

POPIA COMPLIANCE AND CONSENT AGREEMENT BETWEEN THE TRAINING PROVIDER AND THE CLIENT ORGANISATION

1. INTRODUCTION

This POPIA Compliance and Consent Agreement ("Agreement") is entered into between:

Training Provider: EduQual (Pty) Ltd ("Training Provider")

and

Client Organisation: _____ ("Client")

This Agreement outlines both parties' responsibilities in ensuring compliance with the **Protection of Personal Information Act, No. 4 of 2013 (POPIA)**, particularly in relation to learnerships and occupational qualifications registered with the **Quality Council for Trades and Occupations (QCTO)**.

2. PURPOSE OF THE AGREEMENT

To regulate the use, processing, and protection of personal information of learners and employees shared between the Client and the Training Provider under the scope of learnerships and occupational qualifications.

3. DEFINITIONS

- **Data Subject:** Any learner whose personal information is collected or processed.
- **Responsible Party:** The organisation (Client) who determines the purpose of the processing.
- **Operator:** The Training Provider processing data on behalf of the Client.
- **Personal Information:** As defined in POPIA, including names, ID numbers, contact details, demographic info, and learning history.

4. SCOPE OF DATA SHARING

The Training Provider may collect, store, process, and share the following learner information with third parties:

- Full names and contact information
- ID numbers and demographic data
- Education and employment history
- Learnership contracts, attendance, results, and assessment evidence

5. CONSENT FROM DATA SUBJECTS

The Client warrants that it will obtain signed **Data Subject Consent Forms** from all learners before the Training Provider processes any personal information. These will be submitted to the Training Provider prior to enrolment.

6. PURPOSE OF PROCESSING

Learner personal data will be used for:

- Learnership and training administration
- QCTO learner registration and certification
- Reporting to the relevant SETA
- SARS and ETI claim validation
- B-BBEE and WSP/ATR reporting

7. THIRD-PARTY DISCLOSURE

Personal information may be shared with:

- **SETA** for learnership registration and funding reporting
- **QCTO** for occupational qualification tracking and certification
- **SARS** for tax incentive verification
- **DHET** and other regulatory bodies as required by law

8. DATA SECURITY & SAFEGUARDS

The Training Provider will implement appropriate technical and organisational measures to safeguard personal data, including:

- Secure storage and encrypted backups
- Controlled access to learner records
- Password-protected systems
- Regular POPIA risk assessments

9. BREACH REPORTING AND NOTIFICATION

Should there be a data breach, the Training Provider will:

- Notify the Client within 48 hours of becoming aware
- Cooperate with the Client in investigating and resolving the breach
- Support the Client in notifying the affected data subjects and the Information Regulator

10. RETENTION AND DESTRUCTION OF DATA

Learner data will be retained for a minimum of 5 years after the completion of the programme, in line with QCTO and SETA regulations, after which it will be securely destroyed or anonymised.

11. CLIENT OBLIGATIONS

The Client agrees to:

- Inform learners about their rights under POPIA
- Provide the Training Provider with the required consents and data
- Cooperate in ensuring lawful processing of learner data

12. TRAINING PROVIDER OBLIGATIONS

The Training Provider agrees to:

- Only process personal data necessary for delivering services
- Ensure full compliance with POPIA and other applicable laws
- Maintain records of processing activities

13. REVIEW AND UPDATES

This Agreement will be reviewed annually or upon material changes to the relationship, applicable laws, or the services rendered.

14. GOVERNING LAW

This Agreement is governed by the laws of the Republic of South Africa.

15. SIGNATORIES

Signed at _____ on this _____ day of _____ 20__.

For the Training Provider:

Name: _____

Designation: _____

Signature: _____

For the Client Organisation:

Name: _____

Designation: _____

Signature: _____

(This comprehensive POPIA Compliance and Consent Agreement ensures the lawful and secure handling of learner information during the administration of occupational qualifications under the QCTO framework.)