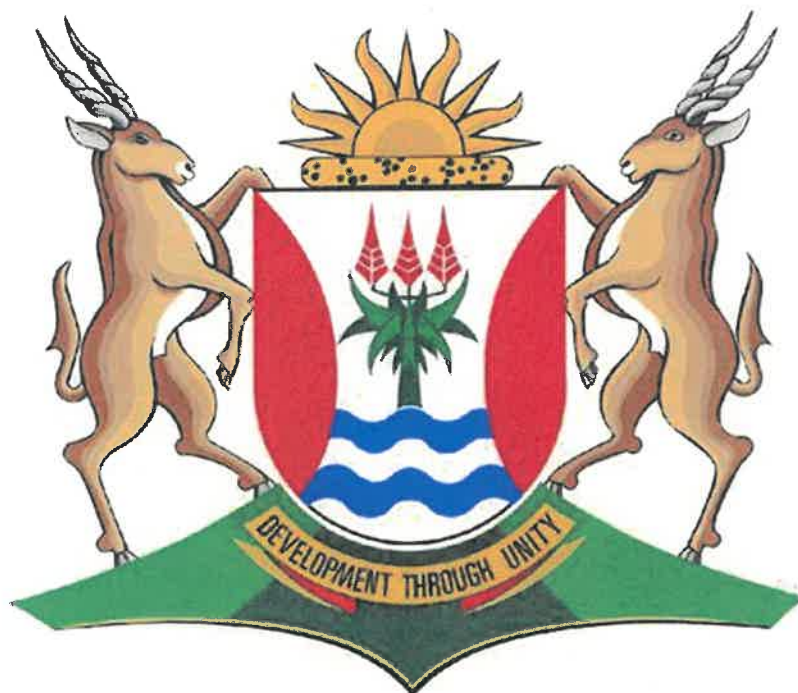


DEPARTMENT OF COMMUNITY SAFETY



PERSONAL INFORMATION RETENTION POLICY

JUNE 2025

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1. INTRODUCTION

- 1.1. The right to privacy is enshrined in section 14 of the Constitution of the Republic of South Africa, 1996.
- 1.2. To give effect to this right to privacy, which includes a right to protection against unlawful collection, retention, dissemination and use of personal information, the Protection of Personal Information Act 4 of 2013 (POPIA) was promulgated to regulate the processing of personal information.
- 1.3. In doing so, there are several principles and prescripts contained in POPIA, amongst which is the requirement that records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless-
 - 1.3.1. retention of the record is required or authorised by law;
 - 1.3.2. the party responsible reasonably requires the record for lawful purposes related to its functions or activities.
 - 1.3.3. retention of the record is required by a contract between the parties thereto; or
 - 1.3.4. The data subject or a competent person where the data subject is a child has consented to the retention of the record.
- 1.4. In order to give effect to this requirement, the Department of Community Safety deems it essential to have a policy which governs the retention of personal information.

2 DEFINITIONS OF TERMS OR CONCEPTS

- 2.1. **"POPIA"** means the Protection of Personal Information Act 4 of 2013, together with its regulations.
- 2.2. **"PAIA"** means the Promotion of Access to Information Act 2 of 2000, together with its regulations.

- 2.3. **"Personal Information"** means, as defined in POPIA, any information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-
- 2.3.1. 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;
 - 2.3.2. information relating to the education or the medical, financial, criminal or employment history of the person;
 - 2.3.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 2.3.4. the biometric information of the person;
 - 2.3.5. the personal opinions, views or preferences of the person;
 - 2.3.6. 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;
 - 2.3.7. the views or opinions of another individual about the person; and
 - 2.3.8. 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.
- 2.4. "processing" means, as defined in POPIA, any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-
- 2.4.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.4.2. dissemination by means of transmission, distribution or making available in any other form; or
 - 2.4.3. merging, linking, as well as restriction, degradation, erasure or destruction of information;

- 2.5. "data subject" means, as defined in POPIA, the person to whom personal information relates.
- 2.6. 'record' means, as defined in POPIA, any recorded information –
- 2.6.1. regardless of form or medium, including any of the following writing on any material;
 - 2.6.2. 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;
 - 2.6.3. label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;
 - 2.6.4. book, map, plan, graph or drawing;
 - 2.6.5. 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;
 - 2.6.6. in the possession or under the control of a responsible party;
 - 2.6.7. whether or not it was created by a responsible party; and
 - 2.6.8. regardless of when it came into existence.

3. REGULATORY FRAMEWORK

- 3.1. Different pieces of legislation provide the legislative framework for this Policy, which are as follows (and include the regulations and other prescripts issued under the primary legislation):
- 3.1.1 Constitution of the Republic of South Africa, 1996.
 - 3.1.2 National Archives & Records Service Act 43 of 1996.
 - 3.1.3 Promotion of Access to Information Act 2 of 2000 (PAIA).
 - 3.1.4 Protection of Personal Information Act 4 of 2013 (POPIA).
 - 3.1.5 Provincial Archives & Records Service Act (Eastern Cape) 7 of 2003.
 - 3.1.6 Public Finance Management Act 1 of 1999.
 - 3.1.7 Public Service Act, (Proclamation No. 103 of 1994).
 - 3.1.8 Civilian Secretariate for Policy Service Act ,2 of 2011 chapter 4(17)

4. POLICY AIMS AND OBJECTIVES

- 4.1. The primary objective of this Policy is to set out how Department of Community Safety deals with the retention of records which contain personal information.
- 4.2. The Policy aims to protect the right to privacy of data subjects whose records contain personal information processed by the Department of community safety.
- 4.3. Whilst competing interests are at play when processing personal information and retaining records containing personal information, the Policy seeks to address the requirements that must be adhered to in order to avoid the retention of records containing personal information in a manner which does not comply with the prescripts of POPIA.

5. SCOPE OF THE POLICY

- 5.1. There are several prescripts which govern the scope of the Policy in that the legislation around archiving of records in the public service regulate matters alongside POPIA. However, currently the Department of Community Safety Records Management Policy does not regulate the retention of personal information specifically, although certain aspects are incorporated therein.
- 5.2. The Policy does not aim to repeat or exceed that which is prescribed in the legislation regarding the retention of records or the protection of personal information but rather seeks to give effect to such legislation.
- 5.3. This Policy must be read together with other Department of Community Safety policies which, *inter alia*, govern Knowledge & Records Management, Security Management, and Information Communication Technology Management processes.
- 5.4. This is an internal Department of Community Safety policy which aims to provide guidance and information to Department of Community Safety officials who are processing personal information. The Department of Community Safety is increasingly moving from a paper-based organization

to a digital organization which then increasingly impacts how records and information are processed and retained.

6. FEASIBILITY AND APPLICABILITY

- 6.1. Data protection, the processing of personal information and the retention of such records are not only a records management or information technology communications responsibility, but, rather the responsibility of each employee who works with such personal information in one way or another.

7. RECORDS CONTAINING PERSONAL INFORMATION

- 7.1 Department of Community Safety processes personal information related to the functions and activities of Department of Community Safety. The description of the categories of data subjects and of the information or categories of information relating thereto is set out in the table below:

Categories of Data Subjects	Personal Information that may be processed
Natural Persons	Name and surname; contact details (contact telephone number(s), email address); residential, postal and/or business address; unique identifying number; location information; 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; birth; confidential correspondence; education; medical, financial, criminal or employment history including information which may be

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Categories of Data Subjects	Personal Information that may be processed
	required in the Department of Health's Patient Registration System. Biometrics may be required as deemed necessary.
Juristic Persons	Names of contact persons; name of legal entity; physical and postal address; contact details (contact number(s), email address); registration number; financial, commercial, scientific or technical information and trade secrets; and personal information of its directors or employees as set out above under natural persons.
Employees	Name and surname; 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, birth of person; education, financial information; criminal history, employment history; ID number; passport number, other identifying numbers and online identifiers, physical and postal address; biometrics such as fingerprints and photographs; contact details (contact telephone number(s), email address) of the employee, and next of kin, or the employee's pension fund beneficiaries; criminal history and behaviour; personal opinions, views or

Categories of Data Subjects	Personal Information that may be processed
	preferences; correspondence sent by the employee that is implicitly or explicitly of a private or confidential nature or further correspondence which may reveal the contents of the original correspondence; views or opinions of another individual about the person, and other personal information which may not be included above, but which is required in public service prescripts and policies.

8. RETENTION OF RECORDS CONTAINING PERSONAL INFORMATION

- 8.1. Records containing personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless-
- 8.1.1. retention of the record is required or authorised by law;
 - 8.1.2. the responsible party reasonably requires the record for lawful purposes related to its functions or activities;
 - 8.1.3. retention of the record is required by a contract between the parties thereto; or
 - 8.1.4. the data subject or a competent person where the data subject is a child has consented to the retention of the record.
- 8.2. Records of personal information may be retained for periods in excess of those contemplated in paragraph 8.1. above for historical, statistical or research purposes if the Department of Community Safety has established appropriate safeguards against the records being used for any other purposes.

- 8.3. If the Department of Community Safety has used a record of personal information of a data subject to make a decision about the data subject, Department of Community Safety must-
- 8.3.1. retain the record for such period as may be required or prescribed by law or a code of conduct; or
 - 8.3.2. if there is no law or code of conduct prescribing a retention period, retain the record for a period which will afford the data subject a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record through processes regulated by PAIA.
- 8.4. Department of Community Safety must follow processes (as prescribed in POPIA and other legislation) regarding the destruction or deletion of a record of personal information or de-identify it as soon as reasonably practicable after Department of Community Safety is no longer authorised to retain the record in terms of paragraphs 8.1. or 8.2. above.
- 8.5. The destruction or deletion of a record of personal information in terms of paragraph 8.4. above must be done in a manner that prevents its reconstruction in an intelligible form.
- 8.6. Department of Community Safety , through the collaboration of different business units in the Facilities, Security, Records and Corporate Communications Directorate and in the Departmental ICT Support Directorate, must have a clear overview of where and how it stores personal information. Storage sites may include Department of Community Safety own servers, third party servers, email accounts, desktops, laptops and other devices, backup storage and/or paper files located in Department of Community Safety offices or off-site.
- 8.7. Retention periods for different types of personal information, different types of records containing personal information vary; and at all times the basis for such retention must remain intact. For example, where consent was the basis for the processing of the personal information (and its retention) and

there is no other legal basis to retain such record, the record may no longer be retained.

9. INSTITUTIONAL ARRANGEMENT

- 1) This Policy must be communicated to all employees of the Department of Community Safety and be available with ease of access thereto.
- 2) There is a legislative injunction that all employees must undergo awareness training on POPIA¹ and as such, the content of this Policy must form part of such ongoing awareness training.

10. POLICY REVIEW

- 10 The Policy is subject to review and amendment as and when a need is identified to improve or update it according to legislative and other requirements. However, the Policy must be reviewed at least every 5 (five) years.

¹ Regulation 4(1)(e) of the 2018 POPIA Regulations (GN R1383 in GG 42110 of 14 December 2018).

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I, Pitso Frank MBambo, in my capacity as the Head of the Department of Community Safety, hereby approve the Personal Information Retention Policy.

I have read and applied my mind to the contents of this policy. I fully considered all relevant clauses in the Protection of Personal Information Act 4 of 2013 (POPIA) and applicable in the formulation of this policy in the circumstances. I hereby approve this policy with the provisions of its reviews in certain circumstances.



MR P. F. MBAMBO

HEAD OF DEPARTMENT

DEPARTMENT OF COMMUNITY SAFETY

DATE 01 July 2025