

**CITIZENS PRIVACY NOTICE**

**of the**

**ETHEKWINI MUNICIPALITY  
("the Municipality")**

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## 1. Introduction

- 1.1. We are the eThekweni Municipality, a metropolitan city, responsible for delivering services to change people's lives for the better.
- 1.2. We prioritise protecting your personal information and ensure that it is processed in compliance with POPIA.
- 1.3. 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.
- 1.4. This Notice applies to all citizens, residents, businesses / juristic persons and individuals interacting with the Municipality, regardless of the nature or frequency of their engagement. Whether you are receiving municipal services, applying for permits, participating in community programmes, or simply submitting an enquiry, this Notice governs how your personal information is collected, used, stored, and protected. This Notice applies across all departments and services within the Municipality, and includes various forms of our interactions with you, whether in person, online, or via other communication channels.
- 1.5. The Notice also covers personal information collected through third-party service providers acting on behalf of the Municipality.

## 2. Useful Terms

- 2.1. "**Data Subject**" refers to any identifiable person whose personal information we handle, like the Municipality's customers or visitors. In this Notice, we may also refer to Data Subjects as "**you**" or "**your**";
- 2.2. "**Operator**" refers to any individual or organisation that processes personal information on behalf of a responsible party under a contract or mandate, but without being under that party's direct control. Examples include IT service providers, vendors, and other suppliers that process personal information for the Municipality;
- 2.3. "**Notice**" means this Privacy Notice;
- 2.4. "**PAIA Manual**" refers to a manual prepared in line with section 14 of PAIA;
- 2.5. "**PAIA**" stands for the *Promotion of Access to Information Act, 2 of 2000*, which grants

the right to access information;

- 2.6. **"Personal Information"** refers to any information relating to an identifiable, living person or, where applicable, an identifiable existing legal entity;
- 2.7. **"POPIA"** is short for the *Protection of Personal Information Act, 4 of 2013*, which governs the protection of personal information in South Africa;
- 2.8. **"Process"** means any action taken with personal information, whether manual or automated;
- 2.9. **"Responsible Party"** refers to any public or private entity, or individual, that determines the purpose and means of processing personal information. In this case, it is the Municipality. In this Notice, we may also refer to the Municipality as **"we"** or **"us"**;
- 2.10. **"Regulator"** refers to the Information Regulator of South Africa, the authority responsible for enforcing privacy laws;
- 2.11. **"Special Personal Information"** includes sensitive information, such as religious or philosophical beliefs, race, ethnic origin, trade union membership, political views, health, sex life, biometric data, or information regarding a person's criminal behaviour.

### 3. **What Personal Information We Collect**

- 3.1. As a large Municipality serving a diverse population, we collect personal information in a wide range of circumstances to provide essential public services and fulfil our mandate.
- 3.2. We collect the following type of personal information under the following circumstances:
  - 3.2.1. **Information relating to race, gender, sex, pregnancy, marital status, etc:**
    - 3.2.1.1. **Recruitment information:** When recruiting, we may collect demographic information, such as race, gender, and disability status, to comply with employment equity laws;
    - 3.2.1.2. **Community services:** We may gather demographic information to plan and deliver services like healthcare, housing, or social programmes. For example, pregnancy status could be relevant in offering maternity-related

services or support;

- 3.2.1.3. **Applications for housing or subsidies:** For allocation of social housing or grants, we may collect information on marital status, family origin, or age to assess eligibility.
- 3.2.2. **Information relating to education, medical, financial, criminal, or employment history:**
  - 3.2.2.4. **Social support programmes:** For grants free basic services, and rebates in terms of the Indigent Policy, we might need information on education, employment history, or financial status to determine eligibility;
  - 3.2.2.5. **Community health:** Medical history may be gathered when providing municipal health services, such as free clinics or vaccination drives; and
  - 3.2.2.6. **Recruitment:** When hiring, the Municipality may collect employment history, education background, or conduct criminal background checks.
- 3.2.3. **Any identifying number, symbol, e-mail address, physical address, telephone number, location information, etc:**
  - 3.2.3.7. **Utility services:** We may collect addresses, phone numbers, and identity numbers to connect services like water, electricity, and waste collection to individual households or business;
  - 3.2.3.8. **Billing and invoicing:** We use identifying details to issue municipal accounts, and they may track usage through meters associated with the resident's address. Email addresses and phone numbers are used for sending electronic bills or alerts about outages;
  - 3.2.3.9. **Community participation processes:** Identifying information is collected when people participate in public forums or submit comments on municipal proposals or zoning changes;
  - 3.2.3.10. **Parking violations or municipal penalties:** Identification numbers, vehicle registration numbers, and contact details may be collected when issuing parking fines or similar citations;
  - 3.2.3.11. **Traffic violations:** For offenses like speeding or running a red light, we may

use automated camera systems that capture vehicle registration details and link them to the owner's identity through municipal or national databases;

3.2.3.12. **Location information:** GPS data or physical address information is often used to pinpoint exact service locations for efficient delivery of utilities, repairs, or emergency response services.

3.2.3.13. **Online payment systems:** When paying your municipal account, you often need to provide personal information, including email addresses, identification numbers, or payment details;

3.2.3.14. **Town hall meetings, surveys, and petitions:** During public consultations, people are required to provide their contact information (for example email, phone number) when submitting feedback on municipal projects or policies, such as zoning changes or urban development plans. This allows us to contact individuals for follow-up or notifications;

3.2.3.15. **Permit applications:** When applying for permits, you may need to provide detailed identifying information such as your identity number, physical address, contact details, and property ownership information;

3.2.3.16. **Business licenses:** Entrepreneurs applying for business licenses need to provide details of their business;

3.2.3.17. **Emergency call information:** When residents contact emergency services, their location (physical address or real-time location via GPS) and contact details (phone number) are collected to provide immediate assistance;

3.2.3.18. **Community safety programmes:** We may track citizens' physical addresses, phone numbers, and even their real-time location to provide disaster relief, evacuation, or public safety information during emergencies like fires or floods.

3.2.3.19. **Valuations:** Title deed information relating to all properties in the Municipality, including the valuation of the property and ownership details.

3.2.4. **The biometric information of the person:**

3.2.4.1. Security and identity verification: Biometric information may also be

gathered during identity verification processes.

3.2.5. **The personal opinions, views, or preferences of the person:**

3.2.5.1. **Public consultations:** We often collect opinions or preferences from residents during surveys, consultations, or town hall meetings, such as views on development projects or policies; and

3.2.5.2. **Complaints and investigations:** Individuals may provide personal views when lodging complaints or grievances about municipal services.

3.2.6. **Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature:**

3.2.6.1. **Customer service and enquiries:** We may collect private correspondence between residents and municipal officials regarding service delivery, legal matters, or applications for permits might include sensitive, confidential information;

3.2.6.2. **Access to information requests:** We may collect responses to access to information requests which may reveal sensitive information communicated in correspondence.

3.2.7. **The views or opinions of another individual about the person:**

3.2.7.3. **Community feedback:** Feedback or opinions provided by neighbours or community members regarding an individual's conduct, such as noise complaints or reports of suspicious activity, may be collected by us;

3.2.7.4. **Social media posts:** Comments or opinions shared by individuals on social media platforms about a person's actions or behaviour in relation to municipal services, events, or issues may be gathered and assessed by us.

3.2.8. **The name of the person if it appears with other personal information or reveals information about the person:**

3.2.8.1. **Names:** We may collect names along with other identifying personal information in interactions with us;

3.2.8.2. **Permits and licenses:** Names appear on building permits, business licenses, or event permits alongside contact and other personal details.

3.3. Where we process special personal information, we will usually do so on the basis of

consent or where it is necessary to carry out obligations in terms of the law. In any case, we will process this information in accordance with POPIA.

3.4. We may process the personal information of children in various contexts, including but not limited to health and social services (gathering medical histories and guardian contact information for health services like vaccinations and wellness programmes), recreation programmes (collecting names, ages, emergency contacts for recreational sites) to provide essential services and support programmes tailored to young residents.

3.5. We collect personal information from the following sources:

3.5.1. **Directly from individuals and businesses:** We gather information directly from you when you provide it, whether in person, online, or through our services;

3.5.2. **Third parties:** In some cases, we obtain information from third parties, such as organisations that provide services to the Municipality, credit bureau's or on national databases;

3.5.3. **Publicly available sources:** We may access publicly available information from sources such as newspapers, company registers, online search engines, deed registries, public social media posts, and public directories;

3.5.4. **Municipality platforms and service channels:** We collect information based on your use of the Municipality's platforms, including behavioural data derived from your interactions and movements within our services such as our website and mobile applications;

#### 4. **Our Legal Basis for Processing your Personal Information**

4.1. We only process your personal information if we have a legal basis for doing so. In most cases, the legal basis will fall into one of the following categories:

4.1.1. **Fulfilling our contractual obligations:** We process your information to fulfil our commitments to you. For example, if you apply for a municipal service or programme, we may need to collect and process your personal details to ensure you receive the intended benefits;

4.1.2. **Complying with legal obligations:** We may process your information to meet legal requirements. For example, if you apply for a municipal service, we are required by law to retain specific information, such as your personal details and



any relevant documentation, for auditing and regulatory compliance. This helps us ensure transparency and accountability in our service delivery;

4.1.3. **Public law duties:** We process your information to carry out our public responsibilities. For example, we assist customers with queries about the services offered by the Municipality, which may require us to access and use your personal information;

4.1.4. **Legitimate interests:** We process personal information to pursue our legitimate interests. For example, we may compile reports and assessments on the Municipality's activities to inform city management about service delivery, performance metrics, or community needs; and

4.1.5. **Protecting your or another person's interests:** We may process your information to protect your interests or those of another individual. For example, if we receive a report of a safety concern, we may need to use personal information to ensure appropriate action is taken.

4.2. In some cases, we may seek your consent to collect and use certain types of personal information, especially when processing special categories of personal information.

4.3. If we request your consent to process your personal information, you may withdraw it at any time by submitting a request using the contact details provided below. However, please note that withdrawing your consent may prevent or delay the Municipality's ability to fulfil its obligations to you.

4.4. Please be aware that not providing the required personal information could disrupt or delay our ability to meet our responsibilities or offer you the services you need.

## 5. **How We Protect Your Personal Information**

5.1. We endeavour to take reasonable steps to ensure that your personal information is accurate, complete, and up to date. Your information may be stored either in hardcopy or electronic format, using secure on-site servers or third-party services contracted by the Municipality to support its operations.

5.2. We have implemented physical, organisational, contractual, and technological security measures to ensure the appropriate level of protection for your personal information. These measures are designed to maintain the confidentiality and integrity of your personal information, safeguarding it from loss, theft, unauthorised access,

disclosure, copying, use, or modification.

- 5.3. Access to your personal information is restricted to employees, authorised agents, contractors, and third parties on a need-to-know basis. Any third-party processing your information on our behalf is bound by the terms of a contractual agreement. We regularly evaluate these security measures to ensure the protection of your personal information.

## 6. **How Long We Keep Your Information**

- 6.1. 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 that enables us to:

- 6.1.1. Maintain records for analysis and/or audit purposes;
- 6.1.2. Comply with record retention requirements under the law;
- 6.1.3. Defend or bring any existing or potential legal claims;
- 6.1.4. Use it for lawful business/operational purposes; and/or
- 6.1.5. Any other reason to achieve the purposes with your consent listed in this Notice.

## 7. **Who We Share Your Information**

- 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.
- 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 it is necessary to comply with a legal or regulatory obligation, or otherwise to protect our rights or the rights of the third party.
- 7.1.3. Any other third party: We may share your personal information with any third party where we believe it is necessary or we are compelled by law or regulation, to exercise, establish or defend our legal rights, to protect the Municipality's rights, to protect the public from harm or any illegal activities, or to respond to an emergency, where we reasonably believe and good faith requires us to disclose

your personal information to prevent harm.

- 7.2. If required, we will enter into written agreements with such third parties to ensure that they process any personal information in accordance with the provisions POPIA.
- 7.3. The Municipality may in limited circumstances share your personal information with third parties outside the Republic of South Africa. We will only transfer your personal information to third parties in another country under one or more of the following circumstances:
  - 7.3.1. When your personal information will be adequately protected according to the laws of the other country or through a formal agreement with the third-party recipient;
  - 7.3.2. When the transfer is necessary to enter into or fulfil a contract with you or a third party that benefits you;
  - 7.3.3. When you have provided explicit consent for the transfer; or
  - 7.3.4. When it is not reasonably practical to obtain your consent, but the transfer is deemed to be in your best interest.

## 8. **Your Rights and Duties**

- 8.1. You have certain rights over your personal information to an extent allowed by law. You have the right to:
  - 8.1.1. Confirm whether the Municipality holds your personal information;
  - 8.1.2. Access your personal information;
  - 8.1.3. Request correction or deletion of your personal information;
  - 8.1.4. Request restriction to the processing of your personal information subject to certain conditions;
  - 8.1.5. Object to the processing of your personal information on reasonable grounds;
  - 8.1.6. Withdraw your consent to any processing based on consent at any time;
  - 8.1.7. To be notified when your personal information has been accessed or acquired by an authorised person; or
  - 8.1.8. Lodge a complaint with the Regulator if you believe that we have not adequately

addressed your complaint.

- 8.2. We will handle requests for access to personal information within a reasonable time aligned with the law. You may be required to pay a reasonable fee (prescribed by law) to receive copies or descriptions of records, or information about third parties. We will inform you of the fee before processing your request.
- 8.3. We will take reasonable steps to verify and correct your personal information as needed, which may take some time for the change to reflect on our systems. We may request documents from you to verify the changes.
- 8.4. If you believe that we are not handling your personal information fairly and lawfully, you can file a complaint with the Regulator at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001, P.O Box 31533, Braamfontein, Johannesburg, 2017, or email [popiacomplaints@info regulator.org.za](mailto:popiacomplaints@info regulator.org.za).
- 8.5. Please first allow us to resolve any complaints by contacting us using the details provided below. Your complaint should include a brief description of what happened, when it occurred, and what personal information was processed.
- 8.6. To exercise any of the rights above, please make a written request by following the procedure in the PAIA Manual or contact the Information Officer with any privacy-related questions or comments to the email address listed below.
- 8.7. We encourage you to update or correct your personal information if it changes or if it is inaccurate. Please note, we may need additional information (to process your request).

## 9. **Contact Us**

- 9.1. If you require access to or correction of your personal information, or if you have any comments, questions, concerns, queries or complaints regarding your personal information, please contact our Deputy Information Officer on the address below.

Attention: Deputy Information Officer: Ms Adele Seheri

Physical Address: 41 Margaret Mncadi Avenue, 12th Floor Rennie's House,

Durban, 4000

Telephone number: 086 031 11111

Email address:

Postal Address: P.O Box 1014, Durban, 4000.

### **Cookie Notice**

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Your web browser should allow you to delete any you choose. It also should allow you to prevent or limit their use. Our website uses cookies. They are placed by software that operates on our servers, and by software operated by third parties whose services we use.

When you first visit our website, we ask you whether you wish us to use cookies. If you choose not to accept them, we shall not use them for your visit except to record that you have not consented to their use for any other purpose. If you choose not to use cookies or you prevent their use through your browser settings, you will not be able to use all the functionality of our website.

We use cookies in the following ways:

- To track how you use our website;

- To record whether you have seen specific messages we display on our website;
- To keep you signed in to our website;
- To record your answers to surveys and questionnaires on our website while you complete them;
- To record the conversation thread during a live chat with our support team.

### **Information We Collect from Your Browsing**

Requests by your web browser to our servers for web pages and other content on our website are recorded. We record information such as your geographical location, your internet service provider and your IP address. We also record information about the software you are using to browse our website, such as the type of computer or device and the screen resolution.

We use this information in aggregate to assess the popularity of the webpages on our website and how we perform in providing content to you. If combined with other information we know about you from previous visits, the information possibly could be used to identify you personally, even if you are not signed in to our website.

[We provide more information about the cookies we use in our [Cookie Policy](#)].