

## **ROYAL CAPE YACHT CLUB SAILING ACADEMY**

### **Standard Website Privacy & Cookies Policy**

The Protection of Personal Information Act, 2013 (“POPI”) came into complete commencement on 1 July 2021, in this regard Royal Cape Yacht Club Sailing Academy has a number of obligations and duties in terms of POPI that we must comply with. The protection of your personal information is a high priority for us, and we have taken steps to ensure that your personal information is protected and remains private.

In addition to this document serving as our privacy policy, this document will also serve as a data subject notification as contemplated in section 18 of POPI. In this regard, this document will inform you of what personal information we collect, why we collect it, how we use it and what safety measures are in place to protect it.

Where we refer to “process”, this includes how we collect, use, store, update, disclose, make available, or destroy personal information.

As a general rule, we will only process personal information where such processing is necessary to operate our website, administer and provide sailing training, programmes and activities, manage student applications and memberships, communicate with students, parents, guardians, donors, sponsors and other stakeholders, administer donations and sponsorships, comply with contractual obligations, or meet legal and regulatory requirements applicable to the activities of the Royal Cape Yacht Club Sailing Academy.

We may combine your personal information and use the combined personal information for any of the purposes stated in this Privacy Policy.

In this document any reference to “we” or “us” or “our” is reference to Royal Cape Yacht Club Sailing Academy.

If you use our website, apply for or participate in our programmes or membership, communicate with us, donate or sponsorship enquiry, or otherwise provide us with your personal information, you acknowledge that we may process your personal information as explained under this Privacy Policy.

We may change this Privacy Policy from time to time if the law or our business practices requires it.

The version of the Privacy Policy displayed on our website at the time of your interaction with us will be applicable.

### **What is personal information?**

Personal information refers to any information that identifies you or specifically relates to you. Personal information includes, but is not limited to, the following information about you:

|                               |                             |                                |
|-------------------------------|-----------------------------|--------------------------------|
| Age                           | Financial history           | Personal views                 |
| Belief                        | Gender                      | Physical address               |
| Birth                         | Identity number             | Physical health                |
| Biometric                     | Language                    | Pregnancy                      |
| Colour                        | Location information        | Race                           |
| Conscience                    | Marital Status              | Religion                       |
| Correspondence                | Mental Health               | Sex                            |
| Criminal history              | Medical History             | Sexual orientation             |
| Culture                       | Name                        | Social origin                  |
| Disability                    | National Origin             | Symbol                         |
| Education                     | Online identifier           | Telephone number               |
| E-mail address                | Other particular assignment | Well being                     |
| Employment history            | Personal opinions           | Photographs                    |
| Ethnic origin                 | Personal preferences        | Parent or Guardian information |
| Emergency contact information |                             |                                |

### **Is the supply of the personal information voluntary or mandatory?**

The supply of certain personal information may be mandatory where we are required by law to collect it or where it is necessary for us to administer your application, membership, participation in our programmes or other relationship with the Royal Cape Yacht Club Sailing Academy. If you do not provide information that is necessary for these purposes, we may be unable to process your application, administer your membership or participation, or provide the relevant services or opportunities.

Basic Conditions of Employment Act, No 75 of 1997

Continuing Education and Training Act (previously known as Further Education and Training Colleges Act) 16 of 2006

Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993

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Credit Agreement Act, No. 75 of 1980

The Criminal Procedure Act, No. 51 of 1977

Debt Collectors Act, No. 114 of 1998

Employment Equity Act, No. 55 of 1998

Financial Intelligence Centre Act, No. 38 of 2001

Higher Education Act 101 of 1997

Income Tax Act 58 of 1962

Labour Relations Act, No 66 of 1995

National Credit Act, No. 34 of 2005

NQF Act No 67 of 2008

Pension Funds Act, No. 24 of 1956

Skills Development Act 97 of 1998

Unemployment Insurance Act, No. 63 of 2001

Financial Advisory and Intermediary Service Act, No. 37 of 2002

Occupational Health and Safety Act No. 85 of 1993

Prevention of Organised Crime Act No. 121 of 1998

Protection of Personal Information Act, No. 4 of 2013

Promotion of Access to Information Act, No. 2 of 2000

Income Tax Act, No. 58 of 1962, where applicable to the Academy's donation and tax administration activities

Occupational Health and Safety Act, No. 85 of 1993, where applicable to the Academy's activities

Any other applicable legislation or regulatory requirements relevant to the Academy's operations, students, staff, activities, donations and governance

In other instances, the supply of personal information is voluntary, but may be necessary for us to provide sailing training, programmes, membership opportunities, respond to enquiries, administer donations or sponsorships, or otherwise provide services and opportunities to you. Failure to provide such information may result in us being unable to process your application, administer your participation or membership, respond to your enquiry, or provide the relevant service or opportunity.

### **When will we process your personal information?**

We will only process your personal information for lawful purposes relating to our business if the following applies:

- if you have consented thereto.

- if a person legally authorised by you, the law, or a court, has consented thereto.
- if it is necessary to conclude or perform under a contract we have with you, including where applicable a student agreement, membership arrangement or other agreement with the Academy.
- if the law requires or permits it.
- if it is required to protect or pursue your, our or a third party's legitimate interest.

### **What is special personal information?**

Special personal information is personal information about the following:

|                       |                       |                        |
|-----------------------|-----------------------|------------------------|
| Biometric information | Philosophical beliefs | Sex life               |
| Criminal behaviour    | Political persuasion  | Trade union membership |
| Ethnic origin         | Race                  |                        |
| Health                | Religious beliefs     |                        |

### **When will we process your special personal information?**

We may process your special personal information in the following circumstances:

- if you have consented to the processing.
- if the information is being used for any Human resource or payroll requirement.
- if the processing is needed to create, use, or protect a right or obligation in law.
- if the processing is for statistical or research purposes and all legal conditions are met.
- if the special personal information was made public by you.
- if the processing is required by law.
- if racial information is processed, and the processing is required to identify you; and / or if health information is processed where the processing is permitted by law and is necessary for a lawful purpose connected with your participation in Academy activities, including where relevant the administration of medical or safety information.

### **When and from where we obtain personal information about you?**

We may collect personal information about you from the following sources:

- We may collect personal information directly from you.
- We may collect personal information from a public record.
- We may collect personal information from an area where you have deliberately made it public.

- We may collect information about you based on your use of our products, services, or service channels.
- We may collect information about you based on how you engage or interact with us such as via our support desk, emails, letters, telephone calls and surveys.
- We may collect personal information from a third party.
- We may collect personal information from another source if you give us consent to do so.
- We may collect personal information about you based on how you engage or interact with us such as via our support desk, emails, letters, telephone calls and surveys.
- We may collect personal information through applications, membership forms, student agreements, medical forms, codes of conduct, social media policies and other documents completed or submitted in connection with the Academy's programmes and activities.

If the law requires us to do so, we will ask for your consent before collecting personal information about you from third parties.

The third parties from whom we may collect your personal information include, but are not limited to, the following:

- Partners, sponsors, funding organisations and other organisations associated with the Academy or its programmes for any of the purposes identified in this Privacy Policy.
- parents or legal guardians, where applicable, including in relation to students under the age of 18.
- professional advisers, legal advisers and other persons who assist the Academy with the administration or enforcement of agreements, where applicable.
- payment processing service providers, banks and other persons that assist with the processing of donations, sponsorship payments or other payment instructions.
- insurers, brokers, safety or emergency service providers and other organisations where necessary for purposes connected with the Academy's activities and where permitted by law.
- law enforcement and fraud prevention agencies and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, governmental departments, tax authorities and other public bodies where applicable to the Academy's activities.
- persons appointed by a court of law where applicable.

- our service providers, agents, contractors and other persons we use to operate our website, administer our programmes and activities, provide information technology, communications, payment processing or other services to the Academy.
- courts of law or tribunals.

### **Reasons we need to process your personal information.**

We will process your personal information for the following reasons:

- to provide and administer sailing training, programmes, membership, activities and related opportunities;
- to communicate information about our programmes, activities, events, fundraising initiatives, sponsorship opportunities and other Academy-related information to you.
- to respond to your enquiries and complaints.
- to comply with legislative, regulatory, risk and compliance requirements, voluntary and involuntary codes of conduct and applicable industry agreements or to fulfil reporting requirements and information requests.
- to conduct research, analysis and reporting relating to our programmes, activities, students and the development of the Academy, where permitted by law.
- to develop, improve and evaluate our programmes, training and activities.
- for historical, statistical and research purposes, like market segmentation.
- to process donations, sponsorship payments and other payments made to or on behalf of the Academy;
- to administer financial and donation records and issue applicable documentation, including documentation relating to donations where applicable;
- to communicate with you and provide you with documents, notices and other information relating to the Academy and its activities;
- for security, identity verification and to check the accuracy of your personal information.
- to communicate with you and carry out your instructions and requests.
- for customer satisfaction surveys, promotional offerings.
- for any other related purposes.
- to administer student applications, membership, training, events, regattas, donations, sponsorships and other Academy activities; and / or
- for any other related purposes that are lawful and connected with the Academy's activities.

### **How we use your personal information for marketing**

- We will use your personal information to market our programmes, activities, events, fundraising initiatives, sponsorship opportunities and other Academy-related services and opportunities to you.
- We will do this in person, by post, telephone, or electronic channels such as SMS and email.
- If you are not our customer, or in any other instances where the law requires, we will only market to you by electronic communications with your consent.
- In all cases you can request us to stop sending marketing communications to you at any time.

### **When how and with whom we share your personal information?**

In general, we will only share your personal information if any one or more of the following apply:

- if you have consented to this.
- if it is necessary to conclude or perform under a contract, we have with you;
- if the law requires it; and / or
- if it's necessary to protect or pursue your, our or a third party's legitimate interest.

Under what circumstances will we transfer your information to other countries?

We will only transfer your personal information to third parties in another country in any one or more of the following circumstances:

- where your personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient.
- where the transfer is necessary to enter into or perform under a contract with you, or a contract with a third party that is in your interest.
- where you have consented to the transfer; and / or
- where it is not reasonably practical to obtain your consent, the transfer is in your interest.

This transfer will happen within the requirements and safeguards of the law. Where possible, the party processing your personal information in the other country will agree to apply the same level of protection as available by law in your country or if the other country's laws provide better protection the other country's laws would be agreed to and applied.

### **How we secure your personal information**

- We will take appropriate and reasonable technical and organisational steps to protect your personal information using appropriate and reasonable technical and organisational measures appropriate to the nature of the personal information and the risks associated with its processing. Our security measures (including physical, technological, and procedural safeguards) will be appropriate and reasonable. This includes the following:
  - keeping our systems secure (like monitoring access and usage);
  - storing our records securely.
  - controlling the access to our buildings, systems and/or records; and
  - safely destroying or deleting records.
- Ensuring compliance with applicable information security and data protection requirements and standards.

### **How long do we keep your personal information?**

We will keep your personal information for as long as:

- the law requires us to keep it.
- a contract between you and us requires us to keep it.
- you have consented for us keeping it.
- we are required to keep it to achieve the purposes listed in this Privacy Policy.
- we require it for statistical or research purposes.
- a code of conduct requires us to keep it; and / or
- we require it for our lawful business purposes.

Take note: We may keep your personal information even if you no longer have a relationship with us where this is required or permitted by law, where required for legitimate business or operational purposes, where necessary for historical, statistical or research purposes, or where required for the purposes listed in this Privacy Policy.

### **Our cookie policy**

A cookie is a small piece of data sent from our websites or applications to your computer or device hard drive or Internet browser where it is saved. The cookie contains information to personalise your experience on our website and may improve your experience when using the Royal Cape Yacht Club Sailing Academy website. The cookie will also identify your device, like the computer or smart phone.

By using our website, cookies may be forwarded from the website to your computer or device. Where consent is required for particular cookies, the Academy will obtain the appropriate

consent. The cookie will enable us to know that you have visited the website before and may help us to understand how visitors use the website. We may also use cookies or similar technologies for website functionality, security and analytics, where applicable.

**Your duties and rights about the personal information we have about you:**

You must provide proof of identity when enforcing the rights below.

You must inform us when your personal information changes.

Please contact the Academy's Information Officer to give effect to any of the below rights.

You have the right to request access to the personal information we have about you by contacting the Academy. This includes requesting:

- confirmation that we hold your personal information.
- a copy or description of the record containing your personal information; and
- the identity or categories of third parties who have had access to your personal information.

We will attend to requests for access to personal information within a reasonable time. You may be required to pay a reasonable fee to receive copies or descriptions of records, or information about third parties. We will inform you of the fee before attending to your request.

Please note that the law may limit your right to access information.

You have the right to request us to correct or delete the personal information we have about you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or we are no longer authorised to keep it. You must inform us of your request in writing. It may take up to 15 business days for the change to reflect on our systems. We may request documents from you to verify the change in personal information.

A specific agreement that you have entered into with us may determine how you must change your personal information provided at the time when you entered into the specific agreement. Please adhere to these requirements. If the law requires us to keep the personal information, it will not be deleted upon your request. The deletion of certain personal information may lead to the termination of your business relationship with us.

You may object on reasonable grounds to the processing of your personal information.

We will not be able to give effect to your objection if the processing of your personal information was and is permitted by law; you have provided consent to the processing and our processing done according to your consent or the processing is necessary to conclude or perform under a contract with you.

Where you have provided your consent for the processing of your personal information, you may withdraw your consent. If you withdraw your consent, we will explain the consequences to you. We may proceed to process your personal information even if you have withdrawn your consent if the law permits or requires it. It may take up to 15 business days for the change to reflect on our systems, during this time we may still process your personal information. You must inform us of any objection in writing.

You have a right to file a complaint with us or any Regulator with jurisdiction about an alleged contravention of the protection of your personal information by us. We will address your complaint as far as possible.

The contact details for the Information Regulator is as follows:

|                   |                                                                                                |
|-------------------|------------------------------------------------------------------------------------------------|
| Email:            | <a href="mailto:POPIAComplaints@inforegulator.org.za">POPIAComplaints@inforegulator.org.za</a> |
| Postal Address:   | P.O. Box 31533, Braamfontein, Johannesburg, 2017                                               |
| Physical Address: | JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.                                |

### **How can you get in touch with us?**

For any queries in relation to this letter or our processing of your personal information in general, you can contact our Information Officer and/or Deputy Information Officer at the following details:

Name: Jennifer Burger

Contact Number: +27 21 421 1354

Email Address: [sailingacademy@rcyc.co.za](mailto:sailingacademy@rcyc.co.za)

Physical Address: 1 Duncan Road, Table Bay Harbour Cape Town 8001