POPI POLICY

(Internal)

In compliance with the Protection of Personal Information Act 4 of 2013 ("POPI")

30 June 2021

ADINGA (PTY) LTD

"the Company"

For a complete frame of reference, employees must refer to our POPI Privacy Policy which is available in our POPI Compliance File.

ABSTRACT

This document serves as our internal POPI Policy ("policy"). We acknowledge that the protection and processing of personal information has become a global phenomenon and poses great risks. We acknowledge that the right to privacy enshrined in section 14 of the Constitution of the Republic of South Africa, 1996 ("Constitution") forms the cornerstone of protection of personal information and must provide guidance on how we process personal information.

This policy is specifically aimed at our employees and stakeholders and regulates how they must process personal information and explains how their personal information will be processed and protected.

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1. KEY DEFINITIONS

The following definitions contained in section 1 of POPI are of importance:

'data subject' means the person to whom personal information relates;

'employee' means an 'employee' as defined in the Labour Relations Act 66 of 1995;

'employer' means the Company;

'information officer' means the person(s) as identified in our POPI Privacy Policy;

'personal information' means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to–

(a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the person;

(b) information relating to the education or the medical, financial, criminal or employment history of the person;

(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other assignment to the person;

(d) the biometric information of the person;

(e) the personal opinions, views, or preferences of the person;

(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;

(g) the views or opinions of another individual about the person; and

(h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

'processing' means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including-

(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

(b) dissemination by means of transmission, distribution or making available in any other form; or

(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;

'special personal information' means information relating to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information or the criminal behaviour of a data subject.

2. PRIVACY POLICY

Our Privacy Policy is based on the provisions of POPI and the section 14 right to privacy and is the cornerstone of how personal information must be processed in the Company. All employees are required to read our Privacy Policy as it forms the point of departure for the processing of personal information in the Company.

Our Privacy Policy further contains details on the following-

- Our Information Officer;
- The Information Regulator; and
- Our POPI Action Plan and approach towards compliance.

3. CONSENT

3.1. The Employee is hereby informed and accordingly consents that the Employer may during the course of employment with the Employer process personal information of the Employee;

3.2. The Employee is hereby informed and accordingly consents to the processing by the Employer or an authorised third-party operator for purposes relating to the employment relationship, or any other third party where required in terms of applicable law;

3.3. The Employee undertakes to inform the Employer of any change of his/her physical address, identifying information and/or contact details for the duration of this employment agreement.

4. CONFIDENTIALITY

4.1. The Employee acknowledges that he/she may during the course of his/her employment with the Employer gain access to or become acquainted with private, sensitive and confidential information of the Employer, which may include personal information as contemplated in terms of POPI;

4.2. The Employee undertakes for the duration of this employment agreement as well as after termination thereof, except as specifically required for the execution of his/her duties, not to disclose any such confidential information to any unauthorised person;

4.3. The Employee hereby indemnifies the Employer from any liability arising from any breach of this clause by the Employee.

5. EMPLOYEE RESPONSIBILITIES

5.1. All Employees are responsible for ensuring that they read and understand this Policy. In addition, compliance with this POPI policy and our Privacy Policy is expected of all Employees;
5.2. All Employees are required to avoid any activities that could lead to a breach of this Policy;
5.3. The duty of Employees to report suspicious activities includes the duty to report if they have a reasonable suspicion that a data breach may have occurred, is in the process of occurring, or may occur in future.
5.4. Failure to comply with this Policy constitutes a material breach of the employment agreement and will lead to disciplinary action which may include dismissal depending on the severity of the actions of the employee.

6. POPI EXPLAINED IN A NUTHSELL

POPI applies to anyone (companies, close corporations, natural persons, etc) that processes personal information. Firstly, 'process' is defined widely and even includes the *storage* of personal information already in our possession. Secondly and similarly, 'personal information' also includes a comprehensive set of data, ranging from names and addresses to identity numbers and certain correspondence between parties.

POPI does not prohibit the processing of this personal information. It merely requires us to process it in line with the *purpose* that it was provided to us for by the 'data subject' (the person it relates to). The Act is aligned with our right to privacy enshrined in section 14 of our Constitution, hence, utilising someone's personal information for ulterior purposes, or sending it to unrelated third parties without their consent, is an infringement of this right. The fact of the matter is that we must exercise extra care when dealing with somebody's personal information.

Below we will explain the essentials of POPI as from the perspective of an outside party:

WHAT PERSONAL INFORMATION DO YOU PROCESS?

Employees will be required to process personal information in line with our business activities in execution of their duties. When collecting this information from a data subject, you are required to inform them exactly for what reason this information is being collected and obtain the necessary *consent* for the processing thereof where necessary. Employees are required to store this information securely in accordance with our Company practices and POPI training sessions.

WHY IS MY PERSONAL INFORMATION BEING PROCESSED?

As mentioned above, the main requirement of POPI is that information may only be processed in line with the *purpose* that it was provided for. Your duty is thus to clearly explain to data subjects *why* their personal information is being collected. Some people might be weary to provide their personal information. In such a case it is critical to explain to them that their information will *only* be used for purposes as explained to them.

HOW IS MY PERSONAL INFORMATION BEING STORED?

The point of departure is again that a data subject's personal information may generally only be stored if he/she has given *consent*. Furthermore, the data must be deleted/destroyed immediately upon a data subject's request. The crux of the matter is that data must be stored securely. If you have hard copy data, *do not* leave personal information lying around on an open table in a public area (for example). As for electronic data, this must at the very least be securely stored on a password-protected device with strong cybersecurity features and must be backed up securely.

7. SPECIAL PERSONAL INFORMATION

POPI contains a general prohibition on the processing of special personal information, unless one of the exclusions in POPI apply. The categories of special personal information identified in POPI include-

- Religious or philosophical beliefs;
- Race or ethnic origin;
- Trade union membership;
- Political persuasion;
- Health or sex life or biometric information; and
- Criminal behaviour

The processing of the above information involves greater risk, and as such we urge you to take special care if you are ever required to process such special personal information.

8. STEPS IN EVENT OF A COMPROMISE

The following steps will be taken by us in the unlikely event of a data breach/information compromise:

1. Attempt to establish (internal analysis)-
   1.1. Whether there was in fact a breach;
   1.2. What data, if any, was compromised;
   1.3. Which parties were affected; and
   1.4. The extent of the compromise.
2. Draft an internal report;
3. Notify affected persons of the breach;
4. Notify the Information Regulator of the breach;
5. Notify our insurers;
6. Cooperate with our service providers and data subjects to prevent any processing of the compromised data; and
7. Review our safeguarding structures to prevent a reoccurrence.

9. CONCLUSION

Our Team is committed to complying with POPI and we acknowledge our clients' right to protection against the unlawful collection, retention, dissemination and use of personal information, subject to justifiable limitations that are aimed at protecting other rights and important interests.

It is most important to note that we may only process clients' personal information in line with the **purpose** that it was provided to us for.

Lastly, the way we deal with clients' personal information shall also be informed by the contents of our training sessions. You are urged to consult our Information Officer for any POPI-related questions.