

PERSONAL INFORMATION ALERT

Protecting your privacy is very important to us. The following information will help you understand the purposes for which we collect, store and use your personal information. We will keep your personal information confidential and will only share your personal information if we are legally required to do so, if we must do so in order to fulfil our agreement with you or if you have given your consent.

What is the purpose of the POPIA?

POPIA aims to give effect to the constitutional right to privacy, whilst balancing this right against competing rights and interests, particularly the right of access to information. The purpose of POPIA is to regulate the processing of personal information in a secure and responsible manner. The spirit of the Act is to ensure that organisations that hold and process personal information do so carefully and with respect for the rights and interests of the people to whom it pertains.

What are we using your personal information for?

We may:

- Use your information for competition entries;
- be required by law to collect your personal information;
- use your personal information for elections, travel, and meeting attendance purposes;
- use your personal information for administration and support.

What are your rights?

You have the right to:

- ask what personal information we hold about you;
- ask what information was sent to our suppliers, service providers or any other third party;
- ask us to update, correct or delete any out-of-date or incorrect personal information we hold about you;
- unsubscribe from any direct marketing communications we may send you (opt out); and
- object to the processing of your personal information.

How long do we keep the data?

Process owners (USSA) should not keep personal information for longer than is required. POPIA considers the storage and retention of personal information as processing of personal information. Long-term storage may also expose the organisation, and the data subjects to unnecessary risk. USSA must ensure the proper disposal of a record or personal information as soon as reasonably practicable after achieving the purpose for which the information was originally collected through:

- archiving records with vital or historical value as per the [Documents, Records and Archives Management Policy of USSA](#); or
- destruction, deletion, or de-identification of a record or personal information as per the Documents, Records and Archives Management Policy.

What happens if USSA is non-compliant?

Non-compliance may lead to fines and claims against the USSA.

Non-compliance may further expose USSA to significant reputational harm and data subjects to unnecessary risk and harm.

Based on the nature of the non-compliance, USSA may execute its information breach procedures.

USSA may take disciplinary action against staff or students for non-compliance. USSA may take action, as allowed by contractual agreement or relevant legislation, against members and third party suppliers and vendors for non-compliance.

Whom should I contact for more information?

For questions about the UWC POPIA Policy and implementation, please email: marissa@ussa.org.za

Or visit our website to find out more: <https://www.ussa.org.za>

UNIVERSITY SPORT SOUTH AFRICA

PROTECTION OF PRIVATE INFORMATION POLICY

1. Introduction

- 1.1 With the introduction of the Protection of Personal Information Act No 4 of 2013 (POPI Act)¹, being implemented with effect from 1 February 2022, all organisations processing personal information by automated means need to have an explicit policy to govern the process. As the University Sport South Africa (USSA) comprising the Executive, its various Subcommittees, and National University Sport Associations, and affiliated structures processes, stores and, on occasion, shares personal information of athletes, coaches, administrators and other personnel, POPI is applicable for our work as well as the work of all affiliated members. We are further bound by the Higher Education's information governance and procedures to uphold all the requirements and stipulations of the Act.
- 1.2 The effective and efficient recording and maintaining of records affects not only USSA's business operations, but is crucial in the protection of the integrity of these processes and the information processed, stored and shared.
- 1.3 Therefore, in line with the POPI Act, USSA commits to:
 - 1.3.1 give effect to the constitutional right to privacy, by safeguarding personal information processed, subject to justifiable limitations that are aimed at:
 - 1.3.1.1 balancing the right to privacy against other rights, particularly the right of access to information; and
 - 1.3.1.2 protecting important interests, including the free flow of information within SA and across international borders;
 - 1.3.2 regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;
 - 1.3.3 provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act; and
 - 1.3.4 establishing voluntary and compulsory measures, in line with the Act, to ensure respect for and to promote, enforce and fulfil the rights protected by this Act.
- 1.4 Some of the *obligations* under POPI Act are to:
 - 1.4.1 collect only information required for a specific purpose;
 - 1.4.2 apply reasonable security measures to protect it;
 - 1.4.3 ensure it is relevant and up to date;
 - 1.4.4 only hold as much information as required, and only for as long as required;
 - 1.4.5 allow the subject of the information to see it upon request at no cost, and to correct it.

2. Purpose

- 2.1 With the implementation of the POPI Act, setting the parameters of the data held by USSA, the reasons for this, and the rights and duties of data subjects, ensures transparency and the integrity of the process, while balancing an individual's right to privacy.
- 2.2 Data is important to be able to measure the performance of USSA in a number of areas on the basis that "if you cannot measure it, you cannot improve it²".

3. Scope

- 3.1 This policy applies to the following:

¹ [Protection of Personal Information Act \(www.gov.za\)](http://www.gov.za)

- 3.1.1 Current, future and former employees;
- 3.1.2 Athletes;
- 3.1.3 Coaches;
- 3.1.4 Team management;
- 3.1.5 Sports science and medical personnel;
- 3.1.6 Technical officials;
- 3.1.7 Administrators of NUSAs and provincial executive committees and their members;
- 3.1.8 USSA Executive committee members;
- 3.1.9 USSA Subcommittee members;
- 3.1.10 USSA volunteers.

4. Use of information

- 4.1 The data processed, stored and shared by USSA relates to its operations as the organisation responsible for team preparation and participation in the following events (which may be amended from time to time):
 - 4.1.1 USSA approved and sanctioned competitions;
 - 4.1.2 CUCSA Zone IV Games;
 - 4.1.3 FASU Games;
 - 4.1.4 World University Championships
 - 4.1.5 World University Games;

- 4.2 USSA is also the confederation of sport, and as such, it processes, stores and may share data in relation to the following (which may change from time to time):
 - 4.2.1 Applications for funding;
 - 4.2.2 Correspondence including emails, letters and newsletters;
 - 4.2.3 Dispute resolution;
 - 4.2.4 General, Executive and Committee meetings of USSA;
 - 4.2.5 Media releases;
 - 4.2.6 National Colours Board;
 - 4.2.7 Proposals and reports to the funders, sponsors and donors;
 - 4.2.8 Research;
 - 4.2.9 Sports science, medical and technology support provided to athletes; and
 - 4.2.10 Criminal convictions and information related to the Sexual Offences Register.

5. Definitions

Unless otherwise expressly stated, or the context otherwise requires, the words and expressions listed below shall, when used in this policy, bear the meanings ascribed to them below, and cognate expressions bear corresponding meanings:

- 5.1 *Data subject* is a person to whom personal information relates.

- 5.2 *Data not subject to the POPI Act* include:
 - 5.2.1 specific household or personal activity;
 - 5.2.2 appropriately de-identified or anonymised information;
 - 5.2.3 various state functions, specifically criminal prosecutions and national security;
 - 5.2.4 journalism, which is under a code of ethics;
 - 5.2.5 judiciary functions.

- 5.3 *Direct marketing* is sending a data subject an electronic communication about goods and services that are being promoted or offered in the ordinary course of business, or requesting a donation of any kind for any reason.

- 5.4 *Record* is any recorded information, regardless of when it came into existence.

- 5.5 *Responsible party* is a public or private body or any other person, who is a South African citizen or resident, who determines the purpose of and means for processing personal information and is the accountable person for protecting personal information.
- 5.6 *An operator* is a member of staff or third party whose sole function is to process all personal data collected for and on behalf of USSA. Their functions are as follows:
- 5.6.1 process information according to their instructions without such information coming under their direct authority;
 - 5.6.2 process data in terms of a written contract;
 - 5.6.3 dispose of the data after the arrangement ends;
 - 5.6.4 are a service provider;
 - 5.6.5 do not use the data for any of their own purposes.
- 5.7 *Personal information* is any information relating to an identifiable, living natural person or juristic person (e.g. companies, closed corporations etc.) and includes, but is not limited to:
- 5.7.1 information relating to the race, gender, sex, pregnancy, marital status and family relations, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, health, sex life, place and date of birth of the person;
 - 5.7.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 5.7.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 5.7.4 the biometric information of the person;
 - 5.7.5 the personal opinions, views or preferences of the person including religious, philosophical and political opinions;
 - 5.7.6 memberships of organisations or unions;
 - 5.7.7 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;
 - 5.7.8 the views or opinions of another individual about the person;
 - 5.7.9 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; and
 - 5.7.10 photos, video footage, voice recordings, social media extracts and images.
- 5.8 *Processing* is any operation or activity or any set of operations whether or not by automatic means, concerning personal information, including:
- 5.8.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 5.8.2 dissemination by means of transmission, distribution or making available in any other form; or
 - 5.8.3 merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 5.9 *Special personal information* is:
- 5.9.1 religious or philosophical beliefs;
 - 5.9.2 race or ethnic origin;
 - 5.9.3 trade union membership;
 - 5.9.4 political persuasion;
 - 5.9.5 criminal and disciplinary proceedings that an individual may be or may have been involved in;
 - 5.9.6 health or sex life; and /or
 - 5.9.7 biometric information.
- 5.10 *Executive* means the elected people serving from time to time as defined in the USSA Constitution.

- 5.11 Chief Information Officer means the Chief Information Officer of USSA which role will be taken up by the USSA President.
- 5.12 Deputy Chief Information Officer means the Deputy Chief Information Officer of USSA. This role will be taken up by the CEO of USSA.
- 5.13 Members means the members of USSA affiliated to the organisation as defined in the USSA Constitution.
- 5.14 POPI means the Protection of Personal Information Act 4, of 2013.
- 5.15 Policy means this POPI policy.

6. Rights of individuals whose data USSA holds

- 6.1 As part of the process, all data subjects will be requested to provide relevant data and by virtue of the individual submitting their data, they will be deemed to have approved such data to be processed, stored and where required, shared by USSA. It is that individual's responsibility to:
 - 6.1.1 understand that by submitting their data, they consent to their data being held by USSA, such consent may be withdrawn at any time with consequences including not being able to enter certain events or access support systems;
 - 6.1.2 ensure that the data submitted are correct at all times;
 - 6.1.3 upon retirement or resignation from sport, to request USSA to delete their data;
 - 6.1.4 contact the USSA office about questions or concerns at any time, and if not satisfied, to submit a complaint to the Regulator as set out in the POPI Act.
- 6.2 Data subjects have the right to access their Personal Information that USSA holds about them and to request an update, correction, or deletion of their personal data/information on reasonable grounds. If a data subject objects to the processing of their personal information, USSA must immediately delete the data subject's Personal Information.
- 6.3 Processing, storing or sharing special information is only permitted in the following circumstances (all must be read together):
 - 6.3.1 with consent of the individuals concerned;
 - 6.3.2 when necessary in law;
 - 6.3.3 collected and conducted for historical, statistical or research purposes; or
 - 6.3.4 the information has been deliberately made public by the data subject.
- 6.4 Where the data subject is a minor (under 18 years of age) or a person who is not legally competent:
 - 6.4.1 the data must be inputted by a person legally entitled/competent to do so on that person's behalf (e.g. guardian, parent);
 - 6.4.2 such competent person, by entering that data subject's information, gives permission for USSA to hold and process information related to a minor or person not legally competent for whom they have a legal responsibility.

7. Access

- 7.1 Procedure for access to personal information will be handled in compliance with the Promotion of Access to Information Act 2 of 2000 (PAIA Act).
- 7.2 USSA employees and other persons authorised by USSA and the service provider, if any, providing the database may have access to this information.
- 7.3 All such persons are required to sign a confidentiality agreement before being given access to data.

8. Sharing information

- 8.1 Data may be released:
 - 8.1.1 to the SA authorities if so required by law or subpoena;
 - 8.1.2 if the data subject wishes to participate in any incentives;
 - 8.1.3 for statistical purposes with data being disaggregated if requested but in an anonymous format;

- 8.1.4 to international sports organisations and event organisers for the purposes of entering Team South Africa provided that such organisations and organisers are subject to privacy requirements at least as stringent as outlined in the POPI Act and the data subject has agreed or USSA believes that consent would reasonably be given where permission would be likely but it has not been practical to achieve it.
- 8.2 Data will not be released for direct marketing purposes unless the data subject grants permission.

9. Retention of information

- 9.1 After being notified of an individual's retirement or resignation, USSA may keep the demographic and performance related information, unless otherwise agreed, for statistical purposes. No information about name and contact information will be retained.
- 9.2 Where USSA cancels its contract with a service provider, if any, holding private information, USSA is responsible to ensure that the service provider deletes *all* information from all its servers once it has transferred all relevant information to USSA in the format required by USSA.
- 9.3 An individual has a right to have their personal information corrected or deleted if it is inaccurate, irrelevant, excessive, dated or misleading, or if it has been obtained unlawfully, or if USSA is no longer authorised to retain the information.

10. Security

- 10.1 USSA will ensure that the appointed service provider, if any, or employees or other authorised persons keep all data secure and private.
- 10.2 USSA will ensure the data subject is informed by email if there is a suspicion of unauthorised access to the individual's data and take immediate steps to reinforce security and privacy.
- 10.3 The service provider is responsible to provide USSA with the results of regular vulnerability and penetration tests and that it has adequate insurance to cover its cyber-security obligations.

11. Fees

- 11.1 USSA shall establish a fee in respect of costs associated with data protection from time to time if required. This fee will be established in terms of USSA's financial policies.

12. Registration

- 12.1 USSA shall:
 - 12.1.1 register with the appointed Regulator that it holds and processes private information;
 - 12.1.2 appoint a Chief Information Officer and Deputy Chief Information officer/s with the responsibilities set out in sections 55 and 56 of the POPI Act;
 - 12.1.3 appoint a responsible party.

13. Reporting

- 13.1 Any breach of this policy or accompanying regulations either through a cyber-security breach of any sort or by an individual with access to restricted data should be reported immediately to the CEO of USSA who shall notify the Executive and the Regulator with all available information to support an investigation.
- 13.2 In the case of an individual/s with access to private data allegedly breaching the policy or regulations:
 - 13.2.1.1 an internal investigation by an independent panel appointed by the Executive shall be initiated by the CEO;
 - 13.2.1.2 if found in breach, the individual may be subject to action and sanction under the USSA's Disciplinary Rules and Regulations; and
 - 13.2.1.3 the matter will be reported to the Regulator simultaneously for further investigation.

14. Amendment of this Policy

- 14.1 This policy shall be reviewed in 2024 or sooner if changes to legislation require a review.

