

## SECURITY PROCESSING NOTICE

### 1. PURPOSE OF THIS NOTICE AND TERMS USED

- 1.1 In order to carry out its mandate, the Cross-Border Road Transport Agency (hereinafter referred to as “the C-BRTA” or “the Agency”) in the capacity as a Responsible Party, will have to comply with a law known as the Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as “POPIA”), which regulates and controls the processing of a legal entity’s and/or an individual’s Personal Information in South Africa, (hereinafter referred to as a “Data Subject”), which processing includes the collection, use, and transfer of a Data Subject’s Personal Information.
- 1.2 In terms of POPIA, where a person processes another’s Personal Information, such processing must be done in a lawful, legitimate and responsible manner and in accordance with the provisions, principles and conditions set out under POPIA.
- 1.3 In order to comply with POPIA, a Responsible Party processing a Data Subject’s Personal Information must:
- 1.3.1 provide the Data Subject with a number of details pertaining to the processing of the Data Subject’s Personal Information, before such information is processed; and
- 1.3.2 get permission or consent, explicitly or implied, from the Data Subject, to process their 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 of the Personal Information is a party;
  - (b) is required in order 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 Responsible Party; or (iii) that of a third-party to whom the Personal Information is supplied;  
or
  - (d) is necessary for the proper performance of a **public law duty**.

1.4 In accordance with the requirements of POPIA, and because the privacy and trust of C-BRTA's visitors, operators, service providers, etc. (hereinafter referred to as the Stakeholders) is important to the Agency, the below sets out how the C-BRTA collect, use, and share Personal Information and the reasons why the Agency need to use and process Personal Information.

## **2. APPLICATION**

This Processing Notice applies to all persons (hereinafter referred to as Stakeholders) who come onto the C-BRTA premises, including the reception area, client area, offices, facilities and parking areas (C-BRTA premises).

## **3. WHAT INFORMATION WE NEED**

In order to gain access to the premises, the C-BRTA has to process the following Personal Information:

- 3.1. The Stakeholders or relevant employer or organisation's contact information, such as name, Company or Trading name, address, identity number, passport number, phone number, cell phone number, vehicle make and registration number, email address, and similar contact data, details regards the possession of any weapons, status with an organisation, images and similar data, which are required for various legitimate interests, and/or lawful reasons.
- 3.2. Specific identifiers, which are required in order to protect legitimate interests, comply with legal obligations or public legal duties, or in order to accommodate visitors in the C-BRTA premises, such as any disabilities, certain biometric information which may be required for access control and health records or related details.
- 3.3. All Personal Information collected and processed from any person under the age of eighteen years (18) for the purposes of accessing the C-BRTA premises will only be processed with the prior permission of the child's parent or legal guardian, who will be required at all times to accompany such child around the C-BRTA premises.

#### **4. PURPOSE FOR PROCESSING STAKEHOLDER PERSONAL INFORMATION**

Stakeholder Personal Information will be processed by the C-BRTA for the following purposes:

- 4.1. to facilitate access into and out of the C-BRTA premises;
- 4.2. to permit stakeholder access to the C-BRTA offices, facilities or parking areas, as well as to controlled areas, for the purposes of monitoring via CCTV, stakeholder interaction and access in and from the C-BRTA facilities described above, and for general risk management, security and emergency incident control purposes as well as for data and cybersecurity purposes;
- 4.3. to ascertain persons entering and leaving the C-BRTA premises;
- 4.4. to monitor movements in the C-BRTA premises;
- 4.5. to ensure a safe working and operating environment;
- 4.6. to comply with laws, including Security, Health and Safety related laws and legal obligations;
- 4.7. to manage security services;
- 4.8. for the purposes of registering all persons entering and leaving the C-BRTA premises;
- 4.9. for the purposes of managing and investigating security incidents; including accidents within the C-BRTA premises or attention to emergency evacuations; and
- 4.10. to assess and mitigate security risks;
- 4.11. to carry out organisational risk assessments, in order to detect and prevent bribery, corruption, fraud and abuse, to comply with anti-bribery and corruption laws, as well as to identify and authenticate access to C-BRTA assets, systems, services or premises and generally to ensure the security and protection of all persons including employees, and persons when entering or leaving the C-BRTA premises and/or to exercise the Agency's rights and to protect the Agency's and others' rights and/or property, including to take action against those that seek to violate or abuse C-BRTA assets, systems, services, visitors, operators or employees and/or other third parties where applicable; and
- 4.12. other security measures in general, including the need where applicable to investigate any criminal or unacceptable activity that may have occurred on the C-BRTA premises.

## 5. SHARING AND RETAINING PERSONAL INFORMATION

The C-BRTA shares Personal Information for the purposes set out in this Processing Notice with the following categories of recipients:

<p><b>C-BRTA employees and affiliates.</b></p> <p><b>Lawfulness – YES</b> <b>Consent required – NO</b></p>
<p><b>Stakeholder Contacts and other employees.</b></p> <p><b>Lawfulness – YES</b> <b>Consent required – NO</b></p>
<p><b>Business Partners and Third-Party Service Providers, as well as Operators.</b></p> <p><b>Lawfulness – YES</b> <b>Consent required – NO</b></p>

## 6. SECURITY OF INFORMATION

- 6.1 The security of Stakeholder Personal Information is important to the C-BRTA. Taking into account the nature, scope, context, and purposes of processing Personal Information, as well as the risks to individuals of varying likelihood and severity, the Agency has implemented technical and organisational measures designed to protect the security of Stakeholder Personal Information. In this regard the Agency will conduct regular audits regarding the safety and the security of Stakeholder Personal Information.
- 6.2 Personal Information will be stored electronically and in some cases in hard copy in files and records, which information, for operational reasons, will be accessible to and/or provided to persons employed or contracted by the Agency on a need to know basis.
- 6.3 Once Stakeholders Personal Information is no longer required, such Personal Information will be retained in accordance with the Agency's records retention policies and schedules, 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) fulfil the purposes described in this Processing Notice, (b) meet the timelines determined or recommended by regulators, law makers, professional bodies, or associations, (c) comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and (d) to comply with Stakeholder requests.

- 6.4 Notwithstanding clause 7 and 8, please note that no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while the C-BRTA strives to use commercially acceptable measures designed to protect visitor Personal Information, the Agency cannot guarantee its absolute security.

## **7. ACCESS BY OTHERS AND CROSS BORDER TRANSFER**

- 7.1 C-BRTA may from time to time have to disclose Stakeholder's Personal Information to other parties, including auditors, organs of state, regulatory bodies and/or national, provincial, or local governmental bodies and/or their officials, based in South Africa but such disclosure will always be subject to an agreement which will be concluded as between the C-BRTA and the party to whom the disclosure of Personal Information is done (recipient) which contractually obliges the recipient of the Personal Information to comply with strict confidentiality and data security conditions, unless such information is exchanged and/or provided to such parties in their capacity as a Responsible Party and which has been provided and disclosed to them in order to allow them discharge their own mandate or operational activities.
- 7.2 Where Personal Information is transferred to a recipient in a country which is situated outside South Africa, the Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information in such country concludes an agreement with the C-BRTA, which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which conditions in particular will be to a no lesser set of standards than those imposed by POPIA.

## **8. DATA SUBJECT RIGHTS**

8.1 Each Stakeholder as a Data Subject have certain rights, which are detailed below:

- (a) The right of access - Stakeholder may request the C-BRTA (free of charge) to confirm that the Agency holds their Personal Information or request the Agency to provide a Stakeholder with details, (at a fee) on how the Personal Information has been processed, which request must be done by following the process set out under the C-BRTA PAIA Manual.
- (b) The right to rectification - Stakeholders have the right to request the Agency to update or rectify any inaccurate Personal Information which is held, which can be done by accessing the update / rectification request.
- (c) The right to object to and restrict further processing - Where the C-BRTA does not need a Stakeholder's consent to process Personal Information, but are not in agreement with such processing, an objection may lodge to such processing by accessing the objection request.
- (d) The right to withdraw consent - Where Stakeholders have provided the C-BRTA with consent to process Personal Information, Stakeholders have the right to subsequently withdraw the consent, which can be done by accessing the withdrawal of consent request.

8.2 These rights may be exercised by using the relevant forms housed on the C-BRTA website at: [www.cbrta.co.za/legal-and-privacy](http://www.cbrta.co.za/legal-and-privacy).

## **9. AMENDMENTS TO THIS PRIVACY STATEMENT**

9.1 As C-BRTA changes over time, this Processing Notice is expected to change as well.

9.2 C-BRTA reserves the right to amend the Processing Notice at any time, for any reason, and without notice to you other than the posting of the updated Processing Notice on the C-BRTA Website.

9.3 The C-BRTA therefore request that Stakeholders visit the website frequently in order to keep abreast with any changes.

## 10. PROCESSING OTHER PERSONS PERSONAL INFORMATION

10.1 If a Stakeholder processes another person's Personal Information on C-BRTA's behalf, or which the Agency provide to such Stakeholder in order to perform the contractual or legal obligations or to protect any legitimate interest, such Stakeholder will:

- (a) if a Stakeholder is processing such Personal Information as a C-BRTA Operator, as defined under POPIA, process all and any such Personal Information in compliance with the obligations set out under the Agency's standard "Operator Agreement" housed on the C-BRTA website; or
- (b) where not acting as an Operator, nonetheless keep such information confidential and secure as per POPIA and not, unless authorized to do so, process, publish, make accessible, or use in any other way such Personal Information unless in the course and scope of the Stakeholder's duties, and only for the purpose for which the information has been received and granted to such Stakeholder, and related to the duties assigned.

## 11. COMPLAINTS OR QUERIES - CONTACT THE AGENCY

11.1 Any comments, questions or suggestions about this Processing Notice or the C-BRTA's handling of Personal Information should be emailed to the Agency's Information or Deputy Information Officers at the details housed below.

(a) **Information Officer**

**Name:** Lwayi Mboyi

**Address:** Eco Point Office Park;350 Witch Hazel Avenue;  
Eco Park; Centurion

**Tel:** (012) 471 2000 or 2149

**Email:** [CBRTAInformationOfficer@cbrta.co.za](mailto:CBRTAInformationOfficer@cbrta.co.za)

(b) **Deputy Information Officer(s)**

**Name:** Tintswalo Shilowa

**Address:** Eco Point Office Park;350 Witch Hazel Avenue;  
Eco Park; Centurion

Tel: (012) 471 2000 or 2177

Email: [CBRTAInformationOfficer@cbrta.co.za](mailto:CBRTAInformationOfficer@cbrta.co.za)

**Name: Alfred Nemavhidi**

Address: Eco Point Office Park;350 Witch Hazel Avenue;  
Eco Park; Centurion

Tel: (012) 471 2000 or 2141

Email: [CBRTAInformationOfficer@cbrta.co.za](mailto:CBRTAInformationOfficer@cbrta.co.za)

11.2 Should a Stakeholder wish to discuss a complaint, please feel free to contact the Agency using the details found above. All complaints will be treated in a confidential manner.

11.3 C-BRTA offices are open 7:30 am – 4.00 pm GMT, Monday to Friday.

11.4 Should a Stakeholder feel unsatisfied with the Agency's handling of Personal Information, or about any complaint raised with the Agency, you are entitled to escalate the complaint to the South African Information Regulator who can be contacted at <https://www.justice.gov.za/infoereg/>.

## **12. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT**

12.1 By providing the C-BRTA with the Personal Information which the Agency require from Stakeholders as listed under this Processing Notice:

- (a) you acknowledge that you understand why your Personal Information needs to be processed;
- (b) you accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information cross border;
- (c) where consent is required for any processing as reflected in this Processing notice, you agree that we may process this particular Personal Information.

12.2 Where Stakeholders provide the C-BRTA with another person's Personal Information for processing, such Stakeholder confirms that that they have obtained the required permission from such person(s) to provide the Agency with their Personal Information for processing.



12.3 The rights and obligations of the parties under this Processing Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable.

12.4 Should any of the Personal Information concern or pertain to a legal entity whom a Stakeholder represent, they confirm that they have the necessary authority to act on behalf of such legal entity and that they have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organisation or entities' Personal Information.