by a public body or on behalf of a public body.

1.2 SACAP shall process personal information provided by users of our websites, electronic applications, email, and electronic services such as our registration system. The privacy of the data subject is important to us, please take note of this Privacy Notice. It describes how we process your Personal Information, including the receipt, collection, use, disclosure, sharing, retention, and, importantly, the protection of your Personal Information. This Privacy Notice also asks that you provide us with your consent to process your Personal Information, where this is required, which consent will be deemed to have been given by yourself when you provide us with your Personal Information for processing.

2. Who we are

SACAP is mandated to regulate the architectural profession in South Africa in terms of the Architectural Profession Act 44 of 2000 (the Act). The architectural profession includes professional *architects*, *senior architectural technologists*, *draughtspersons*, *specified categories*, and *candidates*.

3. Application of the privacy notice

This notice explains how we collect, use, share, and protect your Personal Information, which we receive via registration applications, Continuing Professional Development, and complaints. It also applies to all users of our website, electronic applications, or electronic services (hereinafter collectively referred to as "Services").



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4. What personal information do we collect and process?

When you apply for registration or vacancy, complain or you are a service provider, we will collect, without detracting from the generality thereof, the following Personal Information that belongs to you:

- a) Registration and CPD maintenance include:
 - i. ID document,
 - ii. Physical and postal address
 - iii. Curriculum vitae of registration applicants
 - iv. Qualification certificates
 - v. Registration numbers
 - vi. Letters of reference
 - vii. Banking details
 - viii. Contact details
- b) Employee vetting upon recruitment
 - i. ID document of employment applicants
 - ii. Physical and postal address
 - iii. Curriculum vitae of employment applicants
 - iv. Qualification certificates
 - v. Criminal records
 - vi. Banking details
 - vii. Contact details
- c) Procurement of goods or services (including SLAs) and handling of suppliers (creditors) accounts
 - i. Company registration documents
 - ii. Company banking details
 - iii. VAT and Tax Reference numbers
 - iv. Contact details
 - v. Company physical and postal address
 - vi. Letters of reference
 - vii. Name, surname, contact details, and ID document of the Supplier representative
- d) Complaints handling and disciplinary tribunals
 - i. ID document of the complainant
 - ii. Contact details of the complainant
 - iii. Physical and postal address
 - iv. Building plans
 - v. Correspondences between the complainant and registered persons
 - vi. Personal information used on project agreement
- e) Security of information acquired on the SACAP website
 - i. Log files – containing IP addresses, ISP, Browser, website history
 - ii. Computer operating system
 - iii. Language setting
 - iv. Broad demography information
- f) Voluntary association and other stakeholder information (Primary and secondary stakeholder engagements)
 - i. Contact details of representatives
 - ii. Name of the stakeholders
 - iii.



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5. How we collect information

5.1 We collect the Personal Information detailed above under clause 4 about you and any other party whose details you provide to us when you use and access the websites or interact with us for registration, including any access to such websites or registration profiles for the following purposes:

- i. for whatever reason, generally or specifically;
- ii. to register on the websites to become a registered person;
- iii. to make inquiries about SACAP services, via our websites;
- iv. to use the SACAP services, especially any services, which are available or accessible via our websites and to send you confirmation of the request/or order;
- v. for legitimate business purposes, including responding to Request for Quotation and tenders using our websites;
- vi. to take part in surveys, to post content on our websites, or to post any blogs;
- vii. to register to attend one of our events;
- viii. to look for, locate, read, and/or download information or publications;
- ix. for the performance of contractual terms or the enforcement of contractual rights;
- x. to provide you with details of our terms, conditions, policies, and procedures and to enforce and apply same;
- xi. to participate in any interactive areas that appear on our websites;
- xii. to provide us with your contact details or when you update those details;
- xiii. to send us an email; and
- xiv. to click on a link in an email advertisement or communication received from us.

5.2 We will also collect your Personal Information where you only partially complete and/or abandon any information inputted into our websites including online forms and may use this information to contact you to remind you to complete any outstanding information and/or for marketing purposes.

5.3 We also collect your Personal Information from your own devices including mobile devices and or the devices which you use to access our websites, which is collected using cookies or similar technologies, as described and set out under clause 6.2.

6. Details describing the purpose for the collection and use of your information, and how we use it

6.1 The Personal Information detailed under clause 4 above, which you provide to us is used for the following purposes:

- Registration and CPD maintenance
(Registrations of persons in the architectural profession and maintenance of RP's account)
- Employee vetting upon recruitment
(For recruitment purposes)
- Procurement of goods or services (including SLAs) and handling of suppliers
(creditors) accounts
For procurement of goods and services
Payment of suppliers
Entering into SLAs



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- Complaints handling and disciplinary tribunals
Investigations complaints of improper conduct
Tribunal hearings
- Security of information acquired on the SACAP website
To determine who is accessing information on our website
- Voluntary association and other stakeholder information (Primary and secondary stakeholder engagements)
For engagements and maintaining relations
For surveys

6.2 SACAP does not and cannot control the confidentiality, access to, or dissemination of information retrieved through the use of cookies. Cookies are alphanumeric identifiers that we transfer to your computer's hard drive through your web browser to enable our systems to recognize your browser and to automatically collect information from your computer such as your IP address and other details about your computer as well as details of operating systems and browser types which enable SACAP and its sponsors and advertisers to customize website content, for system administration and to report aggregate information to us. This is statistical data about our users' browsing actions and patterns and does not identify any individual. We use data analytics to understand and optimize our website offering. You may be required to accept cookies to complete certain actions on our website. The "Help" menu on the menu bar of most browsers will tell you how to prevent your browser from accepting new cookies, how to have the browser notify you when you receive a new cookie, and how to disable cookies altogether. Additionally, you can disable or delete similar data used by browser add-ons, such as Flash cookies, by changing the add-on's settings or visiting the website of its manufacturer.

7. Sharing your information

We may share your information with:

- Internal use (Employees, Council, and Committee members)
- Our service providers and agents (including their sub-contractors) or third parties that process the information on our behalf (e.g. Internet service and platform providers, payment processing providers, and those service providers or organizations whom we engage to help us provide you with the SACAP services or to send communications to you);
- System implementers
- Banks
- Law enforcement agencies
- Verification agency
- The public upon enquiry
- Professional service providers (e.g. auditors, attorneys, etc.)
- Where reporting is mandatory under applicable law
- We may share non-personally identifiable information about the use of our websites, products, or services publicly or with third parties but this will not include information that can be used to identify you.
- Where we share or disclose your Personal Information as described above, such sharing and or disclosure will always be subject to an agreement that will be concluded between



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ourselves and the party to whom we are disclosing your Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

- Where your Personal Information is transferred to a recipient in a country which is situated outside South Africa, your Personal Information will only be transferred to those recipients who are stated in countries that have similar data privacy laws in place or, in the absence of similar data privacy laws, where the recipient of the Personal Information concludes an agreement which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which in particular will be to a no lesser set of standards than those imposed by POPIA.
- By using our websites, or by interacting with us in the other ways described in this Privacy Notice, you consent to the transfer of your Personal Information to other parties in the circumstances set out in this Privacy Notice.

8. Social media and other third-party platforms

- 8.1 When you link to social media forums like Facebook, Twitter, TikTok, Instagram, LinkedIn, YouTube, etc., which may house a reference to us, please note that these are not our platforms. Your use of these platforms will be subject to the relevant platform owners' privacy notices, and we take no responsibility for your use of these platforms.
- 8.2 Where our websites may contain links to third-party websites; if you follow these links, you will exit our websites and the use of these websites will be subject to the relevant platform owners' privacy notices. Where you respond to communications, we post on third-party platforms such as Facebook, Google, and Twitter, such Personal Information may be shared with those third-party platforms to provide you with targeted advertising via the relevant third-party platform based on your provided profile/interests. While these third-party websites are selected with care, SACAP cannot accept liability for the use of your Data by these organizations. You can however control what advertisements you receive using the privacy settings housed on the relevant third-party's platform.

9. Lawful reasons for processing and the requirement for consent where no lawful reason can be shown

- a) In terms of POPIA consent to process your Personal Information is not required where there is a lawful reason for such processing, including where:
 - it is necessary to carry out actions for the conclusion or performance of a contract to which the owner is a party;
 - it is required to comply with an obligation imposed by law; or



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- it is for a legitimate purpose or is necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests of i) the owner of the Personal Information; ii) the person processing the Personal Information; or iii) that of a third party to whom the Personal Information is supplied; or
- it is necessary for the proper performance of a public law duty by a public body or on behalf of a public body.

b) Where a lawful reason cannot be met or shown for any specific processing detailed under this Privacy Notice, then your consent to such processing is required. Following this, where your consent is required for the processing of your Personal Information, the provision of the required Personal Information in such instances by you, to us, will be taken as your indication that we may process your Personal Information, which consent you may at any time withdraw, in the prescribed manner and form, but which withdrawal may affect your ongoing ability to use the websites and related SACAP services optimally.

10. Security and storage of information

10.1 SACAP will use our best endeavors to keep your Personal Information secure by taking appropriate technical and organizational measures against any unauthorized or unlawful processing and any accidental loss, destruction, or damage.

10.2 Whilst we will use our best endeavors as indicated above to protect your Personal Information, please note that no method of transmission over the Internet or method of electronic storage is 100% secure and that in light of this, we cannot guarantee the security of your Personal Information which is transmitted via websites, or to other websites, applications and services via an internet or similar connection. Therefore, while we strive to use commercially acceptable measures designed to protect Personal Information, we cannot guarantee its absolute security.

10.3 Where we have given you, or you have chosen a password to access certain areas of our websites, please keep this password safe and do not share this password with anyone.

10.4 Once your Personal Information is no longer required because the purpose for which the Personal Information is held has come to an end, such Personal Information will be retained by our Data and Records Retention Policy, which varies depending on the type of processing, the purpose for such processing, the business function, record classes, and record types. We calculate retention periods based upon and reserve the right to retain Personal Information for the periods that the Personal Information is needed to: (a) fulfill the purposes described in this Privacy Notice, (b) meet the timelines determined or recommended by regulators, professional bodies, or associations, (c) comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and (d) comply with your requests.



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11. Other sites and social media

11.1 If you follow a link from our websites to another site or service, this Privacy Notice will no longer apply.

11.2 We are not responsible for the information handling practices of third-party sites or services and we encourage you to read the privacy notices appearing on those sites or services.

11.3 Our websites may enable you to share information with social media sites or use social media sites to create your account or to connect your social media account. Those social media sites may automatically provide us with access to certain Personal Information retained by them about you (for example any content you have viewed). You should be able to manage your privacy settings from within your own third-party social media account(s) to manage what Personal Information you enable us to access from that account.

12. When you provide us with information about others

12.1 If you provide us with Personal Information about someone else, you are responsible for ensuring that you comply with any obligation and consent obligations under applicable data protection laws concerning such disclosure.

12.2 In so far as required by applicable data protection laws, you must ensure that you have provided the required notices and have obtained the individual's consent to provide us with this/her /its Personal Information and that you explain to them how we collect, use, disclose and retain their Personal Information or direct them to read the Privacy Notice.

13. Your information and your rights

In terms of the data protection laws, you have the following rights:

- The right of access - You may ask us free of charge to confirm that we hold your Personal Information, or ask us to provide you with details, at a fee, of how we have processed your Personal Information, which can be done by following the process set out under our PAIA Manual which can be accessed at www.sacapsa.com.
- The right to rectification - you have the right to ask us to update or rectify any inaccurate Personal Information.
- The right to erasure (the 'right to be forgotten') - where any overriding legal basis or legitimate reason to process your Personal Information no longer exists, and the legal retention period has expired, you may request that we delete the Personal Information.
- The right to object to and restrict further processing - where we do not need your consent to process your Personal Information, but you are not in agreement with such processing, you can object to us processing such Personal Information.
- The right to withdraw consent - where you have provided us with consent to process your Personal Information, you have the right to subsequently withdraw your consent.



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- The right to data portability - where you want your Personal Information to be transferred to another party which can be done under certain circumstances.

14. Contact us

Any comments, questions, or suggestions about this Privacy Notice or our handling of your Personal Information should be sent to us at the following postal address or telephone numbers.

Information Officer: Adv. Toto Fiduli
Email: Toto.Fiduli@sacapsa.com
Tel: 011 479 5000

Deputy Information Officer: Maduwele Segobola
Email: Maduwele.Segobola@sacapsa.com
Tel: 011 479 5000

Physical address

51 Wessel Road, Right Wing, Rivonia
Sandton, 2128
GPS coordinates: Latitude: 26.04567
and Longitude: 28.06055

Postal address

PO Box 1500, Rivonia, 2128

Our telephone switchboard is open from 8:00 am - 4:30 pm Monday to Friday. Our switchboard team will take a message and ensure the appropriate person responds immediately.

15. Complaints

- Should you wish to discuss a complaint, please contact us using the details provided above.
- All complaints will be treated confidentially.
- If you are not satisfied with how we have handled your Personal Information or any complaint you have made to us, you have the right to escalate your complaint to the South African Information Regulator.
- You can contact the South African Information Regulator at <https://www.justice.gov.za>