



EXTERNAL PRIVACY NOTICE

for the

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF SOUTH AFRICA
("ITAC")**

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1. **Definitions and abbreviations**

- 1.1. “**Consent**” means any voluntary, specific and informed expression of will in terms of which permission is given for the Processing of Personal Information;
- 1.2. “**Data Subject**” means the person to whom Personal Information relates. Examples of Data Subjects are importers, exporters, interested parties, visitors, stakeholders, and other natural persons or entities that ITAC interacts with for the provision of its services;
- 1.3. “**EFTA**” means the European Free Trade Association;
- 1.4. “**EU**” means the European Union;
- 1.5. “**MERCOSUR**” means the Southern Common Market, a Southern American trade bloc;
- 1.6. “**Notice**” means this External Privacy Notice;
- 1.7. “**ITA Act**” means the *International Trade Administration Act 71* of 2002;
- 1.8. “**Operator/s**” 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 the Responsible Party. Examples of Operators include IT service providers, vendors, and other suppliers that Process Personal Information on ITAC’s behalf;
- 1.9. “**PAIA**” means the *Promotion of Access to Information Act 2* of 2000;
- 1.10. “**PAIA Manual**” means a manual prepared in accordance with section 14 of PAIA;
- 1.11. “**Personal Information**” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person;
- 1.12. “**POPIA**” means the *Protection of Personal Information Act 4* of 2013;
- 1.13. “**Process/Processing**” means any operation or activity or any set of operations whether or not by automatic means, concerning Personal Information;
- 1.14. “**Regulator**” means the Information Regulator of South Africa;
- 1.15. “**Responsible Party**” means any public or private body or any other person who, alone or in conjunction with others, determines the purpose of and means for

Processing Personal Information. ITAC is a Responsible Party;

1.16. “**SADC**” means the Southern African Development Community;

1.17. “**SACU**” means the Southern African Customs Union;

1.18. “**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; and

1.19. “**WTO**” means the World Trade Organisation.

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 and how we use and protect your Personal Information and your rights concerning Personal 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, which can identify you such as your identity number, e-mail address, names, home or work physical addresses, company name, company registration number, telephone numbers, and BBBEE status.

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 these obligations.

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

3.1. We collect information from you when you visit our or we visit your premises, or when you submit any application form regarding our services or through 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 about you or your company and or its affiliates, if you are registered as an importer or exporter, if you are authorised to act on behalf of another party, apply for a permit for the import and/or export of goods, a rebate permit or apply for customs duty amendments, which information requirements are as set out in the ITA Act, relevant Regulations as well as relevant Guidelines, Rules and Conditions (e.g. your name or your company’s name, company registration number or identity number, tax number or VAT number, and

- number of employees);
- 3.1.2. information about the type, category and pricing of goods that you intend to import into and/or export outside of South Africa;
- 3.1.3. information about you and your company if you apply for any one of ITAC's instruments that it administers, which information requirements are as set out in the ITA Act, relevant Regulations as well as relevant Guidelines, Rules and Conditions;
- 3.1.4. CCTV footage when you, your employees, friends, or family members, or anyone who visits our premises;
- 3.1.5. correspondence with us; and
- 3.1.6. any other information that you provide to us when interacting with us.
- 3.2. We collect from other sources such as information on the internet or web-based platforms about you or your business, its affiliates, or linkages to other entities.
- 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 ITAC Processes Special Personal Information, we will usually do so on the basis that it is necessary to carry out our obligations in terms of the law. Any Processing of information will be in accordance with applicable laws.
- 3.5. 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 documentation when applying for a rebate permit and drawback permit falling under Schedules 3, 4, and 5 of the *Customs and Excise Act 91 of 1964*. This administration is done by issuing permits and certificates in accordance with the *Customs and Excise Act 91 of 1964* and setting guidelines for a variety of industrial sectors to clear imported goods,

partially or free of duty;

- 4.1.2. to assess your documentation when applying for assistance under the Automotive Production Development Program (“**APDPII**”);
- 4.1.3. to assess your documentation when applying for an import or export permit for commercial purposes or donations (including assessing whether you have a conflict of interest, whether you comply with South African legislation, and whether you meet our minimum requirements to access the services rendered by ITAC in order to, amongst others, become a licensed importer or exporter in South Africa);
- 4.1.4. to assess your documentation when applying for custom duty amendments, which comprise of investigations of increases in ordinary customs duties, reductions in ordinary customs duties, and the creation of rebate and drawback provisions or when submitting information pertaining to a review of the tariff structure of a particular product/sector or when comments are submitted by you related to any applications pertaining to the aforementioned instruments;
- 4.1.5. to assess your documentation when applying for trade remedy measures, which consists of anti-dumping, countervailing and safeguard instruments in accordance with policy, domestic law and regulations and consistent with WTO rules;
- 4.1.6. to conduct investigations in line with our legislative mandate of enforcing import and export control measures to create health, environment, security, safety and technical standards that arise from domestic laws and international agreements (e.g. tariff investigations, investigations into alleged dumping, etc.);
- 4.1.7. to assess your documentation when applying to change your current information;
- 4.1.8. to fulfil our services and legislative mandate towards you in terms of domestic law and international law, namely, the ITA Act, Tariff Amendment Regulations, Anti-Dumping Regulations, Countervailing Regulations, Safeguard Regulations, Import and Export Control Regulations, *Customs and Excise Act 91 of 1964*, the *Promotion of Administrative Justice Act 3 of 2000*, Multilateral Agreements (WTO): Bound Rates, Anti-Dumping Agreement, Countervailing Agreement, Safeguards Agreement, Regional

Agreements (SACU and SADC), Bilateral Agreements (EU, EFTA & MERCOSUR);

- 4.1.9. to compile reports and assessments on the activities of ITAC;
- 4.1.10. to maintain and administer our records;
- 4.1.11. to respond to any comments, complaints, enquiries or requests you may send us, and to send you important information about ITAC; and
- 4.1.12. for legal claims, compliance, regulatory and investigative purposes (for example, fraud investigations) 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 to fulfil our legislative mandate towards you in terms of domestic and international law or 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 in terms of the ITA Act and the SACU Agreement, for example, to provide you with a permit for the import or export of goods;
 - 5.1.3. to comply with a public law duty, for example, to adjudicate permit applications, to grant tariff support/relief and trade remedy measures to industries;
 - 5.1.4. to meet our legitimate interests, for example, to compile reports and assessments on the activities of ITAC to the Commission and to the Minister of Trade, Industry and Competition; and
 - 5.1.5. to protect your or another person's legitimate interests.
- 5.1. 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).
- 5.2. 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 ITAC 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;¹
 - 6.1.5. restrict the Processing of your Personal Information subject to certain conditions;
 - 6.1.6. on reasonable grounds, to 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 you 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@info regulator.org.za.
- 6.3. Please first allow us to resolve any complaint by using the contact 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 other rights above, please make a request in writing by following the procedure set out under ITAC's PAIA Manual, alternatively, contact our Deputy Information Officer/s 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

¹ In some instances, it may not be possible for ITAC to give effect to this right, as certain laws may require ITAC to store information for a defined period of time. As an example, ITAC is required to keep records of all permits issued, and this information cannot be destroyed.

or if the Personal Information we hold about you is inaccurate. Please be aware, you may need 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 subcontract vendor relationship management to companies;

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 the Auditor-General for auditing purposes; and

7.1.3. we may share your Personal Information with any third party where we believe we are compelled by applicable law or regulation, if we find it necessary to exercise, establish or defend our legal rights, to protect ITAC's 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 requirements as 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 ongoing 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. ITAC 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 to use, including cloud services hosted in international jurisdictions.

10.2. Additionally, we share information with SACU or the WTO in order to fulfil our trade objectives. These parties may Process your Personal Information outside the borders of the Republic of South Africa.

10.3. 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 in 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 Deputy Information Officer/s, at the address below.

Postal Address: International Trade Administration Commission of South Africa,
Private Bag X753, Pretoria.

Street Address: The dti Campus, Block E, First Floor, 77 Meintjies Street,
Sunnyside, Pretoria.

Telephone Number: 012 394 3590

Email: informationofficer@itac.org.za