



DATE: 07 June 2022

DEA&DP reference: 16/3/3/2/B1/4/1006/22

Dear Interested and Affected Party

Proposed Construction of an Off Stream Balancing Dam on Portion 1 of Farm Sand Drift No. 220, Swellendam Rd

Draft Environmental Impact Assessment Report

This letter serves as notice of the Official Public Participation Process for the proposed development. The commenting period will be from 10 June 2022 until 11 July 2022.

A digital version of the Draft Environmental Impact Assessment Report is available for download from the following link: <https://tinyurl.com/y3aazzw4>.

As contemplated in the Protection of Personal Information Act, 2013 (Act no. 4 of 2013), for the purposes of this particular project, private information will only be made available to the public as and when required on receipt of written consent specified by the I&AP. Should the I&AP wish to provide consent, a form is included in **Appendix A** below, which can be returned to the EAP, at details indicated below.

If there are any problems downloading the reports, or should there be any queries, please do not hesitate to contact me.

Yours sincerely,

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Appendix A: POPIA Consent Form

Regulation 42 of the Environmental Impact Assessment Regulations, 2014, as amended (EIA Regulations) provides for the opening and maintenance of a register of interested and affected parties (I&APs), by the proponent or applicant, which must contain personal information (names, contact details and addresses). It is therefore the duty of the proponent or applicant to collect the information that must be contained in the register.

Regulation 42 further requires that these registers must be submitted to the Competent Authority (CA). There is no legal requirement in the EIA Regulations that such registers must be included in the reports that are published for public consultation purposes or be made publicly available as part of the EIA process. Since the information in the registers is personal/private information, it should not be included in or attached to reports and be made available in the public domain. CAs, applicants and environmental assessment practitioners (EAPs) should take note that, if this information was previously included in reports and shared in the public domain, this now requires reconsideration in accordance with the POPIA. The Department realises that EAPs may have included some personal information in these reports when they receive and compile them. Likewise, this information may reach CAs who also now need to be sensitive about the management of this information.

Section 11(1)(a) of POPIA provides further that personal information may only be processed if the data subject consents to the processing.

The requirements of section 18.1 of POPIA requires that if personal information is collected, the responsible party must take reasonably practicable steps to ensure that the data subject is aware of, amongst other things, the information being collected, the name and address of the responsible party (in this case the EAP and applicant), the purpose for which the information is collected, whether or not the supply of the information by the data subject is voluntary or mandatory, the consequence of the failure to provide the required information, further information such as the recipient of the information, as well as the existence of the right to object to the processing of the personal information.

EAPs should obtain express consent from commenting parties to include their names with their comments in the reports. It is therefore recommended that the EAP, when requesting comment, should also request the persons who may comment to provide consent that their names may be included with their comments in the reports. Commenting parties should also be informed that they may opt to not have their names shared, as well as an indication of the consequences of such an option being exercised, in which case only the comments will be included. This will ensure that the requirements of section 11(1)(a) of POPIA, which provides that personal information may only be processed if the data subject consents to the processing, is given effect to. Even when consent is obtained it is recommended that only the minimum details (the names) should be included in reports and the inclusion of unnecessary and excessive information should be avoided.

I, _____ (full name) therefore, herewith give consent that my personal details (telephone, email and postal address may be made public, only for the purposes of the lawful public participation process for the project

Note, however, that should written consent not be received, personal details will only be included in reports submitted to the CA.

.....
Name

.....
Date

.....
Signature