



## WCGRB REGULATORY COMPLIANCE PROCESSING NOTICE : SPECIAL REGULATORY MATTERS

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### 1. PURPOSE OF THIS NOTICE AND TERMS USED

- 1.1 In order to do carry out its mandate, the Western Cape Gambling and Racing Board, (hereinafter referred to as “we”, “us”, or the “WCGRB”) in our capacity as a Responsible Party, will have to comply with a law known as the Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as “POPIA”), which regulates and controls the processing of a legal entity’s and/or an individual’s Personal Information in South Africa, (hereinafter referred to as a “Data Subject”), which processing includes the collection, use, and transfer of a Data Subject’s Personal Information.
- 1.2 In terms of POPIA, where a person processes another’s Personal Information, such processing must be done in a lawful, legitimate and responsible manner and in accordance with the provisions, principles and conditions set out under POPIA.
- 1.3 In order to comply with POPIA, a Responsible Party processing a Data Subject’s Personal Information must:
- 1.3.1 provide the Data Subject with a number of details pertaining to the processing of the Data Subject’s Personal Information, before such information is processed; and
- 1.3.2 get permission or consent, explicitly or implied, from the Data Subject, to process his / her / its Personal Information, **unless** such processing:
- is necessary to carry out actions for the **conclusion or performance of a contract** to which the Data Subject of the Personal Information is a party;
  - is required in order to comply with an **obligation imposed by law**; or
  - is for a **legitimate purpose or is necessary to protect the legitimate interest (s) and/or for pursuing the legitimate interests** of i) the Data Subject; ii) the Responsible Party; or iii) that of a third-party to whom the Personal Information is supplied; or
  - is necessary for the proper performance of a **public law duty**.
- 1.4 In accordance with the requirements of POPIA, and because your privacy and trust are important to us, we set out below how we, the WCGRB collect, use, and share

your Personal Information and the reasons why we need to use and process your Personal Information.

## 2. APPLICATION

- 2.1 This Processing Notice applies to the holders of gambling licences listed in Section 27 of the Act, including Casino, Bookmaker, Totalisator, Manufacturer, LPM Site Operators and Route Operator;
- 2.2 Patrons and persons requesting to be excluded from gambling or a third-party making application for such exclusion;
- 2.3 Licence holders and patrons submitting patron disputes
- 2.4 Whistle-blowers and informants submitting confidential information pertaining non-compliance with gambling legislation or criminal activities or illegal gambling activities;

## 3. PURPOSE FOR PROCESSING YOUR PERSONAL INFORMATION

- 3.1 Your Personal Information will be processed by us for the following purposes:

SUMMARY OF THE PURPOSE OF COLLECTION	Lawfulness Consent required
<p><b>Due diligence purposes – legitimate purpose:</b> To carry out a due diligence to ensure that contractual and statutory exclusion processes are duly complied with, together with all related compliance requirements. To ensure that betting and pay-outs comply with all legal requirements and Rules of the Board and that patron disputes are managed in accordance with the legal prescripts.</p> <p><b>Lawfulness - YES</b> <b>Consent required - NO</b></p>	
<p><b>Licensee and patron relationship - legitimate purpose:</b> To process self-exclusions and place them on exclusion registers and to investigate patron disputes.</p> <p><b>Lawfulness - YES</b> <b>Consent required - NO</b></p>	
<p><b>Risk assessment and anti-bribery, criminal conduct corruption matters -legitimate purpose:</b> To carry out regulatory compliance, organizational and enterprise wide risk assessments in order to detect and prevent bribery, corruption, criminal conduct, fraud and abuse, to comply with Anti Bribery and Corruption laws, as well as to identify and authenticate your access to our premises and generally to ensure the security and protection of all persons including informers, patrons, excluded persons and the general public when entering or leaving</p>	

our sites and/or to exercise our rights and to protect our and others' rights and/or property, including to take action against those that seek to violate or abuse our systems, services, licences or employees and/or other third parties where applicable.

**Lawfulness - YES**

**Consent required - NO**

**Ensuring compliance with gambling legislation and the investigation of criminal conduct:**

To ensure that gambling activities are conducted in a lawful manner and with requisite gambling licences having been issued by the Board. Also, to investigate complaints and tip-offs of illegal gambling and other criminal conduct reported to the Board.

**Lawfulness - YES**

**Consent required - NO**

**Communications - legitimate purpose:** To make contact with you and to communicate with you generally or in respect of our requirements, or instructions, or to respond to you in order to comply with your specified or general instructions in relation to patron disputes, exclusions from gambling activities and the investigation of criminal conduct in contravention of the gambling legislation.

**Lawfulness - YES**

**Consent required - NO**

**Legal obligation and public duties:** To comply with the law and our legal obligations as a Regulator, including to maintain registers, collect information, conduct audits and investigations, ensure you are registered for VAT, Tax, PAYE, SDL, COIDA and UIF etc, to attend to payments of taxes and duties, to submit reports or provide various notices or returns, to litigate and/or to respond to a request or order from a SAPS official, investigator or court official, regulator, or public authority.

**Lawfulness - YES**

**Consent required - NO**

**Security purposes: legitimate purpose and to comply with laws:** to permit you access to our offices, facilities, manufacturing or parking areas, as well as to controlled areas, for the purposes of monitoring via CCTV, your interaction and access in and from our facilities described above, and for general risk management, security and emergency incident control purposes as well as for data and cybersecurity purposes.

**Lawfulness - YES**

**Consent required - NO**

**For internal research and development purposes:** to conduct internal research and development.

**Lawfulness - YES**  
**Consent required - NO**

**4. WHAT PERSONAL INFORMATION OR INFORMATION DO WE COLLECT FROM YOU?**

In order to engage and/or interact with you, for the purposes described above, we will have to process certain types of your Personal Information, as described below:

**For the Licensee, patrons and members of the public:** Information such as name, alias, address, identity number, passport number, security number, phone number, cell phone number, social media user ID, email address, and similar contact data, serial numbers of equipment, and other contact information including details of your employees, memberships or affiliations, such as the name of your employer or organization that you are a member of, information about your colleagues or those within your organization, your status with an organization, and similar data, which are required for various legitimate interest, contractual and/or lawful reasons.

**Lawfulness - YES**  
**Consent required - NO**

**Specific identifiers**, which are required in order to protect legitimate interests, comply with legal obligations or public legal duties, or to accommodate license requirements, such as your race (B-BBEE related), trade union matters (to comply with laws and related to correct and fair treatment issues), and financial, credit, deviant and criminal history (to protect our legitimate interests and to perform risk assessments).

**Lawfulness - YES**  
**Consent required - NO**

**Financial, Tax and Account Information**, such as billing address, billing contact details, and similar data, tax numbers and VAT numbers, banking details, turnover, income, pay outs, taxes, service-related information (including gaming history and account profiles and similar data, all which are required to manage the license relationship.

**Lawfulness - YES**  
**Consent required - NO**

**Employment Related Information**, such as details of employment, work performance and history, nationality and immigration status, demographic data, disability-related information, professional licensure information and related compliance activities, accreditations and other accolades, Licensee holder or directors education history (including schools attended, academic degrees or areas of study, academic performance, and rankings), and similar data, which are required for License purposes and in order to comply with laws and public duties.

**Lawfulness - YES**  
**Consent required - NO**

## **5. SOURCES OF INFORMATION - HOW AND WHERE DO WE COLLECT YOUR PERSONAL INFORMATION FROM**

5.1 Depending on your requirements, we will collect and obtain Personal Information about you either directly from you, from certain third parties, or from other sources which are described below:

### **Direct collection**

You provide Personal Information to us when you make application for a licence, obtain a licence, renew a licence and when we carry out our various Probity and compliance auditing functions in relation to said licence.

### **Collection from third parties:**

We collect Personal Information about you from third parties, such as:

- Those who a relationship with or that provide or publish Personal Information related to you.
- Regulators, professional or industry organizations and certification / licensure agencies that provide or publish Personal Information related to you.
- Third parties and affiliates who deal with or interact with us or you.
  
- Service providers and business partners who work with us and that we may utilize to deliver certain content, products, or services.
- Marketing, sales generation, and recruiting business partners.
- SAPS, Home Affairs, Credit bureaus and other similar agencies.
- Other government agencies, regulators and others who release or publish public records.
- Other publicly or generally available sources, such as social media sites, public and online websites, open databases, and data in the public domain.

## 6. HOW WE SHARE INFORMATION

We share Personal Information for the purposes set out in this Privacy Notice with the following categories of recipients:

**Our employees.** We may share your Personal Information amongst our employees and Board members for licensing, legal and operational purposes.

**Lawfulness – YES**

**Consent required – NO**

**Your Organization and Contacts.** We may share your Personal Information with your organization and others with whom you have a relationship for legal and operational purposes.

**Lawfulness – YES**

**Consent required – NO**

**Business Partners.** We may share your Personal Information with our business partners for legal and operational purposes.

**Lawfulness – YES**

**Consent required – NO**

**Cyber Third-party Service Providers.** We may share your Personal Information with our cyber service providers to perform tasks on our behalf and which are related to our relationship with you, including those who provide technical support on our behalf, who provide application or software development and quality assurance, who provide tracking and reporting functions, research on user demographics, interests, and behavior, and other products or services. These service providers may also collect Personal Information about or from you in performing their services and/or functions. We may also pass certain requests from you or your organization to these service providers.

**Lawfulness – YES**

**Consent required – NO**

**Regulators and law enforcement agencies.** We may disclose your Personal Information to regulators and other bodies in order to comply with any applicable law or regulation, to comply with or respond to a legal process or law enforcement or governmental request.

**Lawfulness – YES**

**Consent required – NO**

**Other Disclosures.** We may disclose your Personal Information to third parties if we reasonably believe that disclosure of such information is helpful or reasonably necessary to enforce our terms and conditions or other rights (including investigations of potential violations of our rights), to detect, prevent, or address fraud or security issues, or to protect against harm to the rights,

property, or safety of WCGRB, our employees, any users, or the public. Criminal matters may be reported to SAPS, exclusion information may be reported to other Regulators and the Board's oversight Committees and other government agencies.

**Lawfulness – YES**

**Consent required – NO**

## **7. SECURITY OF INFORMATION**

- 7.1 The security of your Personal Information is important to us. Taking into account the nature, scope, context, and purposes of processing Personal Information, as well as the risks to individuals of varying likelihood and severity, we have implemented technical and organizational measures designed to protect the security of Personal Information. In this regard we will conduct regular audits regarding the safety and the security of your Personal Information.
- 7.2 Your Personal Information will be stored electronically and in some cases in hard copy in files and records, which information, for operational reasons, will be accessible to and or provided to persons employed or contracted by us on a need-to-know basis.
- 7.3 Once your Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end, such Personal Information will be retained in accordance with WCGRB records retention schedule, which varies depending on the type of processing, the purpose for such processing, the business function, record classes, and record types. We calculate retention periods based upon and reserve the right to retain Personal Information for the periods that the Personal Information is needed to: (a) fulfil the purposes described in this Processing Notice, (b) meet the timelines determined or recommended by regulators, professional bodies, or associations, (c) comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and (d) comply with your requests.
- 7.4 Notwithstanding the contents housed under clauses 7 and 8, please note that no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable measures designed to protect Personal Information, we cannot guarantee its absolute security.

## **8. ACCESS BY OTHERS AND CROSS BORDER TRANSFER**

- 8.1 The WCGRB may from time to time have to disclose your Personal Information to other parties, including WCGRB trading partners, agents, auditors, organs of state, regulatory bodies and/or national governmental, provincial, or local government municipal officials, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing your Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

8.2 Where Personal Information and related data is transferred to a country which is situated outside South Africa, your Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information concludes an agreement which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which in particular will be to a no lesser set of standards than those imposed by POPIA.

## 9. YOUR RIGHTS

9.1 You as a Data Subject have certain rights, which are detailed below:

- **The right of access** - You may ask WCGRB (free of charge) to confirm that we hold your Personal Information, or ask us to provide you with details, (at a fee) on how we have processed your Personal Information, which request must be done by following the process set out under the WCGRB PAIA Manual.
- **The right to rectification** - You have the right to ask us to update or rectify any inaccurate Personal Information which we hold of yours, which can be done by accessing the update / rectification request.
- **The right to object to and restrict further processing** - Where we do not need your consent to process your Personal Information, but you are not in agreement with such processing, you may lodge an objection to such processing by accessing the objection request.
- **The right to withdraw consent** - Where you have provided us with consent to process your Personal Information, you have to right to subsequently withdraw your consent, which can be done by accessing the withdrawal of consent request.

9.2 These rights may be exercised by using the relevant forms housed on the WCGRB website at: <https://www.wcgrb.co.za/notices/>.

## 10. CHANGES TO THIS PRIVACY STATEMENT

10.1 As the WCGRB changes over time, this Processing Notice is expected to change as well.

10.2 The WCGRB reserves the right to amend the Processing Notice at any time, for any reason, and without notice to you other than the posting of the updated Processing Notice on the WCGRB Website.

10.3 We therefore request you to visit our website frequently in order to keep abreast with any changes.

## 11. PROCESSING OTHER PERSONS' PERSONAL INFORMATION

11.1 If you process another’s Personal Information on WCGRB’s behalf, or which we provide to you in order to perform your contractual or legal obligations or to protect any legitimate interest, you will:

- if you are processing such Personal Information as our Operator as defined under POPIA, process all and any such Personal Information in compliance with the obligations set out under our standard “Operator Agreement” housed on our website; or
- where not acting as an Operator, nonetheless keep such information confidential and secure as per POPIA and you will not, unless authorized to do so, process, publish, make accessible, or use in any other way such Personal Information unless in the course and scope of your duties, and only for the purpose for which the information has been received and granted to you, and related to the duties assigned to you.

## 12. COMPLAINTS OR QUERIES - CONTACT US

12.1 Any comments, questions or suggestions about this Processing Notice or our handling of your Personal Information should be emailed to our Information or Deputy Information officers at the details below.

<b>WESTERN CAPE GAMBLING AND RACING BOARD</b>	<b>Deputy Information Officer full name, if applicable</b>	<b>Deputy Information Officer direct details, if applicable, including e-mail address, cell phone, landline telephone numbers</b>
www.wcgrb.co.za 24 Fairway Close Parow Cape Town 7500  Tel: 021 480 7400  <b>INFORMATION OFFICER FULL NAME</b>  Primo Abrahams  Email: <a href="mailto:primo@wcgrb.co.za">primo@wcgrb.co.za</a>  Tel: 021 480 7400	<b>CEO Office</b> Heinrich Brink	Email: heinrich@wcgrb.co.za Tel: 021 480 7400
	<b>Legal Dept:</b> Liezel Hartman	Email: liezel@wcgrb.co.za Tel: 021 480 7400
	<b>ADFIN:</b> Zoe Siwa	Email: zoe@wcgrb.co.za Tel: 021 480 7400
	<b>Finance:</b> Theo Swart	Email: theo@wcgrb.co.za Tel: 021 480 7400
	<b>Administration:</b> Geeva Victor	Email: geeva@wcgrb.co.za Tel: 021 480 7400
	<b>HR:</b> Sweetness Sixubane	Email: sweetness@wcgrb.co.za Tel: 021 480 7400

	<b>HR:</b> Tena Karriem	Email: Tena@wcgrb.co.za Tel: 021 480 7400
	<b>Licensing:</b> Mzikabawo Msolo	Email: mzikabawo@wcgrb.co.za Tel: 021 480 7400
	<b>Licensing:</b> Melisa Le Roux	Email: melisa@wcgrb.co.za Tel: 021 480 7400
	<b>Licensing:</b> Michael Janse Van Rensburg	Email: michael@wcgrb.co.za Tel: 021 480 7400
	<b>Licensing:</b> Msingati Mbeceni	Email: msingati@wcgrb.co.za Tel: 021 480 7400
	<b>Licensing:</b> Marlene Stiles	Email: marlene@wcgrb.co.za Tel: 021 480 7400
	<b>Compliance:</b> Robin Bennett	Email: robin@wcgrb.co.za Tel: 021 480 7400
	<b>Compliance:</b> Liana Swarts	Email: liana@wcgrb.co.za Tel: 021 480 7400
	<b>Compliance:</b> Rene Fortune	Email: rene@wcgrb.co.za Tel: 021 480 7400
	<b>ICT:</b> Alwin Matthews	Email: alwin@wcgrb.co.za Tel: 021 480 7400
	<b>ICT:</b> Gordon Solomons	Email: gordon@wcgrb.co.za Tel: 021 480 7400

- 12.2 Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.
- 12.3 Our offices are open 8:00 am – 4.00 pm GMT, Monday to Friday.
- 12.4 Should you feel unsatisfied with our handling of your Personal Information, or about any complaint that you have made to us, you are entitled to escalate your complaint to

the South African, Information Regulator who can be contacted at <<https://www.justice.gov.za/inforeg/>>.

### **13. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT**

13.1 By providing the WCGRB with the Personal Information which we require from you as listed under this Processing Notice:

- you acknowledge that you understand why your Personal Information needs to be processed;
- you accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information cross border;
- where consent is required for any processing as reflected in this Processing notice, you agree that we may process this particular Personal Information.

13.2 Where you provide us with another person's Personal Information for processing, you confirm that that you have obtained the required permission from such person (s) to provide us with their Personal Information for processing.

13.3 The rights and obligations of the parties under this Processing Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable.

13.4 Should any of the Personal Information concern or pertain to a legal entity whom you represent, you confirm that you have the necessary authority to act on behalf of such legal entity and that you have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organization or entities' Personal Information.

End