



DEVELOPMENT MANAGEMENT SCHEME COMPLIANCE ADVISORY: 12 OF 2021

PROTECTION OF PERSONAL INFORMATION AMENDMENTS ON DEVELOPMENT APPLICATION MANAGEMENT FORMS

The Protection of Personal Information Act or POPIA protects private and personal information including the way that information is processed or handled as part of a development application.

A land use application is linked to a property and therefore the property owner. A property owner's details including personal information are a requirement for the processing of an application. Details of a property owner, as an objector or commenting party, are also a requirement in the processing of that application.

Two Development Management application forms have been amended to reflect the requirements of these provisions. These forms, including their amendments are listed below;

1. Updated objection, comment or representation form to an application received by the City in terms of the City of Cape Town Municipal Planning By-law, 2015 (MPBL)

The objection, comment or representation form has been updated for compliance in terms of the provisions of POPIA and to provide for consent from the commenting party for using the information provided in terms of the processing of the relevant application.

The amended form now includes the following text:

By lodging an objection, comment or representation, you acknowledge and consent that:

- (i) the personal information you provide will be processed by the City of Cape Town, its agents and/or its representatives (and for the purposes of, or in connection with, the application)*
- (ii) such processing complies with the obligation imposed on the City of Cape Town by applicable law;*
- (iii) in accordance with applicable law, the information you provide may be made available to the public and to the applicant; and*
- (iv) should you disclose more information than required, such information may also be publicised.*

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You are also advised to consider the City of Cape Town Privacy Policy (available on the CCT website) and any other POPIA policies related, or relevant to Development Management.

2. Declaration in respect of notices of no objection

The City is a responsible party in terms of the POPIA. POPIA imposes duties on a responsible party in respect of personal information. An applicant who has chosen to personally undertake the advertising process of an application is provided with the personal information relating to affected property owners, which enables the applicant to serve notices of no objection in terms of section 84 of the Municipal Planning By-law, 2015 (MPBL).

This personal information includes the name, physical address and email addresses of the owners of surrounding properties. The applicant will also receive personal information from the property owners signing letters of no objection.

The MPBL – LUM 19 form or Declaration in respect of notices of no objection must be signed by an applicant undertaking the advertising process and declares their acknowledgement as a responsible party in terms of POPIA.

By signing this form they acknowledge that they will:

- not share the personal information of affected parties for any reason other than to inform and notify the affected party of the proposed application in terms of the Municipal Planning By-law, 2015
- ensure the safety and security of the personal information supplied and obtained by locking away any hard copies of notices of no objection or disposing of them after such use in a way that complies with the provisions of POPIA and by ensuring that other people do not have access to electronic copies of notices (on any device)
- immediately report any data breach to Popia@capetown.gov.za for onward reporting to the City's Deputy Information Officer.

The Declaration in respect of notices of no objection or the MPBL – LUM19 form will be issued to an applicant undertaking the advertising process and must be signed by the property owner, applicant or agent whenever notices of no objection are issued.

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These signed declarations are a requirement for record purposes.



PLEASE NOTE

To avoid unnecessary delays in the processing of the application ensure that where required the MPBL – LUM 19 form is completed and submitted with the accompanying notices of no objection.