



# **EXTERNAL PRIVACY NOTICE OF THE NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS**



**human settlements**

Department:  
Human Settlements  
REPUBLIC OF SOUTH AFRICA

HOUSES | SECURITY | COMFORT



**EXTERNAL PRIVACY NOTICE**

**of the**

**NATIONAL DEPARTMENT OF HUMAN SETTLEMENTS**

**(“DHS”)**

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# External Privacy Notice

## 1. Definitions and Abbreviations

- 1.1 “Data Subject” means the person to whom Personal Information relates. Examples of Data Subjects include applicants for housing benefits and visitors to the DHS.
- 1.2 “Operator” means 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. Examples of Operators include IT service providers, vendors and other, suppliers that Process Personal Information on the DHS’s behalf.
- 1.3 “Notice” means this External Privacy Notice.
- 1.4 “PAIA Manual” means a manual prepared in accordance with section 14 of PAIA;
- 1.5 “PAIA” means the Promotion of Access to Information Act, 2 of 2000;
- 1.6 “Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person;
- 1.7 “POPIA” means the Protection of Personal Information Act, 4 of 2013;
- 1.8 “Process/Processing” means any operation or activity or any set of operations whether or not by automatic means, concerning Personal Information:
- 1.9 “Responsible Party” means any public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for Processing Personal Information. The DHS is a Responsible Party;
- 1.10 “Regulator” means the Information Regulator of South Africa; and
- 1.11 “Special Personal Information” means Personal Information concerning 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 the criminal behaviour of a Data Subject.

## 2. Introduction

- 2.1 We value the Personal Information that we collect from our Data Subjects. This Notice describes how we collect and Process your Personal Information, how we use and protect this information, and your rights in relation to this information, in accordance with POPIA.
- 2.2 This Notice applies to all Personal Information we collect or Process about you.
- 2.3 Personal Information is information, or a combination of pieces of information, that can identify you such as your contact details and residential address, your tax number, and employment history.
- 2.4 We may be required as a consequence of our relationship with you, or by law, to collect certain Personal Information about you. Failure to provide this information may prevent or delay the fulfilment of our obligations to you, e.g the failure to provide certain information on your housing subsidy application will hamper our ability to process your application for housing.

### **3. What type of Personal Information do we collect/Process?**

- 3.1 We collect information from you when you visit our premises, or when you apply for a housing subsidy or other general interactions that you may have with us. The following is a non-exhaustive list of information we collect directly from you:
  - 3.1.1 details relating to your application for a housing subsidy or emergency housing (e.g your name; identity number; contact details, such as phone number, email address, and residential and postal address);
  - 3.1.2 financial information for the purposes of determining your eligibility for a subsidy (e.g your bank account details, income and expenditure, employment status and grants you receive, etc.);
  - 3.1.3 information relating to your disability, a family member's disability, or a financial dependent's disability when applying for a housing subsidy;
  - 3.1.4 CCTV footage of you, your employees, friends, or family members, or anyone who visits our premises;
  - 3.1.5 information if you visit our website, including the type of browser and operating system that you use, access times, pages viewed, URLs clicked on, your IP address and the pages visited before and after navigating our website;
  - 3.1.6 details and nature of a complaint that you submit to us including your name and contact details;
  - 3.1.7 information about you or your company when you make a delivery to our premises;
  - 3.1.8 correspondence you have with us; and
  - 3.1.9 any other information that you provide to us when interacting with us.
- 3.2 Information we collect from other sources:
  - 3.2.1 information on internet or web-based platforms about you or your business;
  - 3.2.2 background check information if you applied for a housing subsidy (e.g Internal Affairs, Deeds Registry, National Housing Database).
- 3.3 We work with public bodies or organs of state such as local, provincial, and national government departments, municipalities, public universities, and state-owned companies, which may collect or check information from or about you on our behalf. We may also collect or check information about you from various private or public bodies, such as banks or tax authorities.
- 3.4 Where the DHS Processes Special Personal Information, we will usually do so on the basis that it is necessary to carry out obligations in terms of the law. In any case, we will Process this information in accordance with applicable laws.
- 3.5 In limited instances, we may collect Personal Information of Children. A child is a person under the age of 18 years old. We only Process Personal Information of children in relation to housing subsidy applications, and will only do so with the consent of a competent person or in compliance with applicable law.

3.6 If you provide us with the Personal Information of third parties, you warrant that you have obtained their information in accordance with POPIA and that you have a legal basis to share their information. We will Process their Personal Information in accordance with this Notice.

#### **4. How do we use your Personal Information?**

4.1 We use your Personal Information for any of the following purposes:

4.1.1 to assess your eligibility for a housing subsidy or emergency housing;

4.1.2 to assist you if you visit or make deliveries to our premises;

4.1.3 to assist with you with a complaint;

4.1.4 to compile reports and assessments on the activities of the DHS;

4.1.5 to respond to any comments, complaints, enquiries or requests you may send us, and to send you important information about the DHS;

4.1.6 to maintain and administer our records;

4.1.7 to fulfil our legislative mandate of creating sustainable human settlements in terms of section 26(1) of the Constitution of the Republic of South Africa; and

4.1.8 for legal claims, compliance, regulatory and investigative purposes (for example, debt recovery) as necessary (including disclosure of such information in connection with legal processes or litigation).

#### **5. What is the legal basis for Processing your Personal Information?**

5.1 We only Process your Personal Information if there is a legal basis for us to do so. In most cases the legal basis will be one of the following:

5.1.1 to fulfil our contractual obligations to you;

5.1.2 to comply with our legal obligations, for example, retaining information in relation to your application for your housing subsidy;

5.1.3 to comply with a public law duty, for example, to assist callers with queries relating to housing subsidies and grants;

5.1.4 to meet our legitimate interests, for example to compile reports and assessments on the activities of the DHS to report to Parliament; and

5.1.5 to protect yours or another person's legitimate interests.

5.2 We may obtain your consent to collect and use certain types of Personal Information when we are required to do so by law (for example, when we Process certain categories of Special Personal Information).

5.3 If we ask for your consent to Process your Personal Information, you may withdraw your consent at any time by submitting a request using the details at the end of this Notice. However, if you withdraw your consent, we will no longer be able to Process your information, which may prevent or delay the fulfilment of our obligations to you.

## **6. What are your rights over your Personal Information?**

- 6.1 You have certain rights regarding your Personal Information, subject to applicable law. These include the right to:
- 6.1.1 confirm whether or not the DHS holds Personal Information about you;
  - 6.1.2 access your Personal Information;
  - 6.1.3 request correction of your Personal Information;
  - 6.1.4 request deletion or destruction of your Personal Information;
  - 6.1.5 restrict the Processing of your Personal Information subject to certain conditions;
  - 6.1.6 on reasonable grounds, object to the Processing of your Personal Information;
  - 6.1.7 withdraw your consent to any Processing based on consent at any time;
  - 6.1.8 to be notified where your Personal Information has been accessed or acquired by an unauthorised person; and
  - 6.1.9 lodge a complaint with the Regulator if you believe that we have not been able to assist with your complaint.
- 6.2 If you feel that we are not dealing with your Personal Information fairly and lawfully, you may complain to the Regulator at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, P.O Box 31533, Braamfontein, Johannesburg, 2017, or email [popiacomplaints@inforegulator.org.za](mailto:popiacomplaints@inforegulator.org.za).
- 6.3 Please first allow us to resolve any complaint by contacting the details below. Your complaint should include a brief description of what happened, when it happened, and what Personal Information was Processed.
- 6.4 Should you need to exercise any of the rights above, please make a request in writing by following the procedure set out under the DHS PAIA Manual, alternatively, contact the [popia@dhs.gov.za](mailto:popia@dhs.gov.za) with any privacy related questions and/or comments to the email address listed below.
- 6.5 We encourage you to contact us to update or correct your information if it changes or if the Personal Information, we hold about you is inaccurate. Please be aware, we may need you to provide additional information (to confirm what information you wish to access) in order to Process your request.

## **7. Do we share your Personal Information with third parties?**

- 7.1 We may share your Personal Information with third parties under the following circumstances:
- 7.1.1 service providers. We may share your Personal Information with our service providers that perform business operations for us. For example, we may share your information with credit bureaus to perform credit and background checks on you;



- 7.1.2 any law enforcement agency, court, regulator, government authority or other third party. We may share your Personal Information with these parties where we believe this is necessary to comply with a legal or regulatory obligation, or otherwise to protect our rights or the rights of any third party. For example, we may share your information with provincial housing departments to assist you with your housing needs; and
- 7.1.3 any other third party. We may share your Personal Information with any third party where we believe we are compelled by an applicable law or regulation, if we find it necessary to exercise, establish or defend our legal rights, to protect DHS' rights or property, to protect the public from harm or illegal activities, or to respond to an emergency which we believe, in good faith requires us to disclose Personal Information to prevent harm.
- 7.2 We will only share your Personal Information in accordance with the requirements set out in POPIA.

## **8. How do we secure your Personal Information?**

- 8.1 We implement technical and organisational measures to ensure a level of security appropriate to the risk of Personal Information we Process. These measures are aimed at ensuring the on-going integrity and confidentiality of Personal Information and preventing your Personal Information from being accidentally lost, used, or accessed in an unauthorised way, altered or disclosed.
- 8.2 In addition, we limit access to your Personal Information to employees, agents, contractors and other third parties on a need-to-know basis only. Any third party who Processes your Personal Information on our instruction is subject to the terms and conditions of an Operator Agreement. We evaluate these measures on a regular basis to ensure the security of the Processing.

## **9. How long do we keep your Personal Information?**

- 9.1 We will keep your Personal Information for as long as is necessary for the purposes set out in this Notice. Once these purposes have been fulfilled, we may retain your Personal Information for a period of time that enables us to:
  - 9.1.1 maintain records for analysis and/or audit purposes;
  - 9.1.2 comply with record retention requirements under the law;
  - 9.1.3 defend or bring any existing or potential legal claims; and
  - 9.1.4 deal with any queries or complaints you may have.
- 9.2 We will delete your Personal Information when it is no longer required for these purposes. If there is any information that we are unable, for technical reasons, to delete entirely from our systems, we will put in place appropriate measures to prevent any further Processing or use of the Personal Information.
- 9.3 Furthermore, as a government entity, we are required to adhere to the provisions of the National Archives and Records Service of South Africa Act, 43 of 1996, to manage and preserve government records.



## **10. Do we share your Personal Information with parties outside of South Africa?**

- 10.1 The DHS may share your Personal Information with its suppliers, service providers, and other third parties with whom we engage business or whose services or products we elect use, including cloud services hosted in international jurisdictions. These parties may Process your Personal Information outside the borders of the Republic of South Africa.
- 10.2 Before transferring Personal Information across borders, we take steps to ensure that the third-party recipient is located in a country which provides an adequate level of protection of your Personal Information, similar to POPIA, or that there is an agreement which satisfies the requirements for the transfer of Personal Information across borders.

## **11. Changes to this Notice**

We may modify or update this Notice from time to time. Any changes that we may make to this Notice will be effective from the date of being published.

## **12. How to contact us regarding the Processing of your Personal Information?**

- 12.1 It is your responsibility to ensure that any changes to your Personal Information are communicated in writing to us as soon as reasonably possible.
- 12.2 If you require access to or correction of your Personal Information, or if you have any other questions or concerns regarding the way in which your Personal Information is used, please contact our Information Officer, on the address below.
- 12.3 Postal Address: DHS Private Bag X644, Pretoria, 0001
- 12.4 Street Address: Govan Mbeki House, 240 Justice Mahomed Street, Sunnyside, Pretoria, 0002
- 12.5 Telephone Number: 012 444 9045/9012/9057
- 12.6 Email: [popia@dhs.gov.za](mailto:popia@dhs.gov.za)



**Postal Address:**

Department of Human Settlements  
Private Bag X644,  
Pretoria, 0001

**Street Address:**

Govan Mbeki House,  
240 Justice Mahomed Street,  
Sunnyside, Pretoria, 0002

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012 444 9045/9012/9057

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