



PRIVACY NOTICE

1. About us

The Botswana Communications Regulatory Authority (BOCRA or The Authority) was established through the Communications Regulatory Authority Act, 2012 (CRA Act) on the 1st of April 2013 to regulate the communications sector in Botswana, comprising telecommunications, Internet and Information and Communications Technologies (ICTs), radio communications, broadcasting, postal services, and related matters.

The Authority is obligated to comply with the Data Protection Act of 2018. The Data Protection Act requires the Authority to inform its stakeholders as to how their personal information is used, disclosed, maintained, and destroyed.

The Authority guarantees its commitment to protecting its stakeholders', employees and consumers' privacy and ensuring that their personal information is used appropriately, transparently, securely and under applicable laws.

2. Your privacy is important to us

We protect your information and always aim to be clear and open about what we do with your personal information. We undertake to process your information lawfully and in a manner that does not infringe your privacy. Your personal information will only be processed for reasons set out herein. We follow general principles in accordance with applicable privacy laws.

We understand that your privacy is important to you and we value your trust. That's why we do everything we can to keep your information safe.

This policy explains how we collect, use and safeguard the personal information you give us.

In this policy “process” means how we collect, use, store, make available, destroy, update, disclose, or otherwise deal with your personal information. As a general rule, we will only process your personal information if this is required when offering or delivering a product or service to you. We respect your privacy and will treat your personal information as confidential information.

We may combine your personal information and use the combined personal information for any of the purposes stated in this policy.

In terms of applicable privacy laws, this policy may also apply to personal information processed by third parties (such as authorised agents and contractors) appointed by or acting on our behalf.

You should read this policy carefully as it may limit your rights.

NOTE: The processing of your personal information may be conducted outside the borders of Botswana. This policy will apply to the processing of personal information by us in any country. Your personal information will be processed according to the requirements and safeguards of applicable privacy law or privacy rules that bind us.

We update our privacy policy periodically. Where a change to this policy is material, we will notify customers and will allow a reasonable period for customers to raise any objections before the change is made. Please note that we may not be able to continue a relationship with a customer or provide customers with certain products or services if they do not agree to the changes.

3. Definition of terms

"**Authority**" means BOCRA;

"**Child**" means any natural person under the age of 18 (eighteen) years;

"**Cookies**" a cookie is a small piece of data sent from our website to your computer or device or internet browser where it is saved.

"**Commission**" means the Information and Data Protection Commission of Botswana

"**Commissioner**" means the Commissioner of the Commission;

"**Data Breach**" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of the Authority;

"**Data Controller**" means a public or private body or any other person which alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;

"**Data Processor**" means a person or entity who Processes Personal Information for a Data Controller in terms of a contract or mandate, without coming under the direct authority of that Data Controller;

"**Data Subject**" means the individual / natural person who is the subject of personal data;

"**Direct Marketing**" means to approach a person, by electronic communication, telephone communication, face to face, marketing material, social media, websites, applications (web based and/or mobile) and/or the internet, for the purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject;

"**Employees**" means any employee of the Authority;

"**Personal Information**" - Information relating to an identifiable, living, natural person;

"**Policy**" means this Data Protection and Privacy Policy;

"**Processing**" has the meaning ascribed thereto under the Botswana Data Protection Act of 2018;

"Special Personal Information" means Personal Information concerning a Data Subject's National Identification Number, information related to children, religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and

"Third Party" means any independent contractor, agent, consultant, sub-contractor or other representative of the Authority.

3. Data Controller

BOCRA

Plot 50671

Independence Avenue

Gaborone

Botswana

Email: *privacy@bocra.org.bw*

Tel: +267 3957755

4. What information do we collect?

- PART IV of the Data Protection Act, 2018 states that “A data controller shall ensure that personal data is processed fairly and lawfully, and where appropriate, the data is obtained with the knowledge or consent of the data subject.”
- **The Authority** collects and processes personal information received from its stakeholders, employees, licensees, and the public.
- **The Authority** collects Personal Information directly from Data Subjects, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public or the Personal Information is contained in or derived from a public record).
- **The Authority** will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on legitimate

grounds in a manner that does not adversely affect the Data Subject in question.

- The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, **the Authority**, will inform stakeholders as to the information required and the information deemed optional.
- Website usage information may be collected using “cookies” which allows **the Authority** to collect standard internet visitor usage information.
- Personal Information will only be used for the purpose for which it was collected and as agreed. This may include:
 - a. Providing services to stakeholders and carrying out the transactions requested;
 - b. For sharing with other third parties, if necessary;
 - c. Processing applications for licensing;
 - d. Addressing enquiries and complaints;
 - e. Event Registrations;
 - f. Type Approvals;
 - g. Travel Requests;
 - h. Surveys;
 - i. Confirming, verifying and updating stakeholders’ details;
 - j. For audit and record-keeping purposes;
 - k. In connection with legal proceedings;
 - l. Providing communication in respect of the Authority and regulatory matters that may affect stakeholders; and
 - m. In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.
- Personal information may only be processed if certain conditions, listed below, are met along with supporting information for the processing of personal information:
 - a. consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;
 - b. Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
 - c. Processing complies with an obligation imposed by law on the Authority;
 - d. Processing protects a legitimate interest of the Data Subject; and/or
 - e. Processing is necessary for pursuing the legitimate interests of the Authority or of a third party to whom the information is supplied.

- The Authority will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.
- Where the Authority is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to the Authority's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under the Data Protection Act.
- If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, the Authority will ensure that the Personal Information is no longer Processed.

What is special personal information?

Special Personal Information is sensitive Personal Information of a Data Subject and the Authority acknowledges that it will generally not Process Special Personal Information unless:

- Processing is carried out in accordance with the Data Subject's consent;
- Processing is necessary for the establishment, exercise or defense of a right or obligation in law;
- Processing is for historical, statistical or research purposes, subject to stipulated safeguards; or
- information has deliberately been made public by the Data Subject.

The Authority will only process Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

7. Who do we share this information with?

- The Authority may disclose a stakeholder's personal information to any of its third-party service providers who have agreements in place to ensure compliance with confidentiality and privacy conditions.
- The Authority may also share personal information with, and obtain information about stakeholders from third parties for the reasons already discussed above.
- The Authority may also disclose a stakeholder's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary to protect its rights.

Sending information abroad

- Sometimes we may send your information abroad, including to:
 - Service providers or third parties who store data or operate outside of Botswana.
 - Comply with laws and assist government or law enforcement agencies.
- We will only transfer your personal information abroad to third parties, in one or more of the following circumstances:
 - After we have made sure there are arrangements in place to adequately protect your personal information under the foreign country's laws or in terms of an agreement with the third party.
 - Where the transfer of your personal information is necessary for us to conclude, or perform, under a contract with you or a contract with a third party that is in your interest.
 - Where you have consented to the transfer of your information; and/or
 - Where it is not reasonably practical for us to obtain your consent, but the transfer is for your benefit.
- We will ensure that the party processing your personal information in another country agrees to apply the same level of protection of applicable laws or privacy rules that bind the Authority, or if the other country's laws provide better protection, the other country's laws would be agreed to and applied.

8. Other rights you have

- Stakeholders have the right to access the personal information the Authority holds about them;
- Stakeholders also have the right to ask the Authority and its Data Processors to update, correct or delete their personal information on reasonable grounds;
- Once a stakeholder objects to the processing of their personal information, the Authority or its Data Processors may no longer process said personal information; and
- The Authority and its Data Processors will take all reasonable steps to confirm stakeholders' identity before providing details of their personal information or making changes to their personal information.
- If an individual contacts the Authority requesting this information, this is called a subject access request.
- Subject access requests from individuals should be made by email, addressed to the data controller at privacy@bocra.org.bw.

9. Making a privacy complaint

- Our staff are trained to keep your information safe and secure. We will only keep your information for as long as:
 - We require the information to fulfil the lawful purposes related to our function, or to achieve the purposes as set out in this policy.
 - The law requires us to keep the information.
 - We are required to keep the information in terms of our agreement with you.
 - You have consented to us keeping the information.
 - We require the information for statistical or research purposes.
 - An industry code of conduct requires us to retain the information.
 - We are required to keep it to achieve the purposes listed in this policy.
 - We require it for lawful business purposes.
 - TAKE NOTE: we may keep your personal information even if you no longer have a relationship with us if the law permits or requires this.

- We store your information as electronic records in secure buildings and systems or use trusted third parties. Here are some of the things we do to protect your information:
-

Staff training

We train our staff in how to keep your information safe and secure.

Secure handling and storage

When we send information overseas or use third parties that handle or store data, we make arrangements to protect your information.

System security

When you log in to our websites or apps, we encrypt data sent from your computer to our systems so that no one else can access it. We have firewalls, intrusion detection and virus scanning tools to stop viruses and unauthorised people accessing our systems. When we send your electronic data to other organisations, we use secure networks or encryption.

We use passwords and/or smartcards to stop unauthorised people gaining access to your data.

Building security

We use a mix of alarms, cameras, guards and other controls in our buildings to prevent unauthorised access to our premises and consequently to protect your data.

Destroying or deidentifying data when no longer required

We keep personal information only for as long as we need it – such as, for business or legal reasons. When information is no longer needed, we take reasonable steps to destroy or deidentify it.

10. Accessing, updating and correcting your information

Please contact us if you wish to view your information. To access more detailed information, you may need to fill out a request form. If your information isn't correct or requires updating, let us know as soon as possible.

Can you see what information we have?

- You have the right to request access to the personal information that we hold about you. This includes requesting:
 - Confirmation that we hold your personal information, or
 - Requesting a copy or description of the record containing your personal information, such as your transaction history or credit information;
 - The identity or categories of third parties who have had access to your personal information.
- We will attend to requests for access to personal information within a reasonable time. We may require you 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. Please note that before we can release any information, we will need to confirm your identity.
- Please note that the law may limit your right to access information.
- You can submit an access request by going online or contacting us via any of our other channels.

Is there a fee to access personal information?

There is no fee to request your personal information. However, we may charge a fee where your personal information is being requested by a third party with your consent or if you are requesting information on a third party. In certain instances, we may charge an access fee to cover the time we spend sourcing and collating the information you want. If we determine that a fee will be charged, we will let you know the cost so that you can decide if you want to go ahead or not. Generally, the fee is based on an

hourly rate plus other expenses that may be reasonably incurred. You will be required to pay the fee before we go ahead with your request.

How long will it take?

We try to make your information available within 30 days of you asking for it. Before releasing the information, we will need to confirm your identity.

Can we refuse you access to your information?

In some cases, we can refuse access, or we'll only let you access certain information. For example, we might not let you access information that is commercially sensitive. If so, we will contact you to let you know why. You have the option to query this decision as set out in section 11.

Updating your information

It's important that we have your correct contact details, such as your current home address, email address and phone number. You can check or update your information by logging in to our website/app or contacting us via any of our other channels. For our contact details, refer to section 13 below.

Can we correct, delete or update your information?

You can ask us to correct, delete or update any information we have for you if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully or if we are no longer authorised to retain the information. You must submit your request to us in writing. We will take reasonable steps to determine if the personal information is correct and make any correction needed. It may take a reasonable time for the change to reflect on our systems. We may request documents from you to verify the change in personal information and we may require you to complete a form to assist you with your request. The relevant form (form 2) is included as an annexure to this policy.

No fee is charged for this. Note that if the law requires us to retain the information you have requested us to delete, we may not be able to delete this information immediately. Note further that the deletion of certain

personal information could result in the suspension or termination of your business relationship with the Authority.

Right to objection

You may object on reasonable grounds to the processing of your personal information where it is in your legitimate interest or in the legitimate interest of another party.

You must inform us of your objection in the prescribed form. Prescribed form 1 is included as an annexure to this policy.

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 was conducted in line with your consent; or the processing is necessary to conclude or perform under a contract with you.

We will also not be able to give effect to your objection if the objection is not based upon reasonable grounds and substantiated with appropriate evidence.

We will provide you with feedback regarding your objections.

Right to withdraw consent

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 of this to you, which may include that we may not be able to provide certain products or services to you. We will inform you if this is the case. 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 a reasonable time for the change to reflect on our systems. During this time, we may still process your personal information.

You can give effect to this right by contacting us on +267 3957755 or privacy@bocra.org.bw alternatively, go to our website for more information: www.bocra.org.bw

11. Making a privacy complaint

If you have a concern or complaint about your privacy, please let us know and we'll do our best to address it. If you're not satisfied with how we handled the issue, there are other courses of action available to you.

How do you make a complaint?

We do our best to get things right the first time. If, however, we don't, we will do whatever we can to fix it. If you are concerned about your privacy, you have the right to lodge a complaint and we'll do our best to address it.

If you have a privacy related concern or complaint, please first raise this with the Authority directly and we will do our best to resolve the issue speedily.

To lodge a complaint, please contact our customer contact centre via any of our channels. We will then investigate the issue and do our best to resolve your complaint immediately. You can call our customer contact centre on +267 3957755 or email us at privacy@bocra.org.bw or contact us via any of our other channels. You can also submit a query or complaint through our website: www.bocra.org.bw

How do we manage complaints?

Where we receive a complaint, we will:

- Acknowledge your complaint and give you a reference number for your complaint.
- Respond to the complaint within 48 hours or we'll tell you if we need more time to investigate it. Your complaint will be handled in terms of our customer complaints handling policy, which you can ask for.
- Keep you updated on what we are doing to address the problem.

- Give our final response within 30 days. If we can't give you a response in this time, we'll contact you to tell you why and work out an appropriate new timeframe with you.
- Keep a record of your complaint.

What else can you do?

If we do not resolve your dispute, or you are not satisfied with the outcome of our complaints handling process, you have the right to escalate a complaint to the Information Commission in instances where the complaint warrants the attention of the commission, as provided for by the Data Protection Act.

The Information Commissioner (Botswana)

Tel: +267 3957755

Email: privacy@bocra.org.bw

Postal: Private Bag 00495

Gaborone

Botswana

12. Cookies

A cookie, in its basic form, is a short line of text that a website puts on your computer's hard drive or device when you access that website. That way, when you return, that website knows you were there before and can automate some things for you.

The purpose of a cookie is therefore to provide a reliable mechanism to "remember" customer behaviour (keeping track of previous actions), e.g. Remembering the contents of an online shopping cart, and actions the user performed whilst browsing when not signed up or logged into their online account.

A cookie does not allow us to identify the individual unless they have used the same computer or device to login to one of our products like our web portal.

By using our website or applications, customers agree that cookies may be forwarded from the relevant website or application to their computer or device. The cookie will enable us to know that you have visited a website or application before and will identify the customer. We may also use the cookie to prevent fraud.

Please refer to our cookie policy for further information. Our cookie policy is available on our website at www.bocra.org.bw

13. We're here to help

If you want to update your personal information, have a concern about privacy, need more information or want to update your preferences, we're just a phone call away.

If you have a query, need to access your personal information, make a correction or lodge a complaint, You can call our contact centre on +267 3957755 or email us at privacy@bocra.org.bw or contact us via any of our other channels. You can also submit a query or complaint through our website: www.bocra.org.bw

Forms

Form 1: Objection to the processing of personal information in terms of section 6(30) of the Data Protection Act, 2018

Note:

1. Affidavits and other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in the Form, is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is Applicable

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identification Number	
Residential, postal or business address	
Contact number(s):	
Fax number / Email address:	
B	DETAILS OF DATA CONTROLLER
Name(s) and surname / registered name of data controller:	
Residential, postal or business address	
Contact number(s):	
Fax number / Email address:	

C	REASON FOR OBJECTION IN TERMS OF SECTION 6(30)(d) to (e) <i>Please provide detailed reasons for objection</i>

Signed at..... this..... day of

.....

Signature of Data Subject / Designated Person

Form 2: Request for correction or deletion of personal information or destroying or deletion of record of personal information in terms of section 6(30) of the Data Protection Act, 2018

Note:

- 1. Affidavits and other documentary evidence as applicable in support of the objection may be attached.
- 2. If the space provided for in the Form, is inadequate, submit information as an Annexure to this Form and sign each page.
- 3. Complete as is Applicable

Mark the appropriate box with an "X".

Request for:

- Correction or deletion of the personal information about the data subject which is in the possession or under control of the data controller.
- Destroying or deletion of a record of personal information about the data subject which is in the possession or under control of the data controller and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identification Number	
Residential, postal or business address	
Contact number(s):	
Fax number / Email address:	
B	DETAILS OF DATA CONTROLLER
Name(s) and surname /	

registered name of data controller:	
Residential, postal business address or	
Contact number(s):	
Fax number / Email address:	
C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYD
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 6(30)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE DATA CONTROLLER; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 6(30)(b) WHICH THE DATA CONTROLLER IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at..... this..... day of20.....

.....

Signature of Data Subject / Designated Person