

Privacy notice for employees, contractors, and employment applicants

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Reason for update: Address changed.

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Document owners: CPO, Head: Risk & Compliance

Who and where we are

Milpark Education (Pty) Ltd (“we”, “our”, “us”) is a private company in the Republic of South Africa. We are registered with the South African Department of Higher Education and Training (DHET) as a Private Higher Education Institution (No 2007/HE07/003). Milpark Education’s qualifications are listed on the National Qualifications Framework by SAQA. Milpark is also accredited by a number of SETAs to offer tuition towards a variety of TVET learning programmes. For more information, view our website at www.milpark.ac.za or our PAIA Manual available on our website.

Our contact details:

Street Address: 3rd Floor, Deneb House, 368 Main Road, Observatory, Cape Town, 7925

Tel: +27 086 999 0001

Email for HR queries: hr@milpark.ac.za

Email for privacy queries: privacy@milpark.ac.za

Where we stand on privacy

Milpark Education is committed to effective Privacy Management. In July 2020, Milpark Education Executives adopted the following Privacy Vision and Objectives:

- Milpark Education appreciates the importance of the human right to privacy in the Information Age, and we recognise our ethical and legal duties to protect the personal information we process. Every employee has a role to play and is guided by our organisational values, policies and training. Together, we ensure that:
 - we limit the personal information we collect to the minimum required for the purpose,
 - only our trained, authorised employees access personal information,
 - personal information is only shared with third parties as allowed for by law,
 - the security and confidentiality of personal information is protected through up-to-date security safeguards, and
 - stakeholders are informed and involved as is reasonable and fair.
- Our objectives are to:

- comply with the law,
- align with best practices,
- position Milpark as a trustworthy custodian of personal information, and therefore, together with our commitment to quality education, as a preferred service provider to students and corporate clients.

What this document covers

This is a Privacy Notice related to the use of personal information supplied by employment applicants, contractors, employees of Milpark Education. Other privacy notices are available as follows:

- **Student applicants, students and alumni:** Please refer to the Student Privacy Notice, available in the application and registration processes and on the student portal.
- **Website Privacy Notice:** Please refer to our websites.
- **Additional Privacy Notices:** Milpark Education may make additional Privacy Notices available wherever personal information is collected.
- Information on the processing of personal information and records held by Milpark Education are also available in our PAIA Manual, which is available on the Milpark website.

Definitions

“Personal information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d) the biometric information of the person;
- e) the personal opinions, views or preferences of the person;
- f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the person; and
- h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

“POPIA” Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (hereinafter referred to as “the POPIA”).

“**We / us**” means Milpark Education as the Responsible Party in terms of the POPIA.

“**You / your**” means the following data subjects: employees, contractors, and employment applicants.

Collection of personal information

Milpark Education collects personal information:

- directly from applicants when they submit an application to us directly or via a third party.
- directly from contractors when they submit their information to us.
- directly from employees when they submit their information to us.
- from third-party verification agencies when background checks or documentation verification are done (these will only be done with your knowledge).
- from references provided by you.
- from service providers or digital tools when using Milpark managed software, systems and services; Internet activity, through firewall reports; location information, through VPN tools and physical access controls, as well as CCTV cameras; activity in terms of system logs, location data from endpoint protection software and Microsoft 365 services, phone and video call information, including recordings from telephony providers.

We process the following categories of records for applicants, employees, contractors and former employees:

- Records provided by applicants and employees
- Statutory employee records pertaining to individual employees
- Information provided by verification agencies
- Records of disciplinary and grievance processes
- Records of appointment, promotions, terminations, performance appraisals, employee records, beneficiary forms, health records, time and attendance records, leave records, training records, applications for special arrangements, CCMA and court cases, proceedings and reports, notes and formal reports (with written consent of employee) regarding psychological counselling services to employees, notes and formal reports regarding conflict management services to employees and departments, identifying photos per occasion
- **Special personal information:** Health and disability information as needed; race as required for BBBEE purposes
- **For independent contractors:** Records provided by the independent contractors, advisors, or service providers; certificates, claim forms, letters of appointment, company information; identifying information, contact information, payment information.

We collect and keep information as required by:

- Basic Conditions of Employment Act, 1997

- Compensation for Occupational Injuries and Diseases Act, 1993
- Employment Equity Act, 1998
- Higher Education Act, 1997
- Income Tax Act, 1967
- Skills Development Act, 1998
- Unemployment Insurance Act, 2001
- Any other applicable law or regulation.

Most of the information requested is mandatory and if it is not provided, we may not be able to process your application, appointment, payments or conclude other necessary processes. Where disclosure is voluntary, we will inform you.

Purposes for processing

We process your personal information for the following purposes:

- Regulatory compliance
- Recruitment and selection
- Employee management
- Facilitation of communication with wellness service providers
- Contract management
- Performance management
- Processing Milpark-funded staff study applications
- Processing staff loan applications and other special requests
- Conducting internal disciplinary hearings
- Payroll submissions to facilitate salary payments
- Deductions and reimbursements
- Internal reporting
- BBBEE assessments
- Concluding employee exit processes
- Following termination of employment process
- Asset management
- Information security management
- Physical security management
- Investigating technical errors or other issues with our websites
- Applications and services
- Security purposes
- Audit purposes.

We may share your information with:

- Any third parties as required or allowed for by law, including but not limited to the Department of Labour and the South African Revenue Services.
- Third parties as requested, consented to, or agreed to in a contract with you.

- Third parties such as service providers, partners, auditors and consultants who process personal information in conjunction with or on behalf of Milpark Education, subject to agreements that protect the privacy rights of data subjects as applicable.
- In the event of any reorganisation, merger, or acquisition of Milpark Education, your personal information may be transferred, as part of the transaction, to the acquirer who will be bound to processing your personal information in accordance with this (or any updated version of this) Privacy Notice, unless otherwise agreed to by you
- Your information may be shared with the Council of Higher Education and the SETAs for audit and compliance purposes.
- Should another person or entity seek a reference from us or confirmation of employment, we will require written confirmation from you regarding the third party, and the information that we are allowed to share.
- We may make use of service providers, who process information on our behalf, who are located in other countries, and endeavour to ensure that adequate protections are in place as required by the POPIA.
- We may share terms and conditions of your employment, job description and/or your performance contract with the CCMA in order to comply with lawful procedures and requests, disclosure requests or where otherwise required by applicable legislation, or authorised by a Commissioner of the CCMA.
- Other parties as required or provided for in law.

Additional information for job applicants

- If your application is not successful, but we think you might be a good fit for another position at Milpark, we will keep your CV on record in case an opportunity arises to which your skills and experience would be suited. If you would prefer that we don't keep your CV in this manner, please feel free to contact us at HR@milpark.ac.za to request that we destroy the record.
- Job applications may be made via third parties. Milpark Education does not exercise any control over the processing activities of these third parties, and applicants are encouraged to read the third-party privacy notice and terms. By submitting an application to Milpark Education via a third party, you consent to that party processing your personal information according to their own terms and privacy policy, and you also consent to Milpark Education receiving your application information from that third party.

Your duties, responsibilities and rights

- The information you provide must be accurate, complete and not misleading. Please let us know if your information changes.
- You have the right to:
 - request access to your information and to request that we rectify it.
 - object to the processing of your personal information, if processing is on the grounds of legitimate interest.

Important: These and other rights, with instructions on how to exercise them, as well as contact information for the Information Officer are available in our PAIA Manual, available on the Milpark Education website.

Further notices

Milpark Education reserves the right to update this privacy notice, as well as further privacy notices, at any time.