

# PRIVACY POLICY

## INTRODUCTION

This Privacy Policy ("Policy") governs the Processing of Personal Information by the Community and Individual Development Association for Entrepreneurship Education and Employment NPC ("E<sup>3</sup>", "We", "Us", "Our", "Ourselves"), an initiative of the Department of Basic Education ("DBE"). The Processing of Personal Information is executed in accordance with Applicable Data Protection Laws and in connection with Our Services annexed hereto as **Schedule A**. Your ("You", "Yourself/ves") use of Our Services is subject to this Policy.

**WHERE YOU ARE A MINOR CHILD, YOUR USE OF OUR SERVICES WILL BE SUBJECT TO THIS POLICY. YOUR COMPETENT PERSON WILL BE REQUIRED TO PROVIDE US WITH CONSENT BEFORE YOU MAY USE OUR SERVICES. COMPETENT PERSON'S WILL BE REQUESTED TO PROVIDE CONSENT IN CLAUSES 3.2, 3.6 AND 9.2.**

## OUR COMMITMENT

Where We Process Your Personal Information, We are committed to doing so in a lawful, accountable and transparent manner.

Accordingly, We encourage You to read this Policy carefully and contact Us with any questions or concerns in regard to Our privacy practices. We may amend this Policy at any time. All amended terms shall be effective immediately upon publication thereof and any subsequent activity in relation to Our Services shall be governed by such amended terms and conditions. You are advised to regularly visit Our Websites and digital platforms for any amendments or updates.

**By using and engaging with Our Services, You signify that: You have read and understood this Policy and have no objections to anything contained herein.**

This Policy was last revised on 21 August 2021.

For enquiries, please contact Our Information Officer

James Donald: [popia@ecubed-dbe.org](mailto:popia@ecubed-dbe.org).

## 1. DEFINITIONS

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- 1.1. **“Applicable Data Protection Laws”** shall mean all legislation, regulations or guidance notes in the Republic of South Africa, as well as other applicable jurisdictions, protecting the fundamental rights and freedoms of individuals in respect of their right to privacy with respect to the Processing of Personal Information. This includes South Africa’s Protection of Personal Information Act 4 of 2013 (“POPIA”) and the Promotion of Access to Information Act 2 of 2000 (“PAIA”).
- 1.2. **“Cadre”** shall mean the type of user that might access the platforms for example teacher, principal, learner etc.
- 1.3. **“Collaborator”** shall mean the Department of Basic Education (“DBE”), as well as the National Department of Health (“NDoH”).
- 1.4. **“Consent”** shall mean any voluntary, specific, and informed expression of will in terms of which You give Your permission to Us for the Processing of Your Personal Information in accordance with Our Privacy Policy.
- 1.5. **“Competent Person”** shall mean any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.
- 1.6. **“Data Subject”** shall mean any natural or juristic person to whom the Personal Information relates.
- 1.7. **“Electronic Signatures”** shall mean data attached to, incorporated in or logically associated with other data and which is intended by the Data Subject to serve as a signature, as defined in the Electronic Communications and Transactions Act 25 of 2002.
- 1.8. **“Information officer”** shall mean, in the case of a juristic person: the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or the person who is acting as such or any person duly authorised by such acting person.
- 1.9. **“Operator(s)”** shall mean a person who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that party. For the purposes of this Policy, Operators shall include the Third Parties with whom we contract to enable us to provide Our Services to You, as set out in **Section 5** of this Policy.
- 1.10. **“Partner(s)”** shall mean Our core partners, being Care for Education (“CfE”), Community Individual Development Association (“CIDA”), the National Education Collaboration Trust (“NECT”) and New Leaders Foundation. (“NLF”), as well as Our Eco-system partners and Funding Partners as set out on Our Website at <https://www.ecubed-dbe.org/partners/>.
- 1.11. **“Personal Information”** shall mean any information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person; (e) the personal opinions, views or preferences of the person; (f) 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; (g) the views or opinions of another individual about the person; and (h) 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;
- 1.12. **“Process/Processing”** shall mean any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including the collection, receipt, recording, organizations, collation, storage, updating or modification, retrieval, alteration, consultation or use; dissemination by means of transmission, distribution or making available in any other form, or merging, linking, as well as restriction, degradation, erasure or destruction of information.

- 1.13. **“Responsible Party”** shall mean a public or private body or any other person which alone or in conjunction with others determines the purpose and means for Processing Personal Information. For the purposes of this Policy, We are the Responsible Party in respect of the Personal Information provided by You through Your use of Our Services.
- 1.14. **“SACE”** shall mean the South African Council for Educators
- 1.15. **“SACE points”** shall mean professional development points that SACE allocates to endorsed activities
- 1.16. **“Special Personal Information”** shall mean (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or (b) the criminal behaviour of a data subject to the extent that such information relates to (i) the alleged commission by a data subject of any offence; or (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
- 1.17. **“Services”** shall mean Our Websites and digital platforms, products and offerings, and other interactive features, applications (including mobile applications), and downloads that are operated by and made available by Us, for You. A list of Our Services is available as **Schedule A** of this Policy.
- 1.18. **“Third Party/ies”** shall mean any other natural or juristic person that is not You, or Ourselves.
- 1.19. **“Websites”** shall mean Our corporate Website available at <https://www.ecubed-dbe.org/>, as well as Our online learning Website available at <https://learn.ecubed-dbe.org/>.

## 2. WHEN DO WE PROCESS PERSONAL INFORMATION

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- 2.1. We will only Process Personal Information where:
  - 2.1.1. You have Consented to such Processing (which You may withdraw at any time);
  - 2.1.2. The Processing is necessary for Our legitimate interests or those of any Third-Party recipients that may receive Personal Information; and/or
  - 2.1.3. We have another lawful basis upon which to Process Your Personal Information.

## 3. CONSENTS & PURPOSES FOR PROCESSING PERSONAL INFORMATION

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### General Consent For Collection of Personal Information

- 3.1. In order to provide You with Our Services, We will be required to collect Your Personal Information from time to time. Accordingly, You expressly Consent to the collection of Your Personal Information for the general purpose of providing You Our Services.
- 3.2. **If You are under the age of 18 (eighteen), You expressly warrant (promise) that Your Competent Person has given Consent for You to Use Our Services, prior to submitting Personal Information through Our Services.**

### Purposes For Processing and Consents Thereto

- 3.3. We primarily Process Personal Information that has been collected in order to provide Our Services to You. In doing so, Our purposes for collecting Your Personal Information include:
- 3.3.1. enable Us to operate and provide Our Services to You;
  - 3.3.2. identify You when You log in to Your account on one or more of Our Services;
  - 3.3.3. keep You informed about the Services, features, surveys, newsletters, offers, contests and events We think You may find useful or which You have requested from Us;
  - 3.3.4. market E3 Services and products to You in the event that You have opted in to receive such marketing communications. You may opt-out of these marketing Services at any time;
  - 3.3.5. better understand Your needs in the aggregate, diagnose problems, analyse trends, improve the features and usability of the Services;
  - 3.3.6. keep Our Services safe and secure and verify security and authentication of Your account;
  - 3.3.7. communicate with You about Your account;
  - 3.3.8. make sure that You exist (that You are not a fraudster) and to ensure the accuracy of the information You provided to Us;
  - 3.3.9. comply with any legislation or regulation which requires Us to collect the Personal Information;
  - 3.3.10. personalise content delivery per Cadre;
  - 3.3.11. send targeted messages that may be of interest to You;
  - 3.3.12. track progress of Your training;
  - 3.3.13. to invite You to training and follow up sessions that are in line with Your job/DBE/departmental requirements; and
  - 3.3.14. to provide the DBE and NDoH with anecdotal data relevant to the various health and operational environments in order to assess the impact of COVID-19 on learning.

### Additional Consents

- 3.4. You expressly Consent to Us keeping Your Personal Information for aggregate, statistical and reporting purposes. Such Personal Information will be de-identified and cannot be used to identify You personally.

### Competent Person Consent and Consent to Process Special Personal Information

- 3.5. Where We collect and Process Special Personal Information (outlined in **Section 4** of this Policy), You hereby provide us with your explicit Consent to Process such Personal Information.
- 3.6. **Where You are a minor who is using Our Services, You warrant (promise) that Your Competent Person has given Consent for You to Use Our Services for the purposes listed in Section 3.3 of this Policy.**

**FOR EACH OF THE SPECIFIED PURPOSES LISTED IN SECTION 3.3 ABOVE, YOU HEREBY GRANT US YOUR EXPRESS CONSENT TO PROCESS YOUR PERSONAL INFORMATION.**

## Objections and Withdrawals of Consents

**3.7. YOU HAVE THE RIGHT TO OBJECT TO ONE OR MORE OF THE SPECIFIC PURPOSES LISTED IN SECTION 3.3 ABOVE AND MAY DO SO IN ACCORDANCE WITH THE PROCEDURE SET OUT IN SECTION 6 OF THIS POLICY.**

3.8. In the event that You wish to revoke all Consent pertaining to Your Personal Information and You would like Us to remove and/or delete Your Personal Information entirely, **YOU ARE ENTITLED TO CONTACT OUR INFORMATION OFFICER WHOSE CONTACT DETAILS ARE SET OUT IN SECTION 11 OF THIS POLICY.**

## 4. COLLECTION OF PERSONAL INFORMATION: WHAT & HOW

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### What Personal Information We Collect, How We Collect It, And When

4.1. Generally, We collect Personal Information when You set up an account to use any of Our Services and/or when you visit Our Websites. We also collect Personal Information during Our interactions with You, whether electronically or in person.

4.2. When You visit Our Websites and/or create an account on any of Our services, we will collect information, including mobile number and IP address and (only where provided will the following be captured) name and surname, email address, province, district, school name, cadre, age, gender, ID number.

#### 4.2.1. Automatically Collected Information:

- Internet Protocol address (“IP address”) and information derived from Your IP address, such as Your geographic location, Your company or when You access Our Websites or digital platforms;
- information about the device that You use to access Our Websites and digital platforms, such as device type and version, mobile device identifier, browser type, operating system, the presence or use of applications or information about Your preferred language;
- behavioural or demographic attributes, when tied to Personal Information that identifies You;
- behavioural data about the internet-connected device You use when interacting with Our Services, such as pages clicked, content areas visited, and time spent on pages, content downloaded, date and time of activities, how often You access Our Websites and other digital platforms, or the web search used to locate and navigate to Our Websites or digital platforms;
- transactional data, including products and services that You have enquired about or are using;
- Your activities concerning Our offerings, the support issues You have logged;
- Your use and navigation of Our Websites or digital platforms and Your use of Our Services, products, tools and material made available by way of Our Websites and digital platforms;
- aggregated information relating to Our offerings, such as which features or aspects of Our offerings are used the most or the least or any errors or problems registered in respect of specific features or aspects of Our offerings.
- In some instances, We may combine other information with Your Personal Information. If We combine additional information with Personal Information, We will treat the combined information as Personal Information.

The technologies We use for automatic Personal Information collection include cookies and Google Analytics tags, which are described in, and are subject to, Our Cookie Policy, available at [www.ecubed-dbe.org](http://www.ecubed-dbe.org).

4.2.2. **Special Personal Information:** We collect the Personal Information of minors using Our HealthCheck Service, including:

- Personal Information of children; and
- Medical information (symptoms).

#### 4.3. Accuracy of Personal Information

4.4. You warrant that You have taken steps to ensure that the Personal Information that You provide to Us is accurate and up to date.

4.5. In the event that any of the Personal Information that You provide to Us contains any errors or inaccuracies, You agree to indemnify and hold Us, Our officers, directors, employees, agents, and members harmless from and against any claims, damages, actions and liabilities including without limitation, loss of profits, direct, indirect, incidental, special, consequential or punitive damages arising out of Our use of, or reliance on such Personal Information.

4.6. **You also agree to notify Us immediately if You become aware that any Personal Information that You provide to Us has been unlawfully obtained by another person without Your Consent or if You did not obtain Consent before providing another person's Personal Information to Us.**

## 5. SHARING OF PERSONAL INFORMATION

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### Further Processing

5.1. We expressly acknowledge and undertake to not use any Personal Information for any other purposes that are incompatible with the purposes listed in **Section 3** of this Policy, without: (i) first obtaining Your Consent or (ii) having another lawful basis for such further Processing.

5.2. In the event that a further purpose is incompatible with one of the original purposes listed above, We may update this Policy reflecting such changes.

## Sharing of Personal Information

- 5.3. We do not and will not sell, rent out or trade Personal Information that You provide to Us to any Third Parties not listed in this Policy (note that the term ‘share’ includes the act of ‘disclosing’; ‘transferring’; ‘sending’ or otherwise making Your Personal Information available or accessible to another person or entity).
- 5.4. We will only share Personal Information with Our Operators, Our Collaborators and/or Partners in the manner set out in this Policy and in accordance with Applicable Data Protection Laws. We do not permit any of Our Operators, Collaborators or Partners to use Personal Information for any purpose that is not listed in this Policy.
- 5.5. We may share the Personal Information We collect from You (unless otherwise restricted by Applicable Data Protection Law) as follows:
- 5.5.1. With E<sup>3</sup> employees who are authorised to access Personal Information only to the extent necessary to serve the applicable purpose and to perform their job functions;
- 5.5.2. With Our Collaborators who sign a Data Sharing Agreement with Us to protect Your Personal Information:
- We share Your COVID-19 related Personal Information in de-identified, aggregated format through Praekelt with the NDoH.
  - We share the Personal Information that You submit through Our Services with the Department of Basic Education in de-identified, aggregated format for the purpose of determining the impact of COVID-19 on learning.
- 5.5.3. With Our Partners who sign a Data Sharing Agreement with Us to protect Your Personal Information. These Partners include:
- Care for Education (“CfE”),
  - Community Individual Development Association (“CIDA”),
  - the National Education Collaboration Trust (“NECT”) and
  - New Leaders Foundation. (“NLF”),
  - Our Eco-system Partners listed on Our Website at <https://www.ecubed-dbe.org/partners/>.
- 5.5.4. With Our Operators:
- Google’s BigQuery;
  - Praekelt;
  - WordPress’s LearnDash;
  - Facebook’s WhatsApp;
  - Turn.io
- 5.6. Other than the above, We will not disclose any Personal Information received by You without Your Consent, unless We reasonably believe that disclosure is necessary to lessen or prevent a threat to life, health or safety of an individual or to public health or safety or for certain action to be undertaken by an enforcement body (e.g. prevention, detection, investigation, prosecution or punishment of criminal offences), or where such disclosure is authorised or required by law (including Applicable Data Protection Laws).

## 6. YOUR RIGHTS

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### Your Personal Information

- 6.1. You have certain rights in respect of Your Personal Information. In particular:
- **Withdrawal of Consent:** You may withdraw Your Consent at any time by sending a written request to [popia@ecubed-dbe.org](mailto:popia@ecubed-dbe.org). Upon receiving notice that You have revoked Your Consent, We will stop using Your Personal Information within a reasonable time, which will vary depending on what information We have collected and for what purpose, and We will send You a confirmation email stating same.
  - **Access or obtain a Copy of Your Personal Information:** You have the right to examine any of Your Personal Information that We collect/Process. Should You wish to examine the Personal Information We hold about You, or obtain a copy thereof, please send Us a written request to: [popia@ecubed-dbe.org](mailto:popia@ecubed-dbe.org). We reserve the right to charge You a reasonable administrative fee to access and/or obtain a physical copy of Your Personal Information.
  - **Update, Modify, Rectify, Erase:** the Personal Information that We hold on You; and
  - **Object to the processing of Your Personal Information or Restrict Us** from processing any of the Personal Information which We hold on You, including by withdrawing any Consent You have previously given to the Processing of such information.

### Enforcing Your Rights

- 6.2. The above rights are not absolute, and We therefore reserve the right to refuse any requests in terms of the above-mentioned rights, for any reason permitted under the Applicable Data Protection Laws or in terms of the Promotion of Access to Information Act, 2000.
- 6.3. In the event that You wish to enforce any of the above rights, You can request this by emailing Us at [popia@ecubed-dbe.org](mailto:popia@ecubed-dbe.org). Furthermore, You also have the right to lodge a complaint with the South African Information Regulator.

## 7. RETENTION OF PERSONAL INFORMATION

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- 7.1. The periods for which We keep Your Personal Information may vary according to the use or purpose attached to the Personal Information.
- 7.2. We will keep Your Personal Information (i) only for as long as it is required to fulfil the purpose for which the Personal Information was collected or for which it is to be Processed or (ii) until You withdraw Your Consent for Our Processing of Your Personal Information.
- 7.3. However, where We are required by the Applicable Data Protection Laws or other applicable laws to retain Your Personal Information longer or where Your Personal Information is required for Us to assert or defend against legal claims, We will retain Your Personal Information until the end of the relevant retention period or until the claims in question have been settled. At the end of the retention



period, We will delete/de-identify Your Personal Information in a manner designed to ensure that it cannot be reconstructed or read to identify You.

## 8. SECURITY OF PERSONAL INFORMATION

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### Technical & Organisational Security Measures

- 8.1. We are committed to safeguarding and protecting any Personal Information in Our possession and We undertake to implement and maintain appropriate technical and organisational measures to safeguard any such Personal Information from: (i) accidental or unlawful destruction; (ii) loss or alteration, as well as (iii) the unauthorised disclosure of, or access to, Personal Information transmitted, stored or otherwise processed.
- 8.2. We have various security measures in place to protect the Personal Information We hold from loss and misuse, and from unauthorised access, modification, disclosure and interference – We review these processes regularly and improve them when required.
- 8.3. We will destroy or de-identify Personal Information once We no longer require it for Our business purposes, or as required by law.

### Breach Notifications

- 8.4. Where We have reasonable grounds to believe that Personal Information in Our possession has been subject to a Data Breach, We will:
  - 8.4.1. where Your Personal Information has been compromised: undertake to notify You of such a breach as soon as reasonably possible after it is discovered. However, where a public body responsible for the prevention, detection or investigation of offences (South African Police Force/Crime Intelligence) or the Information Regulator determines that notification will impede a criminal investigation, such notification to You will be delayed.

**Notwithstanding the above, it is emphasised that even though We have taken significant steps to protect the Personal Information in Our possession, You acknowledge and understand that no organisation, including Ours, can fully protect against security risks associated with the processing of Personal Information online.**

## 9. TRANSBORDER FLOWS OF PERSONAL INFORMATION

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- 9.1. In delivering Our Services, We may be required to transfer Personal Information outside of the Republic of South Africa to one or more of Our Operators.
- 9.2. By accepting this Policy, you Consent to the cross-border transfer of Your Personal Information.
- 9.3. **WHERE YOU ARE A MINOR WHO IS USING OUR SERVICES, YOU WARRANT (PROMISE) THAT YOUR COMPETENT PERSON HAS GIVEN CONSENT FOR US TO TRANSFER YOUR PERSONAL INFORMATION OUTSIDE OF THE REPUBLIC OF SOUTH AFRICA.**
- 9.4. When transferring Personal Information outside of the Republic of South Africa, We take all possible measures to store Your Personal Information in countries with adequate privacy laws and protections. We also ensure that Our Operators are subject to appropriate confidentiality and security obligations in respect of the Personal Information that they receive and Process on Our behalf.

## 10. LINKS TO THIRD-PARTY WEBSITES

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- 10.1. When accessing or using Our Services, or when engaging with one of Our monthly newsletters, You may be provided with links to Third-Party websites, platforms, or online services. These linked sites are not under Our control, and We cannot accept responsibility for the conduct or privacy practices of any Third Parties that We may hyperlink.
- 10.2. Before disclosing Your Personal Information on any other website, platform or online service, We encourage You to examine the terms and conditions and privacy practices of such Third Parties. We are not expressly or impliedly responsible for, or liable to any loss or damage caused to You by the collection, use and retention of Personal Information by such website in any manner whatsoever.

## 11. CONTACT US

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- 11.1. We have appointed **James Donald** (Executive Director) as Our Information Officer. Our Information Officer's **contact details** are: [popia@ecubed-dbe.org](mailto:popia@ecubed-dbe.org)
- 11.2. If You have any questions about this Privacy Policy or the way in which We handle Personal Information, or if You wish to invoke any of Your rights described in Section 6 above, please contact Our Information Officer at the email address above.