

## **CROSS-BORDER ROAD TRANSPORT AGENCY PERMIT PROCESSING NOTICE**

### **ABOUT THE CROSS-BORDER ROAD TRANSPORT AGENCY (C-BRTA)**

#### **Mandate**

The Cross-Border Road Transport Agency (C-BRTA) exists to improve the cross-border flow of commuters and freight operators who make use of road transport. Its function as an interstate operations agency is to reduce mobility constraints for road transport operators, in the form of regulating market access and issuing cross-border permits, while facilitating sustainable social and economic development in the Southern African Development Community (SADC) region.

The C-BRTA regulates access to the market by the road transport freight and passenger industry in respect of cross-border road transport by issuing permits.

The permits issued by regulatory services in accordance with the Cross-Border Road Transport Act allow cross-border operators to conduct road transport business in South Africa and its neighbouring countries.

The C-BRTA offers various types of permits for passenger and freight road transport operators. These are categorised as follows:

- Goods permits
- Bus passenger permits
- Taxi passenger permits
- Tourist passenger permits
- Organised group permits
- Cabotage permits

The agency offers temporary permits as well as long-term permits.

**When granting permits, the C-BRTA will have to process personal information which belongs to applicants, which processing activities are described below.,**



## 1. PURPOSE OF THIS NOTICE AND TERMS USED

- 1.1 In order to do carry out its mandate, the Cross-Border Road Transport Agency (hereinafter referred to as “we”, “us”, or the “ C-BRTA”) in our 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 his / her / its Personal Information, **unless** such processing:
- 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;
  - is required in order to comply with an **obligation imposed by law**; or
  - 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
  - is necessary for the proper performance of a **public law duty**.
- 1.4 In accordance with the requirements of POPIA, and because your privacy and trust is important to CBRTA, it is set out below how the CBRTA collect, use, and share your Personal Information and the reasons why CBRTA needs to use and process your Personal Information.



## 2. APPLICATION

2.1 This Processing Notice applies to the following data subjects:

Passenger and freight road transport operators, who are applying for the following categories of permits:

- Goods permits
- Bus passenger permits
- Taxi passenger permits
- Tourist passenger permits
- Organised group permits
- Cabotage permits

Either on a temporary or long-term basis.

## 3. PURPOSE FOR PROCESSING YOUR PERSONAL INFORMATION

3.1 Your Personal Information will be processed by us for the following purposes:

SUMMARY OF THE PURPOSE OF COLLECTION	Lawfulness Consent required
<p><b>Consider application and conduct Due diligence – legitimate purpose:</b> To consider your application for a permit and to carry out a due diligence before CBRTA decides to grant you a permit including obtaining and verifying your credentials, including all the details which have been disclosed under the applicable permit application, including your business details, qualifications, credit and financial status and history, tax status, B-BBEE status, and/or any performance related history, including road infringements and prosecutions.</p> <p><b>Lawfulness – YES</b></p> <p><b>Consent required – NO</b></p>	



**Permit grant purposes – assessment and grant – legal requirements – conclusion of a contract:** To investigate whether CBRTA is able or willing to grant the permit applied for and to conclude a contract with you based on the findings of any due diligence detailed above, and if in order, to grant the permit and conclude a contract with you, which may be subject to conditions.

**Lawfulness – YES**

**Consent required – NO**



**Operational activities in relation to permit - legal requirements:** to conduct and communicate with you regarding your permit and related conditions, and to perform all required administrative and financial activities in respect of the permit, to ensure that all operators who hold permits are in compliance with and comply with applicable road traffic laws and other applicable laws, including B-BBEE laws.

**Lawfulness - YES**

**Consent required - NO**

**Permit applicant/holder relationship – compliance with law and legitimate purpose:** To manage the relationship with you in relation to the permit which has been granted to you.

**Lawfulness - YES**

**Consent required - NO**

**Risk assessment and anti-bribery and corruption matters -legitimate purpose:** To carry out permit, organizational and enterprise wide risk assessments in order to detect and prevent bribery, corruption, fraud and abuse.

**Lawfulness - YES**

**Consent required - NO**

**Communications - legitimate purpose:** To make contact with you and to communicate with you generally or in respect of our requirements, or instructions, or to respond to you in order to comply with your specified or general instructions.

**Lawfulness - YES**

**Consent required - NO**

**C-BRTA governance and operational issues - compliance with law and manage the contract and relationship with you :** To communicate, enforce and ensure that you comply with any applicable C-BRTA, or other governmental, provincial, local authority, SADC other regulatory body's policies or procedures, which pertain to and apply to you in your capacity as a permit holder.

**Lawfulness - YES**



**Consent required - NO**

**Legal obligation and public duties:** To comply with the law and CBRTA legal obligations, to attend to tax compliance matters including tax numbers, to submit reports or provide various notices or returns, to litigate and/or to respond to a request or order from SAPS official, investigator or court official, regulator, or public authority, whether in South Africa or Cross Border.

**Lawfulness - YES**

**Consent required - NO**

**4. WHAT PERSONAL INFORMATION OR INFORMATION DO WE COLLECT FROM PERMIT APPLICANT?**

In order to engage and/or interact with you, for the purposes described above, CBRTA will have to process certain types of your Personal Information, as described below:

**Permit applicant or permit holder contact information**, such as name, alias, address, identity number, passport number, phone number, cell phone number, email address, and similar contact data, and other contact information including details of your employees, memberships or affiliations, such as the name of your employer or organization that you are a member of, information about your colleagues or those within your organization, your status with an organization, and similar data, which are required for various legitimate interest, contractual and/or lawful reasons.

**Lawfulness - YES**

**Consent required - NO**

**Specific identifiers**, which are required in order to protect legitimate interests, comply with legal obligations or public legal duties, or to accommodate permit requirements, such as your race (B-BBEE related).





**Lawfulness - YES**

**Consent required - NO**

## **5. SOURCES OF INFORMATION - HOW AND WHERE DOES CBRTA COLLECT YOUR PERSONAL INFORMATION FROM**

- 5.1 Depending on your requirements, CBRTA will collect and obtain Personal Information about you either directly from you, from certain third parties, or from other sources which are described below:

### **Direct collection**

You provide Personal Information to CBRTA when you make application for a permit, collect or obtain the permit, pay the permit fees, renew the permit and when CBRTA carries out our various Probity and auditing functions in relation to said permit.

### **Collection from third parties:**

CBRTA collect Personal Information about you from third parties, such as:

- Those who a relationship with or that provide or publish Personal Information related to you.
- Regulators, professional or industry organizations and certification / licensure agencies that provide or publish Personal Information related to you.
- Third parties and affiliates who deal with or interact with CBRTA or you.
- SAPS, Home Affairs, Credit bureaus and other similar agencies.
- Other government agencies, regulators and others who release or publish public records, including those situated cross border.
- Other publicly or generally available sources, such as social media sites, public and online websites, open databases, and data in the public domain.



## 6. HOW CBRTA SHARE INFORMATION

CBRTA share Personal Information for the purposes set out in this Privacy Notice with the following categories of recipients:

**C-BRTA employees, directors, non-executives and executives, committee members, officials and C-BRTA affiliates.** CBRTA may share your Personal Information amongst our employees, directors, executives, officials, and affiliates in order to perform C-BRTA related activities as per CBRTA's mandate, including governance activities, and company secretarial, legal and operational activities.

**Lawfulness – YES**

**Consent required – NO**

**Stakeholders and Cross Border Governmental officials.** CBRTA may share your Personal Information with a variety of stakeholders, governmental officials, ministers and cross border officials as well as with our business partners in order to perform C-BRTA related activities as per the Agency's mandate, including governance activities, and company secretarial, legal and operational activities.

**Lawfulness – YES**

**Consent required – NO**



**South African Regulators and law enforcement agencies.** CBRTA may disclose your Personal Information to organs of state, national and / or provincial or local government and related departments and agencies, including Ministers, and other governmental, provincial or local authority officials, officers or managers, Auditor General officials, SARS, and other Regulators, as well as other governmental bodies and agencies, and parastatals, in order to comply with any applicable law or regulation, to comply with or respond to a legal process or law enforcement or governmental request or to ensure that the C-BRTA mandate is correctly and efficiently discharged.

**Lawfulness – YES**

**Consent required – NO**

**Non South African Regulators and law enforcement agencies.** CBRTA may disclose your Personal Information to governmental departments and agencies, situated outside South Africa including Ministers, officials, officers or managers, regulators, and other governmental bodies and agencies, and parastatals, in order to comply with any applicable law or regulation, to comply with or respond to a legal process or law enforcement or governmental request or to ensure that the C-BRTA mandate is correctly and efficiently discharged.

**Lawfulness – YES**

**Consent required – NO**

**Other Disclosures.** CBRTA may disclose your Personal Information to third parties as part of CBRTA's activities, or to ensure that the C-BRTA mandate is correctly and efficiently discharged, or if CBRTA reasonably believe that disclosure of such information is necessary to enforce the Agency's terms and conditions or other rights (including investigations of potential violations of our rights), to detect, prevent, or address fraud or security issues, or to protect against harm to the rights, property, or safety of C-BRTA, the Agency's employees, directors, committee members, executives, stakeholders, or the public.

**Lawfulness – YES**

**Consent required – NO**

## **7. SECURITY OF INFORMATION**

- 7.1 The security of your Personal Information is important to CBRTA. 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, we have implemented technical and organizational measures designed to protect the security of your Personal Information. In this regard CBRTA will conduct regular audits regarding the safety and the security of your Personal Information.
- 7.2 Your 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 CBRTA on a need to know basis.
- 7.3 Once your Personal Information is no longer required, such Personal Information will be retained in accordance with CBRTA'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. CBRTA calculates 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 your requests.
- 7.4 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 CBRTA strives to use commercially acceptable measures designed to protect your Personal Information, CBRTA cannot guarantee its absolute security.

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

- 8.1 C-BRTA may from time to time have to disclose your Personal Information to other parties, including trading partners, agents, 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 CBRTA and the party to whom we are disclosing your Personal Information to, (recipient) which contractually obliges the recipient of your 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.



- 8.2 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 countries which have similar data privacy laws in place or where the recipient of the Personal Information in such country concludes an agreement with CBRTA, 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.

## 9. YOUR RIGHTS

9.1 You as a Data Subject have certain rights, which are detailed below:

- **The right of access** - You may ask CBRTA (free of charge) to confirm that CBRTA hold your Personal Information, or ask CBRTA to provide you with details, (at a fee) on how CBRTA have processed your Personal Information, which request must be done by following the process set out under the C-BRTA PAIA Manual.
- **The right to rectification** - You have the right to ask CBRTA to update or rectify any inaccurate Personal Information which CBRTA hold of yours, which can be done by accessing the update / rectification request.
- **The right to object to and restrict further processing** - Where CBRTA do not need your consent to process your Personal Information, but you are not in agreement with such processing, you may lodge an objection to such processing by accessing the objection request.
- **The right to withdraw consent** - Where you have provided CBRTA with consent to process your Personal Information, you have to right to subsequently withdraw your consent, which can be done by accessing the withdrawal of consent request.

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

## 10. AMENDMENTS TO THIS PRIVACY STATEMENT

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

- 10.2 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.
- 10.3 CBRTA therefore requests that you to visit our Website frequently in order to keep abreast with any changes.



## 11. PROCESSING OTHER PERSONS PERSONAL INFORMATION

11.1 If you process another's Personal Information on CBRTA's behalf, or which CBRTA provide to you in order to perform your contractual or legal obligations or to protect any legitimate interest, you will

- if you are processing such Personal Information as CBRTA's Operator, as defined under POPIA, process all and any such Personal Information in compliance with the obligations set out under CBRTA's standard "Operator Agreement" housed on CBRTA's website; or
- where not acting as an Operator, nonetheless keep such information confidential and secure as per POPIA and you will 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 your duties, and only for the purpose for which the information has been received and granted to you, and related to the duties assigned to you.

## 12. COMPLAINTS OR QUERIES - CONTACT US

12.1 Any comments, questions or suggestions about this Processing Notice or CBRTA's handling of your Personal Information should be emailed to CBRTA's Information or Deputy Information officers at the details housed below.

### Information Officer

**Name Lwazi Mboyi**

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

Tel:(012) 471 2000

Direct Line : (012) 471 2147

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

### Deputy Information Officer (s)

**Name: Tintswalo Shilowa**

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



Tel: (012) 471 2000

Direct Line : (012) 471 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

Direct Line : (012) 471 2141

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

**Name: Maria Siyo**

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

Tel: (012)471 2000

Direct Line : (012) 471 2018

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

- 12.2 Should you wish to discuss a complaint, please feel free to contact CBRTA using the details found above. All complaints will be treated in a confidential manner.
- 12.3 CBRTA's offices are open 9:00 am – 4.00 pm GMT, Monday, and 7:30 am – 4.00 pm GMT, Tuesday to Friday.
- 12.4 Should you feel unsatisfied with CBRTA's handling of your Personal Information, or about any complaint that you have made to CBRTA, you are entitled to escalate your complaint to the South African, Information Regulator who can be contacted at <<https://www.justice.gov.za/inforeg/>>.

### 13. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT

13.1 By providing CBRTA with the Personal Information which CBRTA requires from you as listed under this Processing Notice:

- you acknowledge that you understand why your Personal Information needs to be processed;
  - you accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information;
  - where consent is required for any processing as reflected in this Processing notice, you agree that we may process this particular Personal Information.
- 13.2 Where you provide CBRTA with another person's Personal Information for processing, you confirm that that you have obtained the required permission from such person(s) to provide CBRTA with their Personal Information for processing.
- 13.3 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.
- 13.4 Should any of the Personal Information concern or pertain to a legal entity whom you represent, you confirm that you have the necessary authority to act on behalf of such legal entity and that you have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organization or entities' Personal Information.

End