



RTIA

Road Traffic Infringement Agency

Justice in Adjudication

PRIVACY - POLICY

Unit: Back Office and Records Management

VERSION: 0.2

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	Traffic Infringement Management		
	Privacy - Policy	Reference Number	BAC-TIM-POL005
		Custodian	Manager: Back Office and Records Management
		Revision / Amendment Number	0.2
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Prepared by:

Role / Position	Name	Signature	Date
Manager: Records and Documentation	Mr Hentie Joubert	 MR HENTIE JOUBERT	2023 / 08 / 03

Recommended by:

Role / Position	Name	Signature	Date
Chairperson of Compliance Committee	Adv. Mncedisi Bilikwana		2023 / 08 / 03

Approved by:

Role / Position	Name	Signature	Date
Registrar/CEO	Mr Matsemela Moloi		2023 / 08 / 03

	Traffic Infringement Management	
	Reference Number	BAC-TIM-POL005
	Custodian	Manager: Back Office and Records Management
	Revision / Amendment Number	0.2
	Effective Date	01 September 2023

TABLE OF CONTENT

1.	Glossary of Terms and Abbreviations	4
2.	Objectives / Purpose	4
3.	Background.....	4
4.	Scope	5
5.	Audience.....	5
6.	Enforcement.....	5
7.	Deviation.....	5
8.	Non-Compliance	6
9.	Compliance Requirements	6
10.	Policy Statements.....	6
11.	Related Documents	10
12.	Glossary of Terms and Abbreviations	10
13.	Policy Review.....	11

	Traffic Infringement Management	
	Reference Number	BAC-TIM-POL005
	Custodian	Manager: Back Office and Records Management
	Revision / Amendment Number	0.2
	Effective Date	01 September 2023

1. GLOSSARY OF TERMS AND ABBREVIATIONS

Term	Description
PoPIA	Protection of Personal Information Act
PAIA	Promotion of Access to Information Act
RTIA	Road Traffic Infringement Agency
NaTIS	National Traffic Information System
NCR	National Contravention Register
Data Subject	Any party to whom the personal information relates, as prescribed in POPIA
Personal Information	means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. Examples may include: • a person's name; • a person's address; • a person's photograph; • a video recording of a person; and • Infringements and other AARTO notifications, etc.

2. OBJECTIVES / PURPOSE

To explain how the Agency, obtain, use and disclose personal information, in accordance with the requirements of the Protection of Personal Information Act ("PoPIA").

This Policy applies to Personal Information collected by the Agency as and when it conducts its business. This includes information collected directly from a Data Subject, as well as information collected indirectly through our service providers who collect information on our behalf.

The Agency is committed to protecting the privacy of the Data Subject and also to ensure that personal information is collected and used properly, lawfully and transparently.

3. BACKGROUND

The RTIA is committed to employing employees with appropriate sets of professional, general and specialised competencies and to be recruited from the widest pool of talent, reflecting the South African society at large. Creating a fair and equal approach to recruitment and selection.

	Traffic Infringement Management	
	Reference Number	BAC-TIM-POL005
	Custodian	Manager: Back Office and Records Management
	Revision / Amendment Number	0.2
	Effective Date	01 September 2023

Privacy - Policy

The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) gives effect to Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

In addition, the Protection of Information Act, 2013 (Act No. 4 of 2013), protect the Constitutional right to privacy, by safeguarding personal information when processed for e.g. by the State, subject to justifiable limitations that are aimed at:

- balancing the right to privacy against other rights, particularly the right of access to information; and
- protecting important interests, including the free flow of information within the Republic and International Borders

Provisions outlined with the two pieces of legislation is obligatory and the RTIA may not derogate from them unless specific exclusions apply as outlined in PoPIA and PAJA.

4. SCOPE

The policy applies to RTIA data subjects and are applicable throughout the Agency and its employees, including consultants, service providers, stakeholders, and members of the Board. This policy also applied to the processing of personal information entered in a record by making use of automated or non-automated means by Service Providers and Third Parties.

5. AUDIENCE

The provisions of this policy must be observed by all Employees, Management, Executives and the Accounting Authority.

6. ENFORCEMENT

The enforcement of this policy resides with the policy owner, who is the Registrar (Information Officer), with the support of the Deputy Information Officers, EXCO and line managers. The policy will be enforced according to the mandatory communication, training and through a signed acknowledgment form from employees indicating receipt and understanding of the policy including the consistent regular monitoring of the policy. Enforcement ensures compliance to a policy. The Registrar may delegate or assign responsibility for execution against requirements as deemed most appropriate and optimal.

7. DEVIATION

Deviation to this policy may only be allowed under the following circumstances;

	Traffic Infringement Management	
	Reference Number	BAC-TIM-POL005
	Custodian	Manager: Back Office and Records Management
	Revision / Amendment Number	0.2
	Effective Date	01 September 2023

- a) where the laws or regulations applicable to the RTIA or AARTO Act and its Regulations dictate;
- b) where it would be in the best interest of the organisation and key stakeholders to deviate from the defined process as stated in this policy; and
- c) where operational requirements justify such deviation, and such to be approved by the Registrar through policy owner

8. NON-COMPLIANCE

Non-compliance to this policy shall have the following bearing:

- a) For internal staff, non-compliance to this policy document may result in disciplinary steps being taken in terms of the RTIA's Disciplinary Code and Procedure Policy; and
- b) However, for external stakeholders, non-compliance to this policy including content in Act/Regulations/SLA/MoU/SOP shall be dealt with by the Registrar/CEO as the policy owner.

9. COMPLIANCE REQUIREMENTS

The policy is informed by the following legislative framework that includes amongst others:

9.1 Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) (AARTO Act);

9.2 Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (PoPI Act); and

9.3 Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

10. POLICY STATEMENTS

The following guiding principles, practices and stipulations in line with the principles of administrative law and the AARTO Act must be adhered to when implementing this policy:

10.1 Process of Collecting Personal Information

10.1.1 The Agency collects Personal Information (per Annexure A) 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).

10.1.2 The Agency 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

	Traffic Infringement Management	
	Reference Number	BAC-TIM-POL005
	Custodian	Manager: Back Office and Records Management
	Revision / Amendment Number	0.2
	Effective Date	01 September 2023

Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.

10.1.3 The Agency often collects Personal Information directly from the Data Subject and/or in some cases, from Third Parties. Where the Agency obtains Personal Information from Third Parties, the Agency 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 Agency is permitted to do so in terms of clause 9.2.1 above.

10.2 Purpose of Processing Personal Information

10.2.1 The Agency 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 Agency Processes such Personal Information.

10.2.2 The Agency will use personal information only for the purposes for which it was collected and agreed with the data subject, where necessary the information collected may be retained legal and other stationary requirements.

10.2.3 Matters processed on the National Contravention Register will form part of the person's record created on the National Traffic Information System and will permanently be stored on this system.

10.2.4 The Agency will ensure that there is a legal basis for the Processing of any Personal Information. Further, the Agency 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).

10.2.5 The Agency will generally use Personal Information for purposes required to operate and manage its normal business operations and these purposes include one or more of the following non-exhaustive purposes –

- Data Subjects who has registered on www.aarto.gov.za , a personal profile will be created and we may use the data subjects email or cell phone number provided to forward OTP authentication requests in order to verify that it is the correct data subject accessing information;
- Serve AARTO infringement notices and other notifications to the email address provided (www.aarto.gov.za);
- Manage personal profiles created on www.aarto.gov.za;
- Supplier data base updating and maintenance;
- Employee and supplier banking details for payment of salaries, and invoices;

	Traffic Infringement Management		
	Privacy - Policy	Reference Number	BAC-TIM-POL005
		Custodian	Manager: Back Office and Records Management
		Revision / Amendment Number	0.2
		Effective Date	01 September 2023

- For external in internal audit purposes;
- In connection with legal proceedings; and
- For the detection and prevention of fraud and criminal activities.

10.3 Disclosure of Information

10.3.1 The RTIA will only disclose a data subject's personal information subject to our own Policies and Procedures and at all times complying to the requirements outlined in the Protection of Personal Information Act.

10.3.2 The RTIA daily operations with regard to general AARTO submissions by infringements and notifications to infringers will require the disclosing of personal information to the RTMC through data capturing onto the National Contravention Register. In addition, such personal data sharing will also be done with the South African Post Office for the purpose of serving AARTO notifications upon the alleged infringer.

10.3.3 The RTIA may also disclose personal information:

- Where the Agency has a duty or a right to disclose it in terms of law;
- Where the Agency believes it necessary to protect our rights;
- To payees; and
- Emergency providers (fire, police, medical emergency services) etc.

10.4 Information Security

10.4.1 The RTIA is legally obliged to provide adequate protection for personal information we hold and to stop unauthorised access and use of personal information of data subjects.

10.4.2 The RTIA will on an on-going basis, continue to review our security controls and related processes to ensure that the personal information of our data subjects remains secure.

Our procedures will cover:

- Physical Security (Controlled access and movement of employees and visitors within our premises);
- Computer and network security;
- National Traffic Information System (NaTIS) & National Contravention Access (NCR) controlled and monitored access;

	Traffic Infringement Management		
	Privacy - Policy	Reference Number	BAC-TIM-POL005
		Custodian	Manager: Back Office and Records Management
		Revision / Amendment Number	0.2
		Effective Date	01 September 2023

- Retention and disposal of information;
- Acceptable usage of personal information;
- Governance and regulatory issues; and
- Investigating and reacting to security breaches

10.4.3 When the RTIA will contract with third parties, we will impose appropriate security, privacy and confidentiality obligations on them to ensure that personal information that the Agency remain responsible for, is kept secure.

10.4.4 The RTIA will ensure that when we pass personal information that such recipient of the information treats such information with the same level of protection as that the RTIA is obliged to.

10.5 Disclosure of Information

10.5.1 Rights of Data Subjects – the Agency will ensure that it makes data subjects aware of their rights as appropriated and specifically with regards to the following:

10.5.1.1 The right to access personal information – data subjects have the right to establish whether the Agency holds personal information related to them, including the right to request access to that personal information.

10.5.1.2 The right to have personal information corrected or deleted - data subjects also have the right to ask the Agency to update, correct or delete their personal information on reasonable grounds.

10.5.1.3 The right to object to the processing of personal information - Data subjects have the right on reasonable grounds, to object to the processing of their personal information.

The Agency will consider such requests and the requirements of POPIA and may cease to process such personal information and may, subject to statutory and contractual record keeping requirements, also destroy the personal information.

10.5.1.4 The right to object to direct marketing - data subjects have the right to object to their personal information being used for the purposes of direct marketing by means of unsolicited electronic communications.

10.5.1.5 The right to complain to the Information Regulator - data subjects have the right to submit a complaint to the Information Regulator regarding infringements of any of

	Traffic Infringement Management	
	Reference Number	BAC-TIM-POL005
	Custodian	Manager: Back Office and Records Management
	Revision / Amendment Number	0.2
	Effective Date	01 September 2023

their rights protected under PoPI and to institute civil proceedings against alleged non-compliance with the protection of their personal information.

10.5.1.6 The right to be informed - data subjects have the right to be informed that their personal information is being collected by the Agency and should also be notified in any situation where the Agency reasonably believe that the personal information of data subjects has been accessed by unauthorised person/s.

10.6 Correction of Personal Information Records

10.6.1 The data subject has the right to request the Agency to update, correct or delete personal information held. A copy of your acceptable identification (as per the definition of Personal Information in this policy) must accompany your application.

10.6.2 The RTIA is not in a position to update personal records held on the National Traffic Information System and its various modules, and such requests must be directed to them in accordance with the provisions outlined in the National Road Traffic Act and its Regulations.

11. RELATED DOCUMENTS

Any related documents that may provide a better understanding of the purpose or context of the policy, and should be linked to this document in this section. This might be in terms of the background to the policy, other relevant RTIA Governance documentation or components.

Document Name	Description	Location Reference
AARTO Act	Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) (AARTO Act)	Policies & Procedures Drive and RTIA Intranet
PAIA	Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)	Policies & Procedures Drive and RTIA Intranet
PoPIA	Protection of Personal Information Act, 2013 (Act No. 4 of 2019)	Policies & Procedures Drive and RTIA Intranet

12. GLOSSARY OF TERMS AND ABBREVIATIONS

	Traffic Infringement Management	
	Reference Number	BAC-TIM-POL005
	Custodian	Manager: Back Office and Records Management
	Revision / Amendment Number	0.2
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13. POLICY REVIEW

The policy shall be reviewed when there is material changes required to be made to the existing policy either as a result of internal requirements or changes in external laws and regulations.