

# Data Privacy Policy

7<sup>th</sup> HEAVEN CHILDREN'S HAVEN NPC – Non Profit Company No.

2009/018911/08

July 2021

## About 7<sup>TH</sup> HEAVEN

7th Heaven Children's Haven in Jeffreys Bay was founded by Nelly Senong in 2002 to provide a loving Christian home to children taken into care due to being orphaned, or through severe neglect or abuse or abandonment. Our mission is to give these children back their dignity and sense of self worth, to help them grow to be valued members of society. The Haven is a safe house and assists the police with lost children or children at risk with short term care.

7the Heaven Children's Haven is a registered non-profit company as defined in the Companies Act, 2008 (hereafter referred to as "the Haven"), with a Board of Directors ensuring good governance, transparency and credibility.

## Scope of the Privacy Policy

The Haven takes your privacy very seriously and this Data Privacy Policy has been adopted as it recognizes the right of people to keep their personal information private. By providing Personal Data, including use of our website and our social media platforms, you agree to allow us to contact or interact with you, including by mail, email, telephone or SMS text message, in connection with our purposes:

1. To ensure legal compliance with any of our services;
  2. For our legitimate interests, in accordance with current data protection regulations; or
- On the basis of the consents, you have given.

### **Purpose**

The Haven collects and holds personal information about you or your child (that is, information relating to an individual or which can be used to identify an individual), that is reasonably necessary for or related to our activities and the services we provide. The purposes for which your personal information is collected will usually be obvious at the time it is collected. He Haven collects personal information of parents and guardians, children, employees and stakeholders for the primary purposes of providing childhood education, social,

training and care services and advocating for the well-being, protection and development of children. The Haven will only use your personal information for the purpose it was collected or a reasonably expected or related secondary purpose.

### **Compliance to the Non-Profit Act of 1997**

The Act establishes a regulatory framework within which NPOs can conduct their affairs and encourage NPOs to maintain adequate standards of governance, transparency, and public accountability, (Section 2). The Act provides that the public is entitled to access all documents submitted by an NPO to the Directorate, thus giving effect to one of the key objectives of the Act, namely public accountability and transparency (Section 25).

## **Kinds of Information Collected**

This Data Privacy Policy applies to the Haven's operations in the provision of any or all of its services. It also applies to its website ([www.7thheavenchildrenshaven.co.za](http://www.7thheavenchildrenshaven.co.za)) and its social media platforms. This Data Privacy Policy also applies to information you voluntarily provide to us offline related to donations or sponsorships.

Our Data Privacy Policy describes how we collect, use and share and protect information you provide to us. If you do not agree with the terms of our Data Privacy Policy, we encourage you to stop using or visiting the website or social media platforms.

We collect non-personally identifiable information and personally identifiable information. Non-personally identifiable information includes information that cannot be used to personally identify you, such the type of browser you are using (e.g. Internet Explorer or Firefox), the type of operating system you are using (e.g., Windows XP or Mac OS), the domain name of your internet service provider (e.g., MWEB or Vodacom), your Internet Protocol (IP) address, your geographic location; aggregate data about the number of visits to this Site and/or aggregate data about the pages visited.

We also collect personal information when children are placed with the Haven. We are conscious that the information is treated as 'special personal information under the POPIA, and our systems have been designed to treat data in the appropriate manner.

You may provide personally identifiable information to us for various purposes, including making a donation or sponsorship to us, signing up to volunteer or registering to receive periodic updates (e.g., mailings related to specific fundraising appeals, newsletters and emails, etc.). The kinds of personal and entity identifiable information that the Haven collects and hold may include:

- Contact information

- Name & Surname
- Organization
- Phone number
- Fax number
- Physical address
- Email address
- ID #
- Payment information
- Bank details
- Tax details
- Credit/debit card information
- Financial institution information
- Security access details

Any other information you voluntarily provide to us, including information regarding your personal or professional, experiences as a volunteer/donor and contact preferences and customer reviews.

### **Sensitive/Special Category Personal Information**

Additional specific information the Haven collects and holds about children (treated as special personal information in terms of the Act) may include their: name, former name, next-of-kin, gender, address, DBE and DSS Reference Number, immunization status, date and place of birth, birth certificate, health care status and information (as shared with service providers), psychiatric reports (as shared with service providers), custody arrangements or parenting orders, dietary requirements, languages spoken, doctor's details, medical conditions, additional needs, religious affiliation (as permitted by the family or guardian), photographs and videos of children, samples of children's work and general information about the child and family that assists us in providing individualized learning and care to children.

### **Why we collect and use this information**

We collect and use information about young people and families who receive a service from us to ensure we carry out specific functions for which we are responsible to enable us to:

- provide appropriate support and care to young people and families
- collate statistics which inform decisions such as funding/provision of services, admissions/exclusions to/from schooling and training departments
- assess performance and set targets to maintain schooling and training departments
- audit how well our services are meeting the needs of young people and families
- assess level of financial support required
- promote welfare, safeguarding, health and wellbeing for young people
- assess how well Haven services are performing
- assess/improve finance and individual service planning

- ethnicity, gender and disability monitoring

### **The lawful basis on which we use this information**

We must have lawful justification for using the information and we rely on the following:

- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller,
- processing is necessary for compliance with a legal obligation to which the controller is subject, or
- where that is not the case, or where this forms part of our legitimate interest, we will ask you for your consent to process your personal information.

### **Method of Collection**

Personal information will generally be collected from you directly through the use of our standard registration or employment forms, over the internet via our website, via email or written communication with you, or through a telephone conversation with you. Photos and videos of children and children's work samples are collected at the Haven. Name, address and phone numbers of children's additional emergency contact people are collected from children's parents or guardians.

There may be on occasion be instances where personal information about you will be collected indirectly because it is unreasonable or impractical to collect the personal information from you directly. We will usually notify you about these instances in advance, or where that is not possible, as soon as reasonably practicable after the information has been collected.

### **Failure to Provide Information**

If you do not wish for your personal information to be collected you should discuss this with a LIV Village employee. LIV Village employees will act strictly in accordance with this policy and will be happy to discuss the reasons for seeking to collect your personal information. They will also discuss with you any consequences of not providing your personal information, or providing incomplete or inaccurate personal information, which may include an effect on what services LIV Village can provide to you.

## **Use of Personal Information**

The Haven uses your information to operate, maintain and provide to you the features and functionality of the operations, including for the purposes for which you provided it and to process and respond to your inquiries, to complete a transaction, to contact you, to update you about Haven news and special events,

to administer services and as otherwise stated in our Privacy Policy as permitted or required by law.

The Haven does not sell, rent, lease or otherwise share your name, phone number, physical address or email address with third parties except as otherwise provided in our Data Privacy Policy.

Please be aware that, to the extent required to provide our services, we share your Information with volunteers, nonprofit organizations, or our Partners, as applicable:

**a) For Donors and Sponsors:**

The Haven processes donations through the following payment platforms: Forgood, PayPal, Payfast, GivenGain, Bank Accounts and Debit Orders.

**b) For Newsletter Subscribers:**

We may use our email lists for sending out our newsletter and other Haven outbound communications, such as service enhancements, upgrades, or news.

**c) For Nonprofit Organizations:**

If you submit Information to us as a nonprofit organization, then, subject to the terms and conditions, your Information (including your NPO number) will be accessible by anyone who accesses the Haven database. In addition, we may share your Information, including your NPO number, with selected Partners in order to verify your organization's identity etc..

## Direct Marketing

If the Haven has collected your information directly from you and we believe you reasonably expect us to, we will use or disclose your personal information to communicate directly with you to promote our services. The Haven will provide you with a way to easily *opt-out* of receiving direct marketing messages, and will stop sending direct marketing communications if you ask us to.

### ***Donor Privacy Policy***

As recommended, the Haven adopts a data privacy policy as an organization that gathers personal information including names, addresses, and credit card information from donors and attendees at special events.

The Haven follows two types of policy protection exchanges: explicit or opt-out.

- Explicit policy: we will not sell or share your personal information without your permission. This gives you the option to agree or decline when a request to share your information is made.
- Opt-out policy: informs our supporters and stakeholders that we *may* use their information unless you specifically ask us not to do that.

### ***Donor and Sponsor Privacy Policy***

Our Donor Policy:

*Our Commitment to Our Donors and Sponsors*

*We will not sell, share or trade our donors' and sponsors' names or personal information with any other entity, nor send mailings to our donors and sponsors on behalf of other organizations.*

*This policy applies to all information received by the Haven, both online and offline, on any Platform ('Platform', includes the website, and social media applications), as well as any electronic, written, or oral communications.*

*To the extent any donations are processed through a third-party service provider, our donors' and sponsors' information will only be used for purposes necessary to process the donation.*

### **Opting-Out / Unsubscribe**

At any time, you may opt out of receiving commercial electronic messages from us.

If you would like to opt out of Haven communications, please follow the opt out instructions in those emails. You can also opt out from receiving communications by emailing [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za) with "unsubscribe" in the subject line.

### **Job Candidates / Volunteers**

If you apply for an open position with the Haven we will collect and hold personal information about you relevant to your application for employment, including your name and contact details, curriculum vitae or resume, employment history, academic records, working with children and police checks, and comments made to the Haven or its agents about you by your referees. We will retain CVs as per our data retention policy, or where we deem applicants, experience would suit future positions.

We will use reasonable endeavours to keep such information confidential and if you do not commence employment with the Haven, we will destroy such records when no longer required in relation to your application. We reserve the right however to retain for our records any file notes or observations we make in interviews with you or your referees with respect to your qualifications and suitability for a role.

## **Sensitive Information**

In some circumstances the Haven may seek to collect personal information that is sensitive. This may include information such as a child or your child's racial or ethnic origin or any cultural or religious requirements. We are also required by Social Services, DBE (Directorate of Basic Education) Regulations etc. to collect and hold details of your child's medical conditions, immunization history and

additional needs. We collect this information as it is reasonably necessary for ensuring the well-being, protection and development of children in our care.

*For example, staff may wish to develop an educational program that includes reference to a child's race, gender or geographical region.*

The Haven will only collect your sensitive information with your consent and will ensure that it is stored securely. If you do not wish for your sensitive information to be collected by the Haven, you should discuss this with a Haven employee.

Haven employees will act strictly in accordance with this policy and will be happy to discuss the reasons for seeking to collect your sensitive information. They will also discuss with you any consequences of not providing your sensitive information which may include an effect on the services the Haven can provide to you.

## **Information Storage and Security**

Personal information collected by the Haven will be stored securely in paper form or electronically by the Haven. Your information will be held securely and will be held in accordance with government guidance.

The Haven may store, process or back-up your personal information on computer servers that are located overseas, including through third party service providers who assist us in operating our business. Only authorized employees and third party service providers will have access to your information and this access will be structured in such a way as to ensure the use and disclosure as stated above. We will take reasonable steps to protect any personal information that we hold from unauthorized access, modification, misuse, loss and disclosure.

### **How Do We Secure Information Transmissions?**

E-mail that you may send to us may not be secure unless we advise you that security measures will be in place prior to your transmitting the information. For that reason, we ask that you do not send confidential information such as ID numbers, medical information, credit card, or account numbers to us through an unsecured e-mail.

### **How Do We Protect Your Information?**

Our organization values, ethical standards, policies and practices are committed to the protection of user information. In general, our business practices limit employee access to confidential information, and limit the use and disclosure of such information to authorized persons, processes and transactions.

The Haven utilizes PayPal, Payfast, GivenGain, Bank Accounts and Debit Orders to process and maintain all financial transactions. No Internet or email transmission is ever fully secure or error free. Email sent to or from this Site may not be secure. You should use caution whenever submitting information online and take special care in deciding what information you send to us via email.



### **Financial Records and Card Details**

All credit/debit card donations made online or by phone, are made securely through third party service providers and payment gateways. Unredacted card details are not recorded and stored on our systems.

We do not store unredacted financial details (credit or debit card numbers) obtained through online transactions nor do we pass any information to third parties, except where we are legally required to do so, to assist fraud reduction, or to provide a service requested and minimize credit risks.

### **Marketing Communications**

The **POPI Act** gives you the right:

- to choose whether or not to receive marketing communication from us by email, text or telephone;
- to know about the cookies our website uses, so that you can decide whether to give permission to store a cookie on your device. You can change the way you are contacted, or the kind of material sent to you, at any time by contacting us by mail or email using the contact details below.

### **Your Ability to Opt-out of Newsletters & Communications**

Subscriptions to Haven newsletters are optional and the Haven allows subscribers, volunteers, sponsors or other users to unsubscribe from newsletters at any time. In each newsletter we provide instructions regarding how to opt-out from receiving future newsletter mailings.

To **remove** your name from the Haven's postal mailing list, please email us at [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za) and provide your full name and mailing address.

To **review** or correct your personal information, please email us at [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za) and provide your full name and mailing address.

## **Disclosure**

The Haven will only disclose your personal information for the purpose it was collected or a reasonably expected or related secondary purpose. We may disclose personal information about you or your/a child to:

- third party service providers, who assist us in operating our business (including medical professionals etc.). We will take reasonable steps to ensure these service providers do not breach the POPIA Principles. These providers may be based overseas or use overseas infrastructure to perform services for us;
- child protection agencies or family support agencies when we reasonably believe that a child is at risk of significant harm. The Haven



will not otherwise disclose personal information to a third party for any other purpose without your consent unless it is authorized or required by law.

### **Who we share this information with?**

We routinely share information with:

- the Department of Basic Education (DBE) on a statutory basis under the Education Regulations
- Public agencies such as the Dept of Health (for example, GPs) and health organisations, Department of Social Services etc.
- Commissioned services (health and specialist services)
- Education providers (for example, academies and schools)

### **Why we share this information**

We share data that we have gathered in line with our duties to:

- comply with a public task or legal obligation
- use for the prevention or detection of a crime
- allow a partner organisation to act on behalf of the Haven
- safeguard individuals

### **Third-party Access and Use:**

- Occasionally, we or our Partners hire third-party service providers to help provide or improve the services we offer you (for example, payment processing, medical services). Sometimes it is necessary for these providers to have access to the Information we collect about you, that they need to perform their functions and in accordance with our agreements with them. In those cases, we take reasonable steps to ensure that these providers do not use or otherwise disclose any Information we collect about you except for the purpose of fulfilling their service obligations to us and our Partners.
- **Other disclosures.** We may disclose information about you to third parties to comply with law, in response to subpoenas, warrants, or court orders, or in connection with any legal process or to cooperate with government or law enforcement officials or private parties to the extent permitted or required by law; to protect our rights, reputation, safety and property, or that of our users or others; to protect against potential liability; to establish or exercise our rights to defend against legal claims; or to investigate, prevent or take action regarding suspected illegal activities, suspected fraud, the rights, reputation, safety or property of us, users or others, violation of our policies or agreements or as otherwise permitted or required by law.
- **Aggregated information.** We may share aggregated information relating to visitors to and users of services or our website with affiliated or unaffiliated third parties.

# Access and Correction

You may request access to your personal information. Ordinarily the Haven will require you to make a request for access in writing directed to the Haven Information Officer via email to [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za). The Haven employees other than the Information Officer are not generally able to provide you with access.

If at any time you believe that the Haven's record of your personal information is incorrect, please let us know. We will take reasonable steps to correct the information so that it is accurate, complete and up to date.

In some circumstances which are prescribed by the POPI Act, such as where to do so might put a person at risk of harm or have an unreasonable impact on the privacy of others, the Haven may decline access to personal information. If your request for access is denied, the Haven will tell you why.

# Internet and Social Media

If you access our website, or any of our social media platforms, we may collect additional personal information about you in the form of your IP address or domain name. Our website may contain links to other websites. We are not responsible for the privacy practices of linked websites and any linked websites are not subject to our privacy policies and procedures.

## **Children's Privacy:**

We collect personal information of children under the age of 18 in executing the services as contracted by government departments and parents or guardians of children. This information is treated as 'special personal information' as specified by the POPI Act.

We do not otherwise knowingly collect personal information from children under age 18. If you are under age 18, please do not submit any personal information through the website. If you have reason to believe that we may have accidentally received personal information from a child under age 18, please contact us immediately at [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za).

## **Cookies: web beacons and other technologies; do not track**

We, along with third parties described below, may use persistent and session cookies, Web beacons and other technologies. These technologies are used for analytics, tracking, Site personalization and optimization and to personalize our and third party interactions with you.

**Cookies.** Cookies are small bits of information that are transferred to and stored in separate files within your computer's browser. You can instruct your browser

to stop accepting cookies. But if you do not accept cookies, you may not be able to use all portions or all functionality of this Site.

Persistent cookies remain on the visitor's computer after the browser has been closed.

Session cookies exist only during a visitor's online session and disappear from the visitor's computer when they close the browser software.

**Web beacons.** Web beacons are small strings of code that provide a method for delivering a graphic image on a Web page or in an email message for the purpose of transferring data. You can disable the ability of Web beacons to capture information by blocking cookies.

Third parties may collect personally identifiable information about an individual user's online activities over time and across different websites when a user uses this Site.

**Do not track.** At this time, we do not respond to "Do Not Track" signals sent from Web browsers. Below are links to resources for opting out of different types of online tracking:

For the Google Analytics Opt-out Browser Add-on: <https://tools.google.com/dlpage/gaoptout/>.

Also

see: <http://www.google.com/policies/privacy/> and <http://www.google.com/analytics/terms/us.html>.

### **Links to other sites**

Our Privacy Policy applies solely to the Haven and its website. The website contains links to other sites. The links from the website do not imply that we endorse or have reviewed these sites. Please be aware that the Haven is not responsible for the privacy practices of such other sites. We encourage you to be aware when you leave the website and to read the privacy statements of each site that collects information.

### **Photo policy**

Residents, or in the case of minor children, legal guardians, families, volunteers and staff (collectively "Haven users"), consent to the taking and using any images, video, sound, name, and/or verbal statements ("Likeness") taken at any Haven event or any event sponsored by the Haven. The Haven users further grant the Haven permission to use and re-use their Likeness, including any images, video, or audio in which the Haven users may be included intact or in part, or in which the Haven users' voice may be heard, in connection with advertising and promoting the Haven and its services, including but not limited to use on the Haven's website, on any and all social media, including, but not limited to Facebook, YouTube, and LinkedIn, and in broadcasting media. Haven users also authorize the Haven to use their names in association with any and all such use of their Likeness.

Notwithstanding the foregoing, to ensure the privacy of individuals and children, images will not be identified using full names or personal identifying information without written approval from the photographed subject, parent, or legal guardian.

Haven users who do not wish to have their Likeness used as described above should make their wishes known to the photographer, and/or the event organizers, and/or contact the Haven at [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za), in writing of his/her intentions and include a photograph of his or herself. The Haven will use the photo only for identification purposes and will hold it in confidence.

Any Haven user that fails to notify the Haven in writing of his or her desire not to have his or her Likeness used by the Haven, agrees to release, defend, hold harmless and indemnify the Haven from any and all claims involving the use of his or her Likeness.

Any person or organization not affiliated with the Haven may not use, copy, alter or modify Haven photographs, graphics, videography or other, similar reproductions or recordings without the advance written permission of an authorized designee from the Haven.

## Cybersecurity

The Haven warrants that it has policies and procedures reasonably designed to detect, prevent and respond to cyberattacks, including providing training to its employees with respect to cybersecurity and monitoring compliance with its cybersecurity policies and procedures. Further, the Haven agrees that it will promptly notify the Regulator of any cybersecurity breach where this has been detected.

## Bring your own device (BYOD)

For purposes of this Policy, a BYOD is any electronic device or peripheral used for storing, accessing, or transmitting electronic data and includes, but is not limited to: data such as email on personal devices, flash drives, external hard drives, and other electronic storage devices; cell phones; smartphones; tablets; smart watches. Connection of any of these devices to the company's Wi-Fi or intranet will require compliance with the Policy.

### **Changes to Data Privacy Policy**

We may update or modify our Data Privacy Policy at any time and from time to time without prior notice. When we do so, we will notify you of the changes by posting an updated version of the policy on our website. Please review our Data

Privacy Policy periodically, and especially before you provide any information. Our Data Privacy Policy was made effective on the date indicated above.

### **Questions about our Data Privacy Policy**

If you have any questions about our Data Privacy Policy, the practices of the website or your interactions with our organisation, please contact our Information Officer at [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za).

# **Annexure A**

## **Access to information act**

Compiled in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000 (PAIA)

Responsible senior managers company:

Bradley Jones (Information Officer) to deal with requests.

### **Postal address:**

PO Box 3410, Jeffreys Bay, 6330

### **Street address:**

23 Koraal Street, Jeffreys Bay, Eastern Cape, 6330

### **Telephone number:**

042 2920463

### **Fax number:**

N/A

E-mail address of authorised body: [info@7thheavenchildrenshaven.co.za](mailto:info@7thheavenchildrenshaven.co.za)

Website: <http://www.7thheavenchildrenshaven.co.za>

Latest notice in terms of Section 52(2) regarding records that are automatically available (Section 51(1)(c))

Descriptions of categories of records have not been submitted to the Minister in terms of Section 52(1) and therefore no notice has been published in the Government Gazette.

Records held in terms of other applicable legislation (Section 51(1)(d)).

### **Tax laws**

The Income Tax Act provides two major benefits to non-profit organisations operating for the public benefit, namely: partial tax exemption for organisations that qualify as PBOs, and donor deductibility for contributions to those PBOs that carry out certain specified public benefit activities (“Public Benefit Organisations with Donor-Deductible Status”). PBOs may also access benefits related to

donations tax, estate duty, transfer duty, and the skills development levy. Finally, certain organisations are eligible for Value Added Tax preferences.

**Records of the company which are available in accordance with legislation other than the PAIA are:**

- Constitution of the Republic of South Africa, Act 108 of 1997 (as amended)
- Companies Act of 2008 and Companies Amendment Act of 2011
- Non-Profit Organisations Act 71 of 1997 (as amended) (“NPO Act”)
- Trust Property Control Act 57 of 1988 (“TPCA”)
- Income Tax Act 58 of 1962 (as amended)
- Value Added Tax Act 89 of 1991 (“VAT Act”)
- Financial Intelligence Centre Act 38 of 2001 (“FICA”) and Financial Intelligence Centre Amendment Act, 2017 (Act 1 of 2017)

**Other Materials**

- Tax Exemption Guide for Public Benefit Organisations in South Africa

**Records held as a matter of standard practice (Section 51(1)(e))**

- In addition to information available in terms of the above statutes, the company has such information as is required for the daily running of its business, including internal telephone and address lists, company policies, minutes of meetings, correspondence, directives, contracts, employee’s records, requisitions, applications, memoranda, project evaluations, approvals, consents and general administrative information.

**Requests for access to records (Chapter 3 of the PAIA)**

- Requests for access to records of this company must be made in the prescribed manner, i.e., must correspond substantially with Form C of Annexure B to Regulations R187 of 15 February 2002 published in the Government Gazette number 23119.

**Fees**

- The IO (Information Officer) of the company will notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request. A personal requester does not pay such a fee.

