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PRIVACY POLICY



1. Introduction

This document is the policy on the protection of personal information of PFTC and includes PFTC's POPIA enforcement plan as envisaged in Section 55 of POPIA and Regulation 4 of Government Gazette 42110 of 14 December 2018. The policy has been drafted in accordance with the Constitution of the Republic of South Africa, 1996 and the Protection of Personal Information Act 4 of 2013 (POPIA).

PFTC is committed to protecting the privacy of all data subjects, and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

PFTC conducts business as a Professional Body and as a Quality Assurance Partner (QAP) of the QCTO. PFTC is a non-statutory Professional Body fulfilling a statutory function. Learner information from up to 400 training centres in South Africa is stored on our database, as well as personal information of Professional Body members.

This policy sets out the manner in which PFTC deals with personal information and stipulates the purpose for which said information is used. Furthermore, the policy sets out a compliance framework to be developed, implemented, monitored, and maintained. PFTC also undertakes to do an information impact assessment to assess its physical information security as well as its digital information security.

This manual should be read with PFTC's PAIA Manual, which is available on its website at www.pftc.co.za. The PAIA manual concerns the request for access to records held by the PFTC.

2. Definitions

For purposes of this policy, the following terms are assigned the meanings as indicated:

"Accredited training provider" is an institution that has been certified as "having the capacity and ability to fulfil a particular function in the quality assurance system set up by the South African Qualification Authority" and in line with NQF standards as well as accredited by the South African Police Services (FCA 60 of 2000).

"Assessors" is those who assess people for their achievement of learning outcomes in terms of specified criteria using pre-designed assessment instruments.

"Biometric information" means information obtained through a technique of personal identification that is based on physical, physiological, or behavioural characterisation, including blood-typing, fingerprinting, DNA analysis, retinal scanning, and voice recognition.

"Competent person" means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.

"Data subject" means the person to whom personal information relates.

"Deputy information officer" is Tanya Strydom.

“Employee” refers to a staff member appointed at PFTC either on a permanent or fixed terms basis, including interns and students.

“Employer” refers to South African Professional Firearm Trainers Council.

“Information officer” is Louis Van Zyl.

“Instructor” is a person who will supervise firearm training at an accredited training institution.

“Learner” is an individual who registered at an accredited training centre in order to complete Qualification 50480 or specific unit standards within this qualification.

“Moderator” is people who moderate or intend to moderate assessments against unit standards and/or qualifications.

“Personal information” means information relating to an identifiable, living, natural person and, where applicable, an identifiable, existing juristic person, including but not limited to —

- 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.

“PFTC” means the South African Professional Firearm Trainers Council.

“PFTC member” is the status that a member is given when they have joined the PFTC.

“Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including —

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use thereof.
- b) dissemination by means of transmission, distribution or making available in any other form; or
- c) merging, linking, as well as restriction, degradation, erasure, or destruction of information.

“Record” means any recorded information —

- a) regardless its form or medium, including any of the following:
- i. Writing on any material.
 - ii. Information produced, recorded, or stored by means of any tape recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded, or stored.
 - iii. A label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means.
 - iv. A book, map, plan, graph, or drawing.
 - v. A photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced.
- b) in the possession or under the control of a responsible party.
- c) whether or not it was created by a responsible party; and
- d) regardless of when it came into existence.

“Responsible party” means the director of PFTC who determines the purpose of and means for processing personal information.

“SAQA” means the South African Qualifications Authority is a statutory body, regulated in terms of the National Qualifications Framework Act No. 67 of 2008.

“Verifier” is a person who confirms the correctness of moderations conducted. Ensures that the form and content of assessment tasks and briefs are appropriate, fair, sufficient, current, and valid in terms of standards and are fit for purpose.

“Working days” means any days other than Saturdays, Sundays, or public holiday, as defined in section 1 of the Public Holidays Act, 1994.

3. Application of the policy

This policy applies to all personal information collected from all data subjects with whom PFTC interacts, including but not limited to members of the PFTC, employees, contractors and other third parties who conclude any type of agreement or contract with PFTC.

4. The collection of personal information

Personal information may be processed only if, given the purpose for which it is processed, such processing is adequate, relevant, not excessive, and in accordance with the relevant provisions of POPIA. The purpose must relate to the business of PFTC, either to work with, assist and represent the Professional Firearm Trainers Council industry in South Africa and to register and recognise assessors, moderators, instructors, and verifiers of South Africa with clear performance standards and guidelines of best practice, continual professional development programme and awarding of Professional Designations.

PFTC collects and processes personal information pertaining to the proper functioning, management, and governance of the company, as prescribed by the

Skills Development Act 57/1998, the National Qualifications Framework Act 67/2008, and the Firearms Control Act 60/2000.

The type of information collected and processed will depend on the purpose for which it is collected, and any such information will be processed for that purpose alone. PFTC will inform the data subject of the information required, whether or not the supply of the information by that data subject is voluntary or mandatory, the purpose for which the information is to be processed, and the consequences of not providing the information.

PFTC will see to it that agreements are in place with all suppliers, insurers, and third-party service providers to ensure a mutual understanding of the protection of a data subject's personal information.

For purposes of this policy, any references to data subjects include both potential and existing data subjects.

The PFTC collects the following information of our members, as prescribed by the 2004-Regulations published in terms of the Firearms Control Act 60/2000:

- 4.1. Full names and surname.
- 4.2. Identity number.
- 4.3. Gender.
- 4.4. Preferred language.

The PFTC also collects the following information for purposes of communicating with members:

- 4.5. Email address.
- 4.6. Postal address.

5. The processing and use of personal information

Personal information will be processed lawfully, and in a reasonable manner that does not infringe the privacy of the data subject.

A data subject's personal information will be used only for the purpose for which it was collected.

Personal information may be processed only if these conditions are met:

- a) If the data subject consented to the processing of the personal information beforehand. See the attached consent form marked annexure B which will be used either in hard copy or electronic form. Where the data subject is a child, the consent must be given by a competent person.
- b) If processing is necessary to carry out actions in order to conclude or perform a contract to which the data subject is a party.
- c) If processing complies with a legal obligation imposed on PFTC.
- d) If processing protects a legitimate interest of the data subject.
- e) If processing is necessary for PFTC's proper exercising of a public law duty.
- f) If processing is necessary for pursuing the legitimate interests of PFTC or a third party to whom the information is supplied.

Unless legislation provides for the processing of personal information, a data subject may object to such processing in terms of subparagraphs (d) to (f) above, in the prescribed manner and on reasonable grounds relating to the particular situation, in which case PFTC may no longer process the information.¹

PFTC will not process personal information concerning the religious or philosophical beliefs, political persuasion, unless processing is carried out with the data subject's consent or is necessary for the establishment, exercise, or defence of a right or obligation in law, or the information has deliberately been made public by the data subject.

The PFTC is obligated by law to cooperate with the following bodies by providing the following information:

- 1. The South African Police Services**
 - Monthly Statistics with regards to Accredited Training Providers
 - Personal information of Individuals investigated by SAPS
- 2. The Quality Council for Trades & Occupation; and**
 - Quarterly reports with regards to Qualification 50480
 - Monthly Statistics of Unit Standards Completed.
- 3. The South African Qualifications Authority.**
 - Learner details uploaded to the National Record Learner Database.
 - Individual Member details of Professional Designations awarded
- 4. Private Security Industry Regulatory Authority.**
 - Personal Information of Individuals working in the security industry that is under investigation.

6. Disclosure of personal information

The information officer will refuse a third party's request for access to a record held by PFTC if its disclosure would involve the unreasonable disclosure of personal information about a data subject.

A data subject, having provided adequate proof of identity, has the right to request from PFTC—

- a) to confirm whether or not it holds personal information about the data subject; and
- b) to supply the record or a description of the personal information so held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time; at a prescribed fee, if any; in a reasonable manner and format, and in a form that is generally understandable.

¹ The prescribed objection forms are included in the Protection of Personal Information Act: Regulations relating to the Protection of Personal Information GN 42110 14 December 2018.

A data subject may request PFTC to —

- a) correct personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or
- b) destroy or delete a record of personal information about the data subject that the PFTC is no longer authorised to retain.²

On receipt of a request, the PFTC will, as soon as reasonably practicable —

- a) correct the information; or
- b) provide the data subject, to his or her satisfaction, with credible evidence in support of the information.

PFTC will notify the data subject of the action taken as a result of the request.

PFTC is required by law to keep a database of learner achievements indefinitely. Therefore, the data subject may request correction of the information but may not request the deletion thereof.

The PFTC is obligated in terms of section 31 of the National Qualifications Frameworks Act 97 of 2008 (hereafter Act 97/2009) to, in consultation with SAQA, to maintain a database for purposes of the Act 97/2008 and to submit such data in a format determined in consultation with the SAQA for recording the national learner's records database contemplated in section 13(1)(i) of Act 97/2008. Section 13(1)(i) requires SAQA to maintain a national database of national qualifications, recognised professional bodies and associated information.

7. Safeguarding personal information

PFTC is legally required to adequately protect personal information. Therefore, it will continually review its security controls and processes to ensure that personal information is secure. PFTC has reviewed its Information Security and addressed concerns.

The following procedures are in place to protect personal information:

- a) Each new employee is required to sign an employment contract containing relevant consent clauses for the use and storage of employee information or any other action so required in terms of legislation, as well as an undertaking and agreement that (s)he will not, during or after the period of service to PFTC, convey any personal information of any data subject collected by PFTC to any third party.
- b) Every employee currently employed is required to sign an addendum to their employment contracts containing relevant consent clauses for the use and storage of employee information or any other action so required in terms of legislation, as well as an undertaking and agreement that (s)he will not, during or after the period of service to the company, convey any personal information of any data subject collected by PFTC to any third party.

² The applicable forms are included in the Protection of Personal Information Act: Regulations relating to the Protection of Personal Information GN 42110 14 December 2018.

- c) Where feasible, all servers hosting personal information shall be located in a physically secure environment, where access is strictly controlled. All server rooms shall be regarded as high-risk security areas with strict access control.
- d) All servers shall be equipped and protected with approved antivirus software which is regularly updated.
- e) Only an authorised administrator shall be granted administrative rights to the servers. Administrative passwords shall be kept secret and changed on a regular basis, and only personnel nominated by the director shall have access to the passwords.
- f) All electronic files or data are backed up by Verge Technologies.
- g) If PFTC has reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, it will notify the data subject of such breach in accordance with sections 22(4) and (5) of POPIA.

8. Retention and restriction of records

- a) Records of personal information will not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless —
- b) retention of the record is required or authorised by law.
- c) the responsible party reasonably requires the record for lawful purposes relating to its functions or activities.
- d) retention of the record is required by a contract between the parties thereto; or
- e) the data subject or, where the data subject is a child, a competent person has consented to the retention of the record.
- f) PFTC will destroy, delete or de-identify a record of personal information as soon as is reasonably practicable after it is no longer authorised to retain the record. This will be done in a manner that prevents reconstruction of the information in an intelligible form.
- g) PFTC will restrict the processing of personal information in accordance with section 14(6) of POPIA.

9. Details of information officer

	Information Officer	Deputy Information Officer
Name and Surname:	Louis Van Zyl	Tanya Strydom
Email:	louisvz@pftc.co.za	tanya@pftc.co.za
Telephone:	011 664 8655	011 664 8655

10. Access to personal information held by PFTC

Any request for access to a data subject's information must be done in writing to the Information Officer and the Deputy Information Officer as prescribed in our PAIA manual.

11. Policy amendments

PFTC may amend, supplement, modify or alter this policy from time to time.

12. Internal awareness

PFTC will continually train its employees to comply with POPIA and PAIA.

