



## POPIA AND WEBSITE POLICY

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POLICY OWNER	EXECUTIVE MANAGER: CORPORATE SERVICES
RESPONSIBLE PERSON	CHIEF INFORMATION OFFICER
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## **1. INTRODUCTION**

- 1.1. The purpose of this policy is to govern the corporate control and management of personal information as well as website of AgriSETA and comply with lawful processing of personal information in compliance with POPIA. The aim of the policy is to ensure that staff, students, suppliers, and contractors of AgriSETA adhere to the web guidelines and standards to support AgriSETA's Web metrics ranking and organisational compliance with POPIA, its positioning as a state-owned entity (SOE; SETA) which creates and promotes opportunities for social, economic and employment growth for Agri enterprises in South Africa including lawful processing and protection of personal information
- 1.2. AgriSETA respects the privacy of everyone who visits their corporate website. This policy guides stakeholders on how AgriSETA use any Personal Information that users provide during their visit to the corporate website including information submitted by private and public companies for purposes of grant applications. AgriSETA is committed to protecting user privacy and to ensure that user Personal Information is collected and used properly, lawfully, openly and in compliance with POPIA Act.

## **2. OBJECTIVES**

- 2.1. AgriSETA POPIA and Website Policy aims to:
  - a) Protect, promote, and enhance AgriSETA's brand and image.
  - b) Enhance the customer experience and satisfy the enquiries of those visitors and users of the AgriSETA website, by offering engaging content, focused upon end user need.
  - c) Provide a framework to assist in the delivery of consistent, appropriate, professional, and effective website communication for a range of our users.
  - d) Ensure AgriSETA's Web Content Accessibility Guidelines are achieved, and quality and best practice are maintained.
  - e) Reduce complexity and duplication of website content through website management and maintenance efforts.
- 2.2. This policy informs the AgriSETA Corporate Website Management Procedures and associated AgriSETA Website Management Guidelines and should be implemented in conjunction with the related ICT policies.

2.3. The POPIA relies on several principles that determine the rights and duties under the Act. These include:

- 2.3.1 Accountability means taking responsibility for the processing.
- 2.3.2 Processing limitations mean that you need a legal basis to process data and should process only the minimum amount of data.
- 2.3.3 Purpose Specification, meaning that you must know why you process data and that you need to delete it once you don't need it anymore.
- 2.3.4 Further processing limitations mean that you can process the collected data only for the intended purposes. You cannot collect data to provide services and then use it for marketing.
- 2.3.5 Information quality, meaning that you have to ensure that your data is accurate;
- 2.3.6 Openness means that you have to be transparent with users. The most common way to be open to them is by providing a comprehensive privacy policy and notifying them of data collection.
- 2.3.7 Security safeguards, meaning that you must ensure that the data you process is safe. You have to do everything you can to prevent data breaches and save yourself from reputational damage.
- 2.3.8 Data Subject Participation, meaning that you have to honor data subject requests

### **3. SCOPE OF APPLICATION**

- 3.1. This Policy applies to public and private companies and all users who visit, access, and transact and process personal information on the AgriSETA website and related ICT systems or applications.

### **4. DEFINITIONS**

<b>Term</b>	<b>Description</b>
<b>Electronic Communication</b>	This includes but not limited to, the World Wide Web, Internet based discussion groups, electronic bulletin board systems, electronic mail (including bulk) etc.

<b>Encryption</b>	Protecting information against being used by anyone except the intended recipient.
<b>Information Resources</b>	IR are all computer printouts, online display devices, magnetic storage media, and all computer related activities involving any device capable of receiving email, browsing web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistants (PDA), pagers, distributed processing systems, network attached and computer controlled equipment, telecommunication resources, network environments, telephones, fax machines, printers and service bureaus.
<b>Internet</b>	A global system interconnecting computers and computer networks. The computers and networks are owned separately by a host of organizations, government agencies, companies, and colleges.
<b>Intranet</b>	A private network for communications and sharing of information that, like the Internet, is based on TCP/IP, but is accessible only to authorized users within an organization. An organization's intranet is usually protected from external access by a firewall.
<b>Software</b>	The packages or computer programs which are associated with the operations of AgriSETA's Information System.
<b>Unacceptable use (Internet/Intranet)</b>	Any attempt to disrupt electronic communications, to violate computer system security, or to gain access to another employee's electronic files or e-mail messages without the latter's expressed permission will be dealt with as a disciplinary/criminal matter. Using the electronic communications systems to commit fraud or misrepresentation, to libel or slander anyone or to facilitate any unauthorised copying, downloading, posting or transmission of copyright protected materials including music. Guidance in the event of uncertainty on this matter can be sought from a manager or Information Security department.

<b>User</b>	An individual, automated application or process that is authorized to access the resource by the owner, in accordance with the owner's procedures and rules
<b>World Wide Web (www)</b>	Is a system of internet hosts that supports documents formatted in HTML which contains links to other documents (hyperlinks), electronic information and portals ad to audio, video, and graphic images. Users can access the Web with special applications called browsers.

<b>Consent:</b>	Any voluntary, specific and informed expression of will in terms of which
Data subject	The person to whom personal information relates.
Direct marketing	To approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of – (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data
Electronic communication	Any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient.
Information officer	Of, or in relation to, (a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or (b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act.
Minister	A Cabinet member responsible for the administration of justice. h) Operator: A person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
Person	A natural person or a juristic person.

<b>Personal information:</b>	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
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#### 4.1. Acronyms

<b>Acronym/ Abbreviation</b>	<b>Description</b>
<b>AA</b>	Accounting Authority of AgriSETA also referred to as "Board"
<b>AA Chairperson</b>	Chairperson of the Board of AgriSETA who is appointed by the Minister of Higher Education and Training
<b>AgriSETA</b>	Agriculture Sector Education and Training Authority

<b>BMT</b>	Broad Management Team
<b>CEO</b>	Chief Executive Officer
<b>CFO</b>	Chief Financial Officer
<b>CIO</b>	Chief Information Officer
<b>EXCO</b>	Executive Committee of the AA as defined in the AgriSETA Constitution
<b>GDPR</b>	General Data Protection Regulation
<b>HTML</b>	Hypertext Mark-up Language
<b>HTTP</b>	Hypertext Transfer Protocol – provides a standard for web browsers and servers to communicate
<b>ICT SteerCo</b>	Information and Communication Technology Steering Committee
<b>IR</b>	Information Resources
<b>ISO 27001</b>	Industry Standard Organisation 27001 – Cyber Security
<b>WWW</b>	World Wide Web
<b>PFMA</b>	Public Finance Management Act
<b>POPIA</b>	Protection of Personal Information Act

## 5. LEGISLATIVE FRAMEWORK

This policy is guided by the following legislative and regulatory frameworks and shall be read in conjunction with relevant AgriSETA policies.

- 5.1. Protection of Personal Information Act, 2013
- 5.2. Public Finance Management Act
- 5.3. Electronic Communications and Transactions Act
- 5.4. MISS – Minimum Information Security Standards
- 5.5. ISO/IEC 27002 – Information Security Management System
- 5.6. Cybercrimes Act, Act No 19 of 2020
- 5.7. Data Classification Policy
- 5.8. ICT Security Policy

## 6. POLICY STATEMENTS

- 6.1. Where we refer to “process”, it means how we collect, use, store, make available, destroy, update, disclose, or otherwise deal with your personal information. As a rule, we will only process your personal information, if this is required to deliver or offer a service, provide a product or carry out a transaction.
- 6.2. We may combine your personal information and use the combined personal information for any of the purposes stated in this Privacy Policy.
- 6.3. In this document, any reference to “we” or “us” or “our” includes our organisation and any of its subsidiaries.
- 6.4. If you use our services, goods, products and service channels, you agree that we may process your personal information as explained under this Privacy Policy. Sometimes you may provide us with consent to process your personal information. Read it carefully because it may limit your rights.
- 6.5. As a global organisation this Privacy Policy will apply to the processing of personal information by any member of our company globally. If we process personal information for another party under a contract or a mandate, the other party’s privacy policy will apply to the processing.
- 6.6. We can change this Privacy Policy from time to time if the law or its business practices requires it.
- 6.7. The version of the Privacy Policy displayed on our website will apply to your interactions with us.

## 7. WHAT IS PERSONAL INFORMATION

- 7.1. Personal information refers to any information that identifies you or specifically relates to you. Personal information includes, but is not limited to, the following information about you:
  - 7.1.1. your marital status (like married, single, divorced);
  - 7.1.2. your national origin;
  - 7.1.3. your age.

- 7.1.4. your language; birth; education.
- 7.1.5. your financial history (like your income, third party payments made on your behalf and the like)
- 7.1.6. your identifying number (like an employee number, identity number or passport number);
- 7.1.7. your e-mail address; physical address (like residential address, work address or your physical location), telephone number.
- 7.1.8. your biometric information (like fingerprints, your signature or voice).
- 7.1.9. your race; gender; sex; pregnancy; ethnic origin; social origin; colour; sexual orientation.
- 7.1.10. your physical health; mental health; well-being; disability; religion; belief; conscience; culture.
- 7.1.11. your medical history (like your HIV / AIDS status); criminal history; employment history.
- 7.1.12. your personal views, preferences and opinions.
- 7.1.13. your confidential correspondence; and / or
- 7.1.14. another's views or opinions about you and your name also constitute your personal information.
- 7.1.15. Personal information includes special personal information, as explained below.

## **8. WHEN WILL WE PROCESS YOUR PERSONAL INFORMATION**

- 8.1. We will only process your personal information for lawful purposes relating to our business if the following applies:
  - 8.1. if you have consented thereto.
  - 8.2. if a person legally authorised by you, the law, or a court, has consented thereto.
  - 8.3. if it is necessary to conclude or perform under a contract, we have with you.
  - 8.4. if the law requires or permits it.
  - 8.5. if it is required to protect or pursue your, our or a third party's legitimate interest.

## **9. WHAT IS SPECIAL PERSONAL INFORMATION**

- 9.1. Special personal information is personal information about the following:

- 9.1. your race (like where a company submits reports to the Department of Labour where the statistical information must be recorded).
- 9.2. your ethnic origin.
- 9.3. your trade union membership.
- 9.4. your health (like where you apply for an insurance policy).
- 9.5. your biometric information (like to verify your identity); and / or your criminal behaviour and alleged commission of an offence.

## **10. WHEN WILL WE PROCESS YOUR SPECIAL PERSONAL INFORMATION**

10.1. We may process your special personal information in the following circumstances:

- 10.1. if you have consented to the processing.
- 10.2. if the information is being used for any Human Resource or payroll requirement.
- 10.3. if the processing is needed to create, use, or protect a right or obligation in law.
- 10.4. if the processing is for statistical or research purposes and all legal conditions are met.
- 10.5. if the special personal information was made public by you.
- 10.6. if the processing is required by law.
- 10.7. if racial information is processed, and the processing is required to identify you; and / or if health information is processed, and the processing is to determine your insurance risk, or to comply with an insurance policy or to enforce an insurance right or obligation.

## **11. WHEN AND FROM WHERE WE OBTAIN PERSONAL INFORMATION ABOUT YOU**

- 11.1. We collect personal information from the payroll or HR departments of our clients when they capture financial and non-financial information.
- 11.2. We collect personal information from 3rd parties that are directly integrated with our software platform.
- 11.3. We collect information about you based on your use of our products, services or service channels.
- 11.4. We collect information about you based on how you engage or interact with us such as via our support desk, emails, letters, telephone calls and surveys.
- 11.5. If the law requires us to do so, we will ask for your consent before collecting personal information about you from third parties.

11.6. The third parties from whom we may collect your personal information include, but are not limited to, the following:

- 11.6.1. Partners of our organisation for any of the purposes identified in this Privacy Policy.
- 11.6.2. your spouse, dependents, partners, employer, and other similar sources.
- 11.6.3. people you have authorised to share your personal information, like a person that makes a travel booking on your behalf or a medical practitioner for insurance purposes.
- 11.6.4. attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements.
- 11.6.5. payment processing services providers, merchants, banks and other persons that assist with the processing of your payment instructions, like EFT transaction partners.
- 11.6.6. insurers, brokers, other financial institutions or other organisations that assist with insurance and assurance underwriting, the providing of insurance and assurance policies and products, the assessment of insurance and assurance claims and other related purposes.
- 11.6.7. law enforcement and fraud prevention agencies and other persons tasked with the prevention and prosecution of crime.
- 11.6.8. regulatory authorities, industry ombudsman, governmental departments, local and international tax authorities.
- 11.6.9. trustees, Executors or Curators appointed by a court of law;
- 11.6.10. our service providers, agents and sub-contractors like couriers and other persons we use to offer and provide products and services to you;
- 11.6.11. courts of law or tribunals.
- 11.6.12. participating partners, whether retail or online, in our customer loyalty reward programmes.
- 11.6.13. our joint venture partners.

## **12. REASONS WE NEED TO PROCESS YOUR PERSONAL INFORMATION**

- 12.1. We will process your personal information for the following reasons:
  - 12.1.1. to provide you with products, goods, and services
  - 12.1.2. to market our products, goods, and services to you.

- 12.1.3. to respond to your enquiries and complaints.
- 12.1.4. to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements or to fulfil reporting requirements and information requests.
- 12.1.5. to conduct market and behavioural research, including scoring and analysis to determine if you qualify for products and services or to determine your credit or insurance risk.
- 12.1.6. to develop, test and improve products and services for you.
- 12.1.7. for historical, statistical and research purposes, like market segmentation.
- 12.1.8. to process payment instruments.
- 12.1.9. to create, manufacture and print payment issues (like a payslip).
- 12.1.10. to enable us to deliver goods, documents or notices to you.
- 12.1.11. for security, identity verification and to check the accuracy of your personal information.
- 12.1.12. to communicate with you and carry out your instructions and requests.
- 12.1.13. for customer satisfaction surveys, promotional offerings.
- 12.1.14. insurance and assurance underwriting and administration.
- 12.1.15. to process or consider or assess insurance or assurance claims.
- 12.1.16. to provide insurance and assurance policies and products and related services.
- 12.1.17. to enable you to take part in customer loyalty reward programmes, to determine your qualification for participation, earning of reward points, determining your rewards level, monitoring your buying behaviour with our rewards partners to allocate the correct points or inform you of appropriate products, goods and services you may be interested in or to inform our reward partners about your purchasing behaviour.
- 12.1.18. to enable you to take part in and make use of value-added products and services;
- 12.1.19. to assess our lending and insurance risks; and / or
- 12.1.20. for any other related purposes.

### **13. HOW WE USE YOUR PERSONAL INFORMATION FOR MARKETING**

- 13.1. We will use your personal information to bring to your attention our products and services to you or seek your response to research issues.
- 13.2. We will do this in person, by post, telephone, or electronic channels such as SMS, email and fax.
- 13.3. If you are not our customer, or in any other instances where the law requires, we will only market to you by electronic communications with your consent.
- 13.4. In all cases you can request us to stop sending marketing communications to you at any time.

#### **14. WHEN HOW AND WITH WHOM WE SHARE YOUR PERSONAL INFORMATION**

- 14.1. In general, we will only share your personal information if any one or more of the following apply:
  - 14.1.1. if you have consented to this.
  - 14.1.2. if it is necessary to conclude or perform under a contract, we have with you.
  - 14.1.3. if the law requires it; and / or
  - 14.1.4. if it's necessary to protect or pursue your, our or a third party's legitimate interest.

#### **15. UNDER WHAT CIRCUMSTANCES WILL WE TRANSFER YOUR INFORMATION TO OTHER COUNTRIES**

- 15.1. We will only transfer your personal information to third parties in another country in any one or more of the following circumstances:
  - 15.1.1. where your personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient.
  - 15.1.2. where the transfer is necessary to enter into or perform under a contract with you, or a contract with a third party that is in your interest.
  - 15.1.3. where you have consented to the transfer; and / or
  - 15.1.4. where it is not reasonably practical to obtain your consent, the transfer is in your interest.

- 15.2. This transfer will happen within the requirements and safeguards of the law. Where possible, the party processing your personal information in the other country will agree to apply the same level of protection as available by law in your country or if the other

country's laws provide better protection the other country's laws would be agreed to and applied.

15.3. An example of us transferring your personal information to another country is where foreign payments take place if you purchase goods or services in a foreign country.

**TAKE NOTE:** We are a global organisation your personal information may be shared within our organisation in other countries and processed in those countries.

## **16. YOUR DUTIES AND RIGHTS ABOUT THE PERSONAL INFORMATION WE HAVE ABOUT YOU**

16.1. You must provide proof of identity when enforcing the rights below.

16.2. You must inform us when your personal information changes.

16.3. Please refer to our Promotion of Access to Information Act 2 of 2000 Manual (PAIA Manual) for further information on how you can give effect to the rights listed below. Download the PAIA Manual.

16.4. You have the right to request access to the personal information we have about you by contacting us. This includes requesting:

16.4.1. confirmation that we hold your personal information.

16.4.2. a copy or description of the record containing your personal information; and

16.4.3. the identity or categories of third parties who have had access to your personal information.

16.5. We will attend to requests for access to personal information within a reasonable time. You may be required to pay a reasonable fee to receive copies or descriptions of records, or information about third parties. We will inform you of the fee before attending to your request.

16.6. Please note that the law may limit your right to access information.

16.7. You have the right to request us to correct or delete the personal information we have about you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or we are no longer authorised to keep it. You must inform us of your request in writing. Please refer to our PAIA Manual for further information in this

regard, like the process you should follow to give effect to this right. It may take up to 15 business days for the change to reflect on our systems. We may request documents from you to verify the change in personal information.

- 16.8. A specific agreement that you have entered into with us may determine how you must change your personal information provided at the time when you entered into the specific agreement. Please adhere to these requirements. If the law requires us to keep the personal information, it will not be deleted upon your request. The deletion of certain personal information may lead to the termination of your business relationship with us.
- 16.9. You may object on reasonable grounds to the processing of your personal information.
- 16.10. We will not be able to give effect to your objection if the processing of your personal information was and is permitted by law; you have provided consent to the processing and our processing done according to your consent or the processing is necessary to conclude or perform under a contract with you.
- 16.11. Where you have provided your consent for the processing of your personal information, you may withdraw your consent. If you withdraw your consent, we will explain the consequences to you. We may proceed to process your personal information even if you have withdrawn your consent if the law permits or requires it. It may take up to 15 business days for the change to reflect on our systems; during this time, we may still process your personal information. You must inform us of any objection in writing. Please refer to our PAIA Manual for further information in this regard, like the process you should follow to give effect to this right.
- 16.12. you have a right to file a complaint with us or any Regulator with jurisdiction about an alleged contravention of the protection of your personal information by us. We will address your complaint as far as possible.

## **17. HOW WE SECURE YOUR PERSONAL INFORMATION**

- 17.1. We will take appropriate and reasonable technical and organisational steps to protect your personal information according to industry best practices. Our security measures (including physical, technological, and procedural safeguards) will be appropriate and reasonable. This includes the following:
- 17.2. keeping our systems secure (like monitoring access and usage).

- 17.3. storing our records securely.
- 17.4. controlling the access to our buildings, systems and/or records; and
- 17.5. safely destroying or deleting records.
- 17.6. Ensure compliance with international ISO security standards.
- 17.7. You can also protect your personal information. Please visit the website of the relevant business you have established a business relationship with for more information.

## **18. HOW LONG DO WE KEEP YOUR PERSONAL INFORMATION**

18.1. We will keep your personal information for as long as:

- 18.1.1. the law requires us to keep it.
- 18.1.2. a contract between you and us requires us to keep it.
- 18.1.3. you have consented for us keeping it.
- 18.1.4. we are required to keep it to achieve the purposes listed in this Privacy Policy.
- 18.1.5. we require it for statistical or research purposes.
- 18.1.6. a code of conduct requires us to keep it; and / or
- 18.1.7. we require it for our lawful business purposes.

18.2. Take note: We may keep your personal information even if you no longer have a relationship with us, for the historical data that may be required by your employer or employee.

## **19. OUR COOKIE POLICY**

- 19.1. A cookie is a small piece of data sent from our websites or applications to your computer or device hard drive or Internet browser where it is saved. The cookie contains information to personalise your experience on our websites or applications and may improve your experience on the websites or applications. The cookie will also identify your device, like the computer or smart phone.
- 19.2. By using our websites or applications you agree that cookies may be forwarded from the relevant website or application to your computer or device. The cookie will enable us to know that you have visited the website or application before and will identify you. We may also use the cookie to prevent fraud and for analytics.

## **20. WEBSITE RESPONSIBILITIES**

- 20.1. The Chief Information Officer is responsible for implementing this policy.
- 20.2. The ICT Lead Specialist: Infrastructure and ICT Support Officer are each responsible for establishing standard operating procedures for the implementation of this policy, within their areas of responsibility and for monitoring compliance.
- 20.3. AgriSETA's Marketing and Communication Unit is responsible for reviewing and approving the content which goes into the AgriSETA website.
- 20.4. The contracted website service provider is responsible for hosting, support and maintenance of AgriSETA website, further ensuring that the website is updated according to the AgriSETA requirements and standards and that the website is secured.
- 20.5. AgriSETA ICT unit is responsible for ensuring that the website is available, maintained and supported.
- 20.6. AgriSETA Risk Management unit is responsible for POPIA compliance and management of risks which may arise.

## **21. WEBSITE CONTENT MANAGEMENT**

- 21.1. All website content to be placed at AgriSETA website must be sent to Marketing and Communication unit for verification and compliance.
- 21.2. Marketing and Communication is responsible for publishing and updating website content with the collaboration of the appointed website service provider.
- 21.3. All business units in AgriSETA are responsible for ensuring the accuracy and appropriateness of the information published on their AgriSETA website or webpages.
- 21.4. All AgriSETA Executives and Management must ensure that their business units complies with the popia and website policy requirements, guidelines and standards.

## **22. WEBSITE ACCESSIBILITY**

- 22.1. AgriSETA is committed to providing equal access to its web sites and web-based information for all users and stakeholders.

## **22. POLICY REVIEWS.**

This policy will be reviewed every 02 (two) years or when there is a major change or need.

### **23. DISPUTE RESOLUTION**

- 23.1. For any dispute arising from the interpretation of this policy, relevant legislation shall prevail.
- 23.2. An employee contravening this charter will be subjected to corrective action.