


DATA PRIVACY POLICY	Effective from	06 AUGUST 2021
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Applicability	ECGB Board, ECGB Staff and Data Subjects.	

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1 DEFINITIONS

In this Policy, unless the context indicates the contrary:

- 1.1 Any reference to one gender includes the other gender;
- 1.2 The singular shall include the plural and *vice versa*;
- 1.3 A person shall include a natural person and a juristic person;
- 1.4 Clause headings are for convenience and are not to be used in the interpretation of the Policy;
- 1.5 Words and phrases defined in any clause shall bear the meaning assigned to them in such clause;
- 1.6 "**Act**" or "**the Act**" means the Eastern Cape Gambling Act, No. 5 of 1997 as amended from time to time together with the applicable regulations;
- 1.7 "**ARC**" means the Audit & Risk Committee, a Subcommittee of the Board of the ECGB;
- 1.8 "**B-BBEE Act**" means Broad-Based Black Economic Empowerment Act, No. 53 of 2003 as amended from time to time together with the applicable regulations;
- 1.9 "**Board**" means the Board of the ECGB from time to time;
- 1.10 "**CEO**" means the Chief Executive Officer of the ECGB;
- 1.11 "**Child**" means any natural person under the age of 18 (eighteen) years;
- 1.12 "**Constitution**" means the Constitution of the Republic of South Africa, 1996 as amended from time to time;
- 1.13 "**Data Breach**" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of the Eastern Cape Gambling Board;
- 1.14 "**Data Subject**" means the person to whom Personal Information relates;
- 1.15 "**Direct Marketing**" means to approach a Data Subject, either in person or by mail or electronic communication, for the purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject or to request any donation;
- 1.16 "**Direct Marketer**" means any person who employs Direct Marketing to advertise;

- 1.17 "**Eastern Cape Gambling Board**" or "**ECGB**" means Eastern Cape Gambling Board, being the statutory body established in terms of Section 3 of the Act;
- 1.18 "**ECTA**" means the Electronic Communications and Transactions Act, No. 25 of 2002 as amended from time to time together with the applicable regulations;
- 1.19 "**Employee**" means any employee of the ECGB including Interns;
- 1.20 "**FICA**" means the Financial Intelligence Centre Act, No. 38 of 2001 as amended from time to time together with the applicable regulations;
- 1.21 "**Licensee**" means a holder of a licence awarded by the ECGB in terms of the Act;
- 1.22 "**MANCO**" means the Management Committee of the ECGB from time to time;
- 1.23 "**Operator**" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.24 "**PAIA**" means the Promotion of Access to Information Act, No. 2 of 2000 as amended from time to time together with the applicable regulations;
- 1.25 "**Parliament**" means the Parliament of the Republic of South Africa as set out in the Constitution;
- 1.26 "**Personal Information**" has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;
- 1.27 "**Policy**" means this Data Privacy Policy;
- 1.28 "**POPIA**" means the Protection of Personal Information Act, No. 4 of 2013 as amended from time to time together with the applicable regulations;
- 1.29 "**Processing**" has the meaning ascribed thereto under POPIA and "**Process**" has a corresponding meaning;
- 1.30 "**Regulator**" means the Information Regulator established in terms of POPIA;
- 1.31 "**Responsible Party**" means a 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;

- 1.32 "**Special Personal Information**" means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour;
- 1.33 "**Steering Committee**" means the Data Privacy Steering Committee of the ECGB, a Subcommittee of Manco; and
- 1.34 "**Third Party**" means any agent, consultant, independent contractor, Licensee, sub-contractor or other representative of the ECGB.

2 BACKGROUND AND PROBLEM STATEMENT

- 2.1 Chapter 2 of the Constitution enshrines the Bill of Rights. Section 14 thereof provides that every person has the constitutional right to privacy which includes the right not to have the privacy of their communications infringed.
- 2.2 To give effect to the constitutional right to privacy, the Parliament enacted POPIA in 2013. The preamble to POPIA recognises that the right to privacy includes the right to protection against the unlawful collection, retention, dissemination and use of Personal Information.
- 2.3 POPIA seeks to regulate the Processing of Personal Information by both private and public bodies in a manner that gives effect to the right to privacy subject to justifiable limitations that are aimed at protecting other constitutional rights, such as the right of access to information as stipulated in Section 32 of the Constitution.
- 2.4 Section 32 of the Constitution provides that every person has the constitutional right of access to information held by the state or another person which is required for the exercise or protection of any rights.
- 2.5 Parliament enacted PAIA in 2000 to give effect to the right of access to information. PAIA seeks to foster a culture of transparency and accountability in both private and public bodies as well as to actively promote a society in which the people of South Africa have effective access to information to enable them to fully exercise and protect their rights.
- 2.6 The ECGB does not have a policy to govern the lawful processing of Personal Information which poses a risk of non-compliance by the organisation including exposure to the prescribed administrative penalties and criminal sanctions. In addition, non-compliance with POPIA can result in reputational damage to the ECGB caused by Data Breaches and/or the loss of information.

3 PURPOSE OF THIS POLICY

3.1 The purpose of this Policy is to:

- 3.1.1 inform Data Subjects about how the ECGB Processes their Personal Information; and
- 3.1.2 inform the Board and employees of the ECGB of their data privacy responsibilities and duties when Processing Personal Information.

4 OBJECTIVES OF THE POLICY

4.1 The objective of this Policy is to indicate:

- 4.1.1 process of collecting and Processing Personal Information of Data Subjects (see Clauses 7, 8, 10 and 11);
- 4.1.2 process of collecting and Processing Personal Information of Children (see Clause 9)
- 4.1.3 mechanism of keeping, storing and retaining Personal Information as accurate as possible (see Clauses 12, 13 and 14);
- 4.1.4 appropriate steps regarding refusal to provide Personal Information when required and breaches of Personal Information (see Clauses 15 and 17);
- 4.1.5 disclosure requirements for Personal Information to Third Party service providers (see Clause 18);
- 4.1.6 rights of Data Subjects of access to information; (see Clauses 19, 20 and 21); and
- 4.1.7 roles and responsibilities of facilitating the implementation of this Policy (see Clause 22).

5 SCOPE OF APPLICABILITY

5.1 This Policy applies:

- 5.1.1 to the Board and employees of the ECGB; and

5.1.2 to Personal Information collected by the ECGB in connection with the services which the ECGB provides. This includes information collected directly from Data Subjects, as well as information we collect indirectly through Third Parties who collect Data Subject's information on our behalf.

5.2 This Policy does not apply to the information practices of Third Party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that the ECGB does not manage or employ. These Third Parties may have their own privacy policies, terms and conditions and we encourage Data Subjects to read them before using them.

6 LEGISLATIVE FRAMEWORK AND OTHER APPLICABLE POLICIES & STRATEGIES

6.1 The development and implementation of this Policy is informed by the following legislative frameworks:

6.1.1 B-BBEE Act;

6.1.2 Constitution;

6.1.3 Communication Policies of the ECGB;

6.1.4 ECGB Responsible Gambling Strategy;

6.1.5 ECTA;

6.1.6 FICA;

6.1.7 Information Security Policies of the ECGB;

6.1.8 POPIA;

6.1.9 PAIA;

6.1.10 Records and Documents Management Policy; and

6.1.11 the Act.

7 PROCESS OF COLLECTING PERSONAL INFORMATION

- 7.1 The ECGB will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.
- 7.2 The ECGB, in its capacity as Responsible Party and/or Operator, shall strive to observe, and comply with its obligations under POPIA as well as accepted information protection principles, practices and guidelines when it Processes Personal Information from or in respect of a Data Subject.
- 7.3 The ECGB collects Personal Information directly from Data Subjects, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public or the Personal Information is contained in or derived from a public record).
- 7.4 The ECGB also often collects Personal Information from Third Parties. Where the ECGB obtains Personal Information from Third Parties, the ECGB will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where the ECGB is permitted to do so in terms of Clause 7.3 above or POPIA.
- 7.5 An example of such Third Parties includes:
- 7.5.1 our licensees when the ECGB handles Personal Information on their behalf;
 - 7.5.2 recruitment agencies;
 - 7.5.3 other companies providing services to the ECGB; and
 - 7.5.4 where the ECGB makes use of publicly available sources of information.

8 LAWFUL PROCESSING OF PERSONAL INFORMATION

- 8.1 Where the ECGB is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where -
- 8.1.1 consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;
 - 8.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;

- 8.1.3 Processing complies with an obligation imposed by law on the ECGB;
 - 8.1.4 Processing protects a legitimate interest of the Data Subject; and/or
 - 8.1.5 Processing is necessary for pursuing the legitimate interests of the ECGB or of a Third Party to whom the information is supplied.
- 8.2 The ECGB will only Process Personal Information where one of the legal bases referred to in Clause 8.1 above are present.
- 8.3 The ECGB will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.
- 8.4 Where the ECGB is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to the ECGB's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA.
- 8.5 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, the ECGB will ensure that the Personal Information is no longer Processed.

9 SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

- 9.1 Special Personal Information is sensitive Personal Information of a Data Subject and the ECGB acknowledges that it will generally not Process Special Personal Information unless -
- 9.1.1 Processing is carried out in accordance with the Data Subject's consent;
 - 9.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
 - 9.1.3 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;
 - 9.1.4 information has deliberately been made public by the Data Subject; or
 - 9.1.5 specific authorisation applies in terms of POPIA.
- 9.2 The ECGB acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

10 PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES

- 10.1 To the extent that the ECGB acts in its capacity as a Direct Marketer, it shall strive to observe, and comply with its obligations under Chapter 3 read together with Section 69 of POPIA when implementing principles and practices in relation to Direct Marketing.
- 10.2 The ECGB acknowledges that it may only use Personal Information to contact Data Subjects for purposes of Direct Marketing from time to time where it is permissible to do so as provided under Chapter 3 read together with Section 69 of POPIA.
- 10.3 The ECGB may use Personal Information to contact any Data Subject and/or market the ECGB's services directly to the Data Subject if the Data Subject is one of the ECGB's existing clients and the Data Subject has requested to receive marketing material from the ECGB or the ECGB has the Data Subject's written consent to market its services directly to the Data Subject.
- 10.4 If the Data Subject is an existing client, the ECGB will only use his/her/its Personal Information if it has obtained the Personal Information through the provision of a service to the Data Subject and only in relation to similar services to the ones the ECGB previously provided to the Data Subject.
- 10.5 The ECGB will ensure that a reasonable opportunity is given to the Data Subject to object to the use of their Personal Information for the ECGB's marketing purposes when collecting the Personal Information and on each communication to the Data Subject for purposes of Direct Marketing.
- 10.6 The ECGB will not use Data Subject's Personal Information to send marketing materials if the Data Subject has not requested to receive them. If the Data Subject requests that the ECGB stop Processing his/her/its Personal Information for marketing purposes, the ECGB shall do so within the period indicated in Clause 20 below.

11 PURPOSE FOR PROCESSING PERSONAL INFORMATION

- 11.1 The ECGB understands its obligation to make Data Subjects aware of the fact that it is Processing their Personal Information and inform them of the purpose for which the ECGB Processes such Personal Information.
- 11.2 The ECGB will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.

- 11.3 It will ensure that there is a legal basis for the Processing of any Personal Information. Further, the ECGB will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).
- 11.4 The ECGB will generally use Personal Information for purposes required to operate and manage its normal operations as a statutory body and these purposes include one or more of the following non-exhaustive purposes -
- 11.4.1 generally, for the purposes of providing its services to licensees or potential licensees, as per its mandate. This includes overseeing and controlling gambling activities in the Eastern Cape Province, including the licensing of individuals and entities to conduct gambling and other gaming related activities;
 - 11.4.2 to oversee technical compliance of the licensed gambling activities that exist in Eastern Cape Province. Specifically, dealing with:
 - 11.4.2.1 applications relating to approval of gambling products and approval of installations of gambling products;
 - 11.4.2.2 ongoing compliance inspections in respect of licensees; and
 - 11.4.2.3 complaints from players in relation to licensees and gambling activities.
 - 11.4.3 for purposes of onboarding suppliers or service providers as approved suppliers/service providers of the ECGB. For this purpose, the ECGB will also Process a service provider's/supplier's Personal Information for purposes of performing credit checks, and this may include engaging third party credit vetting agencies;
 - 11.4.4 for purposes of managing the ECGB's relationships with its suppliers;
 - 11.4.5 in connection with the execution of payment processing functions, including payment of the ECGB' suppliers'/service providers' invoices;
 - 11.4.6 for purposes of monitoring the use of the ECGB's electronic systems and online platforms by licensees, potential licensees and/or general Data Subjects. The ECGB will, from time to time, engage Third Party service providers (who will Process the Data Subject's Personal Information on behalf of the ECGB) to facilitate this;

- 11.4.7 for purposes of preventing, discovering and investigating violations of this Policy, the applicable law and other the ECGB policies, and investigating fraud, or other related matters in terms of its mandate under the Act or other applicable laws;
- 11.4.8 for purpose of building and managing a database that could be used by the ECGB for purposes of sending regular updates (e.g., monthly updates), including (without limitation) about developments in the gambling industry, to those who have consented to receiving such communications from the ECGB;
- 11.4.9 for purposes of performing general ECGB Board secretariat functions;
- 11.4.10 facilitating adherence to applicable legislation including the Act; FICA, B-BBEE Act, etcetera;
- 11.4.11 for purposes of investigating any allegations of non-compliance by licensees or any other person and dealing with disputes and complaints from players;
- 11.4.12 for purposes of performing revenue audits and collection of prescribed taxes and levies for the Eastern Cape Province and other specified beneficiaries;
- 11.4.13 to manage the ECGB's corporate social initiatives including those of Licensees as envisaged in conditions of their licences;
- 11.4.14 for purpose of dealing with self-exclusion applications;
- 11.4.15 for employment-related purposes such as recruiting staff, administering payroll, background checks, etc.;
- 11.4.16 in connection with internal audit purposes (i.e., ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required). For this purpose, the ECGB engages external service providers and, in so doing, shares Personal Information of the Data Subjects with Third Parties;
- 11.4.17 in connection with external audit purposes. For this purpose, the ECGB engages external service providers and, in so doing, shares Personal Information of the Data Subjects with Third Parties;
- 11.4.18 to address inquiries or complaints in respect of the ECGB's services or functions;
- 11.4.19 facilitating reduction of harmful effects due to excessive and irresponsible gambling;

11.4.20 for such other purposes to which the Data Subject may consent from time to time;
and

11.4.21 for such other purposes as authorised in terms of POPIA or applicable law.

12 KEEPING PERSONAL INFORMATION ACCURATE

12.1 The ECGB will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.

12.2 The ECGB may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.

12.3 The ECGB, however, expects that the Data Subject will notify the ECGB from time to time in writing of any updates required in respect of his/her/its Personal Information.

13 STORAGE AND PROCESSING OF PERSONAL INFORMATION BY THE ECGB AND THIRD PARTY SERVICE PROVIDERS

13.1 The ECGB may store Data Subject's Personal Information in hardcopy format and/or in electronic format using the ECGB's own secure on-site servers or other internally hosted technology. Data Subject's Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom the ECGB has contracted with, to support the ECGB's operations as a statutory body.

13.2 The ECGB's Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed. In such instances, Third Parties will be required to comply with Clause 13.3 below.

13.3 The ECGB will ensure that such Third Party service providers will process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA.

13.4 These Third Parties will not use or have access to Data Subject's Personal Information other than for purposes specified by the ECGB, and the ECGB requires such parties to employ at least the same level of security that the ECGB uses to protect the Data Subject's personal data.

13.5 Data Subject's Personal Information may be Processed in South Africa or another country where the ECGB, its affiliates and their Third Party service providers maintain servers and facilities and the ECGB will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law.

14 RETENTION OF PERSONAL INFORMATION

14.1 The ECGB may keep records of the Personal Information it has collected, correspondence, or comments it has collected in an electronic or hardcopy file format.

14.2 In terms of POPIA, the ECGB will not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances -

14.2.1 where the retention of the record is required or authorised by law;

14.2.2 The ECGB requires the record to fulfil its lawful functions or activities;

14.2.3 retention of the record is required by a contract between the parties thereto;

14.2.4 the Data Subject (or competent person, where the Data Subject is a Child) has consented to such longer retention; or

14.2.5 the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.

Accordingly, the ECGB will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.

14.3 Where the ECGB retains Personal Information for longer periods for statistical, historical or research purposes, the ECGB will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.

14.4 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, the ECGB will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where we de-identify the Data Subject's Personal Information, the ECGB may use such de-identified information indefinitely.

15 FAILURE TO PROVIDE PERSONAL INFORMATION

15.1 Should the ECGB need to collect Personal Information by law or under the terms of a licence or application for a licence and the Data Subject fail to provide the Personal Information when requested, the ECGB may be unable to perform its statutory duty in terms of the applicable law and thus reserve the rights to revoke or suspend the Data Subject's licence or reject the application for such licence.

15.2 Should the ECGB need to collect Personal Information by law or in consideration of a tender bid and the Data Subject fail to provide the Personal Information when requested, the ECGB may decline to receive the relevant services from that Data Subject, and the Data Subject will be notified where this is the case.

16 SAFE-KEEPING OF PERSONAL INFORMATION

16.1 The ECGB shall preserve the security of Personal Information and prevent its alteration, loss and damage, or access by non-authorised Third Parties.

16.2 The ECGB will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.

16.3 The ECGB has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification. Further, the ECGB maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

17 BREACHES OF PERSONAL INFORMATION

- 17.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.
- 17.2 A Data Breach can happen for many reasons, which include:
- 17.2.1 loss or theft of data or equipment on which Personal Information is stored;
 - 17.2.2 inappropriate access controls allowing unauthorised use;
 - 17.2.3 equipment failure;
 - 17.2.4 human error;
 - 17.2.5 unforeseen circumstances, such as a fire or flood;
 - 17.2.6 deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or
 - 17.2.7 alteration of Personal Information without permission and loss of availability of Personal Information.
- 17.3 The ECGB will address any Data Breach in accordance with Section 22 of POPIA.
- 17.4 The ECGB will notify the Regulator and the affected Data Subject (unless Section 22 of POPIA or the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.
- 17.5 The ECGB will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information as envisaged in Section 22 of POPIA.
- 17.6 Where the ECGB acts as an Operator for purposes of POPIA and should any Data Breach affect the data of Data Subjects whose information the ECGB Processes as an Operator, the ECGB shall (in terms of Section 22 of POPIA) notify the relevant Responsible Party immediately where there are reasonable grounds to believe that the Personal Information of relevant Data Subjects has been accessed or acquired by any unauthorised person.

18 PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS

- 18.1 The ECGB may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA.
- 18.2 The ECGB notes that such Third Parties may assist the ECGB with the purposes listed in Clause 11.3 above - for example, service providers may be used, *inter alia*:
- 18.2.1 for data storage;
 - 18.2.2 to assist the ECGB with auditing processes (external auditors);
 - 18.2.3 for providing outsourced services to the ECGB, including in respect of its:
 - 18.2.3.1 legal services; and
 - 18.2.3.2 upskilling of its Employees; and/or
 - 18.2.4 to notify the Data Subjects of any pertinent information concerning the ECGB.
- 18.3 The ECGB will disclose Personal Information with the consent of the Data Subject or if the ECGB is permitted to do so without such consent in accordance with applicable laws.
- 18.4 Further, the ECGB may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa, including for Processing and storage by Third Parties.
- 18.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa including to any cloud, data centre or server located outside of the South Africa, the ECGB will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where the ECGB is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA.
- 18.6 The Data Subject should also take note that the Processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, Courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

19 ACCESS TO PERSONAL INFORMATION

19.1 POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 (as amended) ("PAIA") confers certain access rights on Data Subjects. The ECGB's PAIA Manual can be found at www.ecgb.org.za ("PAIA Manual"). These rights include -

19.1.1 **a right of access**: a Data Subject having provided adequate proof of identity has the right to:

19.1.1.1 request a Responsible Party to confirm whether any Personal Information is held about the Data Subject; and/or

19.1.1.2 request from a Responsible Party a description of the Personal Information held by the Responsible Party including information about Third Parties who have or have had access to the Personal Information. A Data Subject may request:

19.1.1.2.1 the ECGB to confirm, free of charge, whether it holds any Personal Information about him/her/it; and

19.1.1.2.2 to obtain from the ECGB the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided:

19.1.1.2.2.1 within a reasonable time as envisaged in Section 23 of POPIA read with Clause 20 below;

19.1.1.2.2.2 in a reasonable manner and format and in a form that is generally understandable.

19.1.2 **a right to request correction or deletion**: a Data Subject may also request the ECGB to -

19.1.2.1 correct or delete 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

19.1.2.2 destroy or delete a record of Personal Information about the Data Subject that the ECGB is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

On receipt of such a request, the ECGB is required in terms of Section 24 of POPIA read with Clause 22 below to, as soon as is reasonably practicable -

19.1.2.2.1 correct the information;

19.1.2.2.2 delete or destroy the information;

19.1.2.2.3 provide the Data Subject with evidence in support of the information; or

19.1.2.2.4 where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, the ECGB will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;

19.1.3 **a right to withdraw consent and to object to processing**: a Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw such consent and may do so by providing the ECGB with notice to such effect at the address set out in Clause 24. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.

19.2 Accordingly, the ECGB may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information. Any such identifying information shall only be used for the purpose of facilitating access to information regarding the Personal Information.

19.3 The Data Subject can request in writing to review any Personal Information about the Data Subject that the ECGB holds including Personal Information that the ECGB has collected, utilised or disclosed.

19.4 The ECGB shall respond to these requests in accordance with POPIA and PAIA and provide the Data Subject with any such Personal Information to the extent required by law and any of the ECGB's policies and procedures which apply in terms of the PAIA.

19.5 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in the ECGB's records at any time in accordance with the process set out in the PAIA Manual for accessing information.

19.6 If a Data Subject successfully demonstrates that their Personal Information in the ECGB's records is inaccurate or incomplete, the ECGB will ensure that such Personal Information is amended or deleted as required (including by any Third Parties) within the period provided in Clause 20 below.

20 TIME PERIODS

20.1 The ECGB will respond to each written request of a Data Subject not later than 30 (thirty) days after receipt of such requests. Under certain circumstances, the ECGB may, however, extend the original period of 30 days once for a further period of not more than 30 (thirty) days.

20.2 A Data Subject has the right to make a complaint to the ECGB in respect of this time limit by contacting the ECGB using the contact details provided in Clause 24 below.

21 COSTS TO ACCESS TO PERSONAL INFORMATION

21.1 The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed in the PAIA Manual.

22 ROLES AND RESPONSIBILITIES OF IMPLEMENTING THIS POLICY

22.1 Role of Manager: Legal Services & Board Secretariat:

22.1.1 To be the custodian of the Policy.

22.1.2 Present the Policy to the Steering Committee for review and adoption.

22.1.3 Facilitate training on the Policy to Employees.

22.2 Role of Data Privacy Steering Committee:

22.2.1 To review and support the Policy.

22.2.2 Present the Policy to MANCO for review and support.

22.2.3 Oversee training of Employees on the Policy.

22.2.4 To monitor and evaluate implementation and compliance with the Policy.

22.3 Role of MANCO:

22.3.1 To review and support the Policy.

22.3.2 Present the Policy to the CEO for review and support.

22.4 Role of the CEO:

22.4.1 To review and support the Policy.

22.4.2 Present the Policy to the ARC for review and adoption.

22.4.3 Oversee the ECGB's implementation of the Policy.

22.5 Role of the ARC:

22.5.1 To review and adopt the Policy.

22.5.2 Present the Policy to the Board for review and approval.

22.5.3 Oversee the ECGB's implementation of the Policy and compliance therewith.

22.5.4 Obtain regular updates from management on the implementation and compliance with the Policy.

22.5.5 Provide regular updates to the Board on the implementation and compliance with the Policy.

22.6 Role of the Board:

22.6.1 To review and approve the Policy.

22.6.2 Oversee the ECGB's implementation of the Policy and protect the reputation of the institution.

23 CHANGES TO THIS POLICY

23.1 The ECGB reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.

23.2 The current version of this Policy will govern the respective rights and obligations between the Data Subject and the ECGB each time that the Data Subject access and use our website.

24 POLICY REVIEW

24.1 Generally, this Policy must be fully reviewed every three (3) years. However, it may also be reviewed in the event of a change in legislation; new legislation or in the event of case law which affects certain principles and procedure as contained in herein.

25 CONTACT US

25.1 All comments, questions, concerns or complaints regarding the Data Subject's Personal Information or this Policy, should be forwarded to us as follows –

Tel: +27 43 702 8300

Email: compliance@ecgb.org.za

Address: Eastern Cape Gambling Board
ECGB Building
Quenera Drive, Quenera Park
Beacon Bay
East London, 5241

Postal: PO Box 15355, Beacon Bay
East London, 5205

25.2 If a Data Subject is unsatisfied with the way the ECGB addresses any complaint with regards to the ECGB's Processing of Personal Information, the Data Subject can contact the office of the Regulator, the details of which are set out below -

Website: www.justice.gov.za/inforeg/

Tel: (010) 023 5200

Email: complaints.IR@justice.gov.za

Address: Information Regulator South Africa
JD House
27 Stiemens Street
Braamfontein, Johannesburg, 2001

Postal: P.O. Box 31533
Braamfontein, Johannesburg, 2017