

# POPI POLICY

## FOR

# CHANGE LOGIC CS (PTY) LTD

MANUAL COMPILED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (“PAIA”) AND TO ADDRESS THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (“POPI”)

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## 1. INTRODUCTION

1.1 CL and its employees are committed to the following principles:

- (a) To give effect to the constitutional right to privacy, by safeguarding personal information when processed by CL, subject to justifiable limitations;
- (b) To regulate the manner in which personal information may be processed by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;
- (c) To be transparent in its standard operating procedures that govern the processing of personal information;
- (d) To comply with the applicable legal and regulatory requirements regarding the processing of personal information;
- (e) To collect personal information through lawful and fair means and to process personal information in a manner compatible with the purpose for which it was collected;
- (f) Where required by law and according to local requirements, to inform data subjects when personal information is collected about them;
- (g) Where required by law, regulations or guidelines to obtain a data subject's consent prior to processing his/her/its personal information;
- (h) To strive to keep personal information accurate, complete, up-to-date and reliable for its intended use;
- (i) To strive to develop reasonable security safeguards against risks, losses, unauthorised access destruction, use, modification or disclosure of personal information;
- (j) To strive to provide data subjects with the opportunity to access the personal information, relating to them and, where applicable to comply with requests to correct, amend or rectify the personal information where incomplete, inaccurate or not compliant with the standard operating procedures;
- (k) To only share personal information such as permitting access, transmission or publication, with third parties, (either within or outside CL, only if reasonable assurance can be provided that the recipient of such information will apply suitable privacy and security protection to the personal information;
- (l) To comply with any restrictions and requirements that applies to the Transborder Information Flow Policy.

## 2. DEFINITIONS

- 2.1 "competent person" means a person who is legally competent to consent to any action.
- 2.2 "Consent" means the voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
- 2.3 "Data subject" means a person to whom personal information relates.

- 2.4 “De-identify” means deleting any information that can be used to identify a data subject.
- 2.5 “Person” means a juristic or natural person.
- 2.6 “Processing” means any operation or activity or any set of operations, whether by automatic means, concerning personal information, including:
- (a) Collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - (b) Dissemination by means of transmission, distribution or making available in any other form;
  - (c) Merging, linking, as well as restriction, degradation, erasure and destruction of information.
- 2.7 “Public body” means any department of state or administration in the national, provincial or local spheres of government and any other functionary exercising a power or exercising a duty in terms of the Constitution.
- 2.8 “Public record” means a record that is accessible in the public domain and it is in the possession of a public body.
- 2.9 “Responsible party” means a public or private person who, alone or in conjunction with others, determines the purpose of and means for processing personal information.

### **3. PURPOSE OF THE POLICY**

- 3.1 POPI requires that personal information be collected for a specific, explicitly defined and lawful purpose to a function or activity of the responsible person.
- 3.2 This policy explains:
- (a) The purpose of collecting personal information.
  - (b) what personal information is and how it will be collected.
  - (c) Retaining and safeguarding processed personal information.
  - (d) Disclosure of personal information to third parties.
  - (e) What rights the data subject has which are associated with the information.
  - (f) Storage of personal information.
  - (g) Destruction of personal information.
  - (h) Consenting to the processing of personal information.
  - (i) Updates to this policy.
  - (j) The name and address of the responsible party.
  - (k) Where applicable, the responsible party intends to transfer the information to a third country or international organization and the level of protection afforded to the information by that third country or organization.
  - (l) The necessary steps taken to make the data subject aware that collecting information is directly from the data subject.
  - (m) Where reasonably possible, the steps taken after the information has already been collected to make the data subject aware of the collection.
- 3.3 This policy is not intended to supersede POPI, nor replace the provisions of POPI. Any provision in POPI not specifically referred to in this policy, will be considered incorporated in the policy.

#### 4. **PURPOSE OF COLLECTING INFORMATION**

- 4.1 All personal information that is processed will be treated with the utmost confidentiality. Information will only be shared where such sharing is necessary.
- 4.2 Any further processing of personal information is done in accordance with the provisions of this policy.
- 4.3 Information may be used for the following reasons:
- (a) To develop, provide and improve our products and services.
  - (b) To establish general demographics, statistics, or market information of website users.
  - (c) To identify an individual/employee, verification of such identity, create a user account and/or enter a contract with an individual.
  - (d) To provide a catalogue of new products and services from time to time.
  - (e) To obtain feedback from you on products.
  - (f) To recover any debt consumers may owe.
  - (g) To tailor products and services, including marketing solutions, based on the information received;
  - (h) We use the information that we collect about you to effectively run our business and to help us provide a pleasant, safe, and productive work environment for you.
  - (i) Performing duties in terms of any agreement with you and other consumers.
  - (j) Communicating with you by email, SMS, letter, telephone or in any other way about our products and services.
  - (k) Process your personal information for ordinary business purposes (this includes to open and maintain your account, give effect to transactions, administer claims where applicable, manage our risks and maintain our overall relationship with you)
  - (l) Carry out statistical and other analyses to identify potential markets and trends, evaluate and improve our business (this includes improving existing and developing new products and services)
  - (m) Tell you about services and products available.
  - (n) Payment of invoices.
  - (o) Verifying information and performing checks.
  - (p) Make sure our business suits your needs.
  - (q) Comply with applicable regulations, and
  - (r) Any other reasonably required purpose relating to our business.
- 4.4 We also use Personal Information to:
- a) Accurately process payroll
  - b) Manage and plan our business
  - c) Send out business mailings
  - d) Conduct Employee reviews
  - e) Handle disputes or grievances
  - f) Manage Employee stocks
  - g) Process any claims you bring
  - h) For internal accounting
  - i) Responding to queries received from the website, via email or social media platforms.

## 5. WHAT IS PERSONAL INFORMATION AND HOW IS IT COLLECTED

### 5.1 What is personal information? [section 1]

- (a) It is any information that can be used to identify an individual. Such information may include name; address, contact number; email address including information pertaining to race; gender; sex; pregnancy; marital status; nationality; ethnic or social origin; colour; sexual orientation; age; physical or mental health; wellbeing; disability; religion; conscience; belief; culture; language and birth; education; criminal history; history of employment; personal views and opinions; other persons views and opinions.

### 5.2 How is personal information collected?

- (a) By visiting our website, our servers will automatically pick up, and provide us with the domain and IP address of the visitor.
- (b) If you decide not to provide us with your personal information, you may choose to deny the submission of personal information. Please note that denying submission of personal information may result in you not being able to use some services as it may require submission of personal service.
- (c) Through engagement through social media platforms.
- (d) Through application for employment or while employed by us as and when a need arises to update or obtain additional information.
- (e) When visiting our premises all visitors are required to provide certain personal information before they enter our premises.
- (f) Any other personal information voluntarily provided through business dealings.
- (g) We also use certain monitoring and tracking technologies (such as cookies, beacons, pixels, tags and scripts). These technologies are used in order to maintain, provide and improve our services on an ongoing basis, and in order to provide our customers with a better experience.
- (h) Please note that third party services placing cookies or utilizing other tracking technologies through our services may have their own policies regarding how they collect and store information. Such practices are not covered by our Privacy Policy and we do not have any control over them.
- (i) Our website uses cookies, web beacons and similar technologies to track information provided to us by your browser when you use our website. Cookies are small text files containing small amounts of information which are downloaded and may be stored on any of your devices that enable internet usage.
- (j) Personal Information collected by CL and/or any of its representatives, will generally be collected directly from the data subject, unless –
  - (i) The information is contained or derived from a public record or has deliberately been made public by the data subject;
  - (ii) The data subject or a competent person where the data subject is a child, has consented to the collection of the information from another source;
  - (iii) Collection of the information from another source would not prejudice a legitimate interest of the data subject;
- (k) Collection of the information from another source is necessary –

- (i) To avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;
  - (ii) To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue;
  - (iii) For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;
  - (iv) In the interest of national security; or
  - (v) To maintain the legitimate interests of CL or a third party to whom the information is supplied;
  - (vi) Compliance would prejudice a lawful purpose of the collection; or
  - (vii) Compliance is not reasonably practicable in the circumstances of the particular case.
- (l) Steps will be taken to ensure that the data subject is aware of the purpose of the collection of the information.
- (m) CL will take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary, having regard to the purpose for which the personal information is collected and further processed.
- (n) Where personal information is collected from a data subject. CL will take reasonably practicable steps to ensure that the data subject is aware of:
- (i) The information being collected and where the information is not collected from the data subject the source from which it is collected;
  - (ii) The name and address of CL;
  - (iii) The purpose for which the information is being collected;
  - (iv) Whether or not the supply of the information by the data subject is voluntary or mandatory;
  - (v) The consequences of failure to provide the information;
  - (vi) Any particular law authorising or requiring the collection of the information;
  - (vii) The fact that, where applicable, CL intends to transfer the information to a third country or international organisation and the level of protection afforded to the information by that third country or international organisations;

- (o) It will not be necessary for CL to comply with this section if:
  - (i) The data subject or a competent person if the data subject is a child has provided consent for the non-compliance;
  - (ii) Non-compliance would not prejudice the legitimate interests of the data subject;
  - (iii) Non-compliance is necessary –
    - aa) To avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;
    - ab) To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue;
    - ac) For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; or
    - ad) In the interest of national security.
    - ae) Compliance would prejudice a lawful purpose of the collection;
    - af) Compliance is not reasonably practicable in the circumstances of the particular case;or

## **6. WHAT PERSONAL INFORMATION IS COLLECTED**

- 6.1 Gender, ethnic group, nationality, marital status, identity or passport number.
- 6.2 Date of birth.
- 6.3 General contact information, such as address, telephone number, and email.
- 6.4 Social Media profile information.
- 6.5 Details of payments to third parties.
- 6.6 Professional or personal references.
- 6.7 Company documents and forms completed by you.
- 6.8 Assessments, evaluations, performance reviews, training completion rates, and training scores.
- 6.9 Banking and financial information.
- 6.10 Browsing clicks and click patterns on our websites.
- 6.11 Company information and directors' information.
- 6.12 Other personal details you voluntarily provide to us.

## **7. RETENTION AND RESTRICTION OF PERSONAL INFORMATION**

- 7.1 Records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless –
  - (a) The retention of a record is required or authorised by law
  - (b) CL reasonably requires a record for lawful purposes related to its functions or activities;
  - (c) Retention of a record is required by a contract between the parties thereto; or
  - (d) The data subject or a competent person where the data subject is a child has consented to the retention of a record.

- (e) Information collected or processed initially for the purposes of historical, statistical or research value, may be retained for a period longer than contemplated in this policy providing CL has appropriate measures in place to safeguard these records against uses other than what it was intended for initially.
  - (f) CL will destroy or delete a record of personal information or de-identify it as soon as reasonably practicably after CL is no longer authorised to retain a record.
  - (g) The de-identifying or deletion of a record of personal information must be done in a manner that prevents its reconstruction in an intelligible/understandable form.
  - (h) In the event that CL uses a record of personal information of a data subject to make a decision about the data subject is must –
    - (i) Retain the record for such period as may be required or prescribed by law or a code of conduct; or
    - (ii) If there is no law or code of conduct prescribing a retention period, retain the record for a period which will afford the data subject a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.
- 7.2 CL will restrict the processing of personal information if –
- (a) Its accuracy is contested by the data subject for a period enabling CL to verify the accuracy of the information;
  - (b) CL no longer needs the personal information for achieving the purpose for which it was collected or subsequently processed, but it has to be maintained for purposes of proof;
  - (c) The processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead; or
  - (d) The data subject requests to transmit the personal data into another automated processing system.
- 7.3 Personal information that has been restricted may only be processed for purposes of proof, or with the data subject's consent, or with the consent of a competent person where the data subject is a child, or for the protection of the rights of another natural or legal person or if such processing is in the public interest.
- 7.4 Where personal information is restricted. CL will inform the data subject before lifting the restriction.

## **8. PROCESSING OF PERSONAL INFORMATION**

- 8.1 Personal information will only be processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject;
- 8.2 Personal information may only be processed if –
- (a) given the purpose for which it was processed, it is adequate, relevant and not excessive;
  - (b) the data subject or a competent where the data subject is a child consents to the processing;
  - (c) processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
  - (d) processing complies with an obligation imposed by law on CL;
  - (e) processing protects a legitimate interest of the data subject;

- (f) processing is necessary for the proper performance of a public law duty by a public body, or
  - (g) processing is necessary for pursuing the legitimate interest of CL or of a third party to whom the information is supplied
- 8.3 In the event that CL appoints or authorises an operator to process any personal information on its behalf or for any reason, it will implement necessary agreements to ensure that the operator or anyone processing personal information on behalf of CL or an operator, must –
- (a) process such information only with the knowledge or authorisation of CL; and
  - (b) treat personal information which comes to his/her/its knowledge as confidential and must not disclose it, unless required by law or in the course of the proper performance of his/her/its duties;

## **9. CROSS BORDER TRANSFER OF INFORMATION**

- 9.1 CL may not transfer personal information about a data subject to a third party who is in a foreign country unless –
- (a) The third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that –
    - (i) Effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and where applicable, a juristic person; and
    - (ii) Includes provision, that are substantially similar to the policy, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country.
  - (b) The data subject consents to the transfer;
  - (c) The transfer is necessary for the performance of a contract between the data subject and CL or for the implementation of pre-contractual measures taken in response to the data subject's request;
  - (d) The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between CL and a third party; or
  - (e) The transfer is for the benefit of the data subject, and –
    - (iii) It is not reasonably practicable to obtain the consent of the data subject to that transfer; and
    - (iv) If it were reasonably practicable to obtain such consent the data subject would be likely to give it.

## **10. DIRECT MARKETING BY MEANS OF UNSOLICITED ELECTRONIC COMMUNICATIONS**

- 10.1 The processing of personal information of a data subject for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMS's or e-mail is prohibited unless the data subject –
- (a) Has given consent in writing to the processing; or
  - (b) Is a customer of CL

- 10.2 CL may approach the data subject –
- (a) Whose consent is required; and
  - (b) Who has not previously withheld such consent, only once in order to request the consent of that data subject in prescribed manner and form.
- 10.3 Any communication for direct marketing must contain –
- (a) Details of the identity of the sender or the person on whose behalf the communication has been sent; and
  - (b) An address or other contact details which the recipient may send a request that such communications cease.

## 11. **DISCLOSURE OF PERSONAL INFORMATION**

- 11.1 We will not share your information without consent, whether with internal stakeholders or outside third parties. **[section 20 (b)]**
- 11.2 Save for 11.1 above, personal information may be shared without your consent only in the following circumstances:
- (a) If legally required to do so to comply with applicable laws, judicial proceedings, court order or legal proceedings. **[section 18(4)(c)]**
  - (b) If necessary, to take any legal action regarding potential or violations of our policies or the protection of our legal rights.
  - (c) In cases of buying and selling of assets, or merger's, acquisition, or a similar transaction.
  - (d) When such information is processed into non-personally identifiable information such as statistical data. **[section 18 (4)(f)]**
  - (e) Where it is necessary to protect people's life, body, or property.
- 11.3 In certain cases, we may have to disclose your Personal Information to third parties without your consent or prior knowledge. We limit that disclosure to the following circumstances:
- (a) To satisfy any laws or regulations.
  - (b) To respond to requests, such as discovery, criminal, civil, or administrative process, subpoenas, court orders, or writs from law enforcement or other governmental or legal bodies.
  - (c) To bring legal action against an employee who has violated the law or policy.
  - (d) In the case of any business transfer, sale, or transfer of assets of the Company.
  - (e) If we suspect any fraudulent activity within or in relation to the Company, or if we have noticed any activity which may violate our ethics, guidelines, or other applicable rules.

## 12. YOUR RIGHTS

You have the right to:

- 12.1 Be informed that personal information is being collected. **[section 18(1)(a)]**
- 12.2 Be informed of the purpose for which the information is collected. **[section 18(1)(c)]**
- 12.3 Be informed of any law authorizing the collection of information. **[section 18(1)(f)]**
- 12.4 Be informed whether the supply of personal information is voluntary or mandatory. **[section 18(1)(d)]**
- 12.5 Be informed of the consequences for the failure to provide the information. **[section 18(1)(e)]**
- 12.6 Withdraw consent given to collect Information. **[section 11 (2)(b)]**
- 12.7 Request the erasing of data or information. **[section 5(c)]**
- 12.8 Request access to your personal information stored by us. **[section 5(b)]**
- 12.9 Request the responsible person to confirm whether your information is held by us. **[section 23(1)(a)]**
- 12.10 Request from the responsible person to record or describe the nature of the personal information held by us.
- 12.11 To establish whether a responsible person holds personal information and to request that we transfer your personal information to yourself or a third party.
- 12.12 Request that we correct any information stored. **[section 23(2)]**
- 12.13 Object to the method we use to collect your personal information. **[section 11(3)(a)]**
- 12.14 Request that information collected is restricted. **[section 14(6)(c)]**
- 12.15 Request that your personal information not be processed for the purposes of direct marketing. **[section 5(e)(i)]**
- 12.16 Not be subjected to decide solely based on automatic processing of personal information. **[section 5(g)]**
- 12.17 Submit or lodge a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any person who supplied us with their personal information. **[section 5(h)]**
- 12.18 Institute civil proceedings regarding the alleged interference with the protection of personal information. **[section 5(i)]**
- 12.19 Request that we delete or erase any information about yourself. We will ensure that this request is complied with timeously. **[section 24]**

## 13. INFORMATION STORAGE AND SECURITY OF INFORMATION

- 13.1 We ensure to secure the integrity and confidentiality of personal information in its possession or under its control to prevent:
  - (a) Loss of or damage to or unauthorized destruction of personal information. **[section 19 (1)(a)]**
  - (b) Unlawful access to or processing of personal information. **[section 19 (1)(b)]**
  - (c) We only store your Personal Information as long as it is necessary unless you request deletion of your Information.
  - (d) We may also store your Personal Information for any applicable legal record-keeping (e.g., maintaining our accountancy records or otherwise maintaining the safety and security of our Company, for a time period permitted by applicable law).
  - (e) We employ organizational and technical security measures to protect your Personal Information, such as limiting access to your Personal Information, secured networks, and encryption.

- (f) We ensure that your Personal Information is protected against unauthorized access, disclosure, or destruction by utilizing practices that are consistent with standards in the industry to protect your privacy.
- (g) Please note, however, that no system involving the transmission of information via the Internet or the electronic storage of Information is completely secure, no matter what reasonable security measures are taken.
- (h) Although we take the protection and storage of your Personal Information very seriously, and we take all reasonable steps to protect your Personal Information, we cannot be responsible for data breaches that occur outside of our reasonable control.
- (i) We will, however, follow all applicable laws in the event a data breach occurs, including taking reasonable measures to mitigate any harm as well as notifying you of such breaches as soon as possible.

#### 14. **STANDARD OPERATING PROCEDURES**

- 14.1 Each department will establish the appropriate privacy standard operating procedures that are consistent with this policy, local customs and practices as well as legal and regulatory requirements.

#### 15. **INFORMATION OFFICER**

- 15.1 The person responsible for collection and storage of information may be contacted on [paul.fraser@abi-za.com](mailto:paul.fraser@abi-za.com).
- 15.2 He ensures that there is compliance with any and applicable legislation.
- 15.3 We undertake to:
- (a) Identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control. **[section 19 (2)(a)]**
  - (b) Ensure all personal information processed is secured against identified risks. **[section 19 (2)(b)]**
  - (c) Regularly verify that safeguards are effectively implemented. **[section 19 (2)(c)]**
  - (d) Ensure safeguards are continually updated. **[section 19 (2)(d)]**

#### 16. **DATA BREACHES**

- 16.1 We will notify you and the Regulator as soon as we become aware of any data breach that may result in a risk to your rights and freedoms.

## 17. DESTRUCTION OF DOCUMENTS

- 17.1 All documents containing personal information may be destroyed after the effluxion time as per required or authorized law.
- 17.2 All personal information will be destroyed, deleted or de-identified it as soon as reasonably practicable after there is no authorization to retain the personal information. **[section 14 (4)]**
- 17.3 Destruction of the personal information will be in a manner which prevents reconstruction thereof in an intelligible form. **[section 14 (5)]**

## 18. CONSENT

- 18.1 All personal information processed is done in a lawful and reasonable manner which does not infringe the privacy of the data subject. **[section 9]**
- 18.2 The information that is processed, given the purpose for which it is processed, must be relevant, adequate, and not excessive. **[section 10]**
- 18.3 All information processed is directly collected from the data subject unless: **[section 12 (1)]**
- (a) The information is collected from a public record or source. **[section 12 (2)(a)]**
  - (b) The data subject consents to collecting the information from another source. **[section 12 (2)(b)]**
  - (c) Collecting the information another source does not prejudice the interests of the data subject. **[section 12 (2)(c)]**
  - (d) Collection from another source is necessary. **[section 12 (2)(d)]**
  - (e) Compliance would prejudice a lawful purpose for collection. **[section 12 2(e)]**
  - (f) Compliance is not reasonably practical. **[section 12 (2)(f)]**
- 18.4 We will only process personal information if:
- (a) A data subject consents to the processing of information. **[section 11 (1)(a)]**
  - (b) Processing is necessary to carry out actions to conclude or perform in terms of a contract to which the data subject is a party. **[section 11 (1)(b)]**
  - (c) Processing protects a legitimate interest of the data subject. **[section 11 (1)(d)]**
  - (d) Processing is necessary for the proper performance of a public law duty. **[section 11 (1)(e)]**
  - (e) Processing is necessary for pursuing the legitimate interests. **[section 11 (1)(f)]**
- 18.5 By accessing our website, entering our premises, applying for employment or accepting a contract of employment you consent to the use and collection of your personal information by us.
- 18.6 This policy may be amended from time to time. If there are major changes to this Policy, and such changes materially affect personal information stored, we will notify any person affected by the amendment, of such changes.
- 18.7 The continued use of the website after the updates or amendments have been made to this Policy has the effect of you agreeing to be bound by the new terms of the Privacy Policy.

## 19. UPDATES

- 19.1 The Company may update, change, remove, or add any portions to the policy from time to time.
- 19.2 When this occurs, an amended or updated version of this policy will be made available.

## 20. CONTACT

- 20.1 Questions or concerns related to this Privacy Policy, including requests for deletion of personal information, contact.

Address: 6 Margaux Lane Bel'Aire, Winelands Estate, Somerset West, 7130

Email: [paul.fraser@abi-za.com](mailto:paul.fraser@abi-za.com)

Tel: 083 227 8800