



GLOBEX 360°

GLOBEX 360 PROPRIETARY LIMITED
(the "Provider")

PROTECTION OF PERSONAL INFORMATION POLICY

Last Update: 2020-07-27 11:20 AM

Revision History

Revision	Date of Adoption
Version 1	[•]

3rd Floor Sandton Office towers, 158 5th street, Sandhurst, Sandton, 2196, South Africa

 +27 (0) 11 881 5667

 info@globex360.co.za

 www.globex360.co.za

Globex 360 Proprietary Limited. Reg No. 2018/617616/07
an authorized financial services provider (FSP 50130)
Directors: Paul Venter

1. Introduction

- 1.1 The Protection of Personal Information Act, 4 of 2013 ("**POPI**") places an obligation on the Company to deal with Personal Information in accordance with the principles set out in POPI.
- 1.2 The objective of this Policy is to ensure that the Company's Human Resources Department and all other employees comply with the provisions of POPI when handling Personal Information.
- 1.3 The purpose of the Act
- 1.4 Failure to comply with this policy amounts to misconduct and disciplinary action may be taken against the staff member concerned.

2. What is POPI?

POPI establishes a framework which imposes obligations, in accordance with eight conditions, on private and public bodies that process personal information, and gives rights to individuals and juristic persons whose information is processed. It will regulate every aspect of processing of personal information, from the moment that it is collected to the moment that it is destroyed.

3. What is data protection?

Data protection pertains to the protection of data or information about a living natural person and/or juristic person. This information can be created and kept in many forms, such as emails, paper, photographs, data bases, registers, and many others. It also includes both facts and opinions about people.

4. What does POPI apply to?

POPI applies to personal information and how the Company deals with it. A more detailed definition of '**personal information**' can be found in the glossary.

5. When does POPI apply?

POPI applies whenever personal information is processed by a responsible party. A detailed definition of a '**responsible party**' and '**processing**' can be found in the glossary.

6. Who does POPI apply to?

- 6.1 POPI applies to the Company as a responsible party. A responsible party is 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.

6.2 Every employee who processes personal information for the purpose and in a manner determined by the Company is jointly responsible for compliance with POPI.

7. When is the POPI Act not applicable?

7.1 The Act does not apply:

7.1.1. to information that does not meet the criteria of the definition of personal information;

7.1.2. where informed consent is given voluntarily for to the use of the information, as in s 11(1) and other sections;

7.1.3. to the extent that an exemption applies;

7.1.4. to the use of information solely for journalistic, literary or artistic expression to the extent that such an exclusion is necessary to reconcile the right to privacy with the right to freedom of expression, in terms of s 7; or

7.1.5. to the processing of personal information, namely –

7.1.5.1. in the course of a purely personal or household activity;

7.1.5.2. data that is anonymised, namely, data de-identified to the extent that it cannot be re-identified again;

7.1.5.3. by or on behalf of a public body which involves national security or the prevention of unlawful activities to the extent that adequate safeguards have been established in legislation;

7.1.5.4. by the Cabinet or its committees or the executive council of a province; or

7.1.5.5. relating to the judicial functions of a court.

8. The Eight Conditions for Lawful Processing

8.1 There are eight conditions for lawful processing, and they cannot be read in isolation. They constitute a constellation of conditions which interact with one another and need to be applied holistically. These are effectively principles that must apply when the Company processes personal information.

8.1.1 Condition 1: Accountability

8.1.1.1 The first condition requires the Company, the responsible party, to be accountable for and comply with the conditions for lawful processing from the time when the purpose and the means of processing are determined.

8.1.1.2 The Company is obliged to ensure that the conditions for processing are complied with, even when the processing functions are outsourced.

8.1.2 **Condition 2 : Processing Limitation**

8.1.2.1 Personal information must be processed lawfully, and in a reasonable and adequate manner, which does not infringe the privacy of the data subject.

8.1.2.2 Personal information may only be processed:

8.1.2.2.1 with the voluntary, specific and informed consent of the data subject; or

8.1.2.2.2 when processing is necessary to comply with the terms of a contract or law;

8.1.2.2.3 when it protects the legitimate interests of a data subject; or

8.1.2.2.4 when processing is necessary for the pursuit of legitimate interests of the responsible party or of a third party to whom the information is supplied.

8.1.2.3 Information must be collected directly from the data subject, but subject to exceptions in particular circumstances.

8.1.2.4 A data subject may object, at any time, on reasonable grounds to the processing of his or her personal information, at which point, the processing must be discontinued.

8.1.3 **Condition 3 : Purpose Specification**

8.1.3.1 Personal Information must be collected for a specific, explicitly defined purpose related to the function and activity of the responsible party.

8.1.3.2 Steps must be taken to ensure that the data subject is aware of the purpose of collection.

8.1.3.3 Information must be kept only for as long as necessary for the specific limited purposes. The Company must destroy/delete or de-identify a record of personal information as soon as it is reasonably practicable to do so.

8.1.4 **Condition 4 : Further Processing Limitation**

8.1.4.1 This condition restricts the additional processing of information only to those instances where the purpose for the further processing is "compatible" with the original purpose for which the personal information was originally collected.

8.1.5 **Condition 5: Information Quality**

8.1.5.1 Reasonable steps must be taken to ensure that all the personal information the Company holds is complete, accurate, not misleading and updated where necessary.

8.1.6 **Condition 6: Openness**

8.1.6.1 The Company must ensure that the data subject knows:

8.1.6.1.1 that their information is being collected and the source from which it was collected;

8.1.6.1.2 the purpose for which the information is collected;

8.1.6.1.3 whether supplying the information is compulsory or voluntary;

8.1.6.1.4 any consequence of failing to provide the information;

8.1.6.1.5 whether the Company intends on transferring the information to another country or international organisation; and

8.1.6.1.6 whether the data subject's right of access to, right to rectify and right to object to the processing of information are being upheld.

8.1.7 **Condition 7: Security Safeguards**

8.1.7.1 The Company must secure the integrity and confidentiality of personal information, and prevent loss, damage, unauthorised destruction, and unlawful access.

8.1.7.2 It is necessary to identify any risks to the security of the personal information and establish appropriate safeguards to minimise the risk.

8.1.7.3 If a third party is processing personal information on the Company's behalf, a written contract must be concluded that guarantees that appropriate security measures will be implemented.

8.1.7.4 Where there are grounds to believe that personal information has been accessed by an unauthorised person, the Company must notify, as soon as reasonably possible, both the data subject and the information regulator (established by POPI).

8.1.8 **Condition 8: Data Subject Participation**

8.1.8.1 Data subjects have the right to access, correct, update or rectify personal information held by the Company.

8.1.8.2 Data subjects may also request that the Company destroy or delete their personal information.

9. **Special Personal Information**

9.1 Special personal information is information in relation to the data subject's religious and philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health, sex life, biometric information and criminal behaviour relating to the alleged commission of any offence, any proceedings in respect of any offence allegedly committed or the disposal of such proceedings.

9.2 The processing of special personal information is subject to more stringent requirements than that of personal information.

9.3 It is the Company's policy to avoid handling any special personal information on individuals as far as possible. However, there will be instances where the Company will hold this type of information. Such information should be kept to a minimum and will be kept for a short a period as practical.

10. **Guidelines on how to handle Personal Information**

10.1 **Information Officer**

10.1.1 POPI automatically appoints an Information Officer. Paul Venter serves as the Information Officer. If the employee is ever in doubt about whether any processing activities that the employee intends to undertake comply with POPI, please contact the Information Officer.

10.2 **Collection, use and storage of personal data**

10.2.1 The Company must ensure that the personal information that the Company holds is adequate, relevant and not excessive in relation to the Company's business purposes. Do not ask data subjects for or record excessive information that the Company does not need, even if it is information that is "nice to know".

10.2.2 Only use personal information for the purpose for which it was originally collected. Should the Company wish to use the information for a different purpose, consult the Information Officer.

10.2.3 Make sure that the personal information is accurate and kept up to date, and is not kept for longer than necessary.

10.2.4 Make sure that data subjects are given notice of the processing of their personal information, including, details of the information being collected, the purpose for which it is to be collected and used and any other relevant information.

10.2.5 Such notices have been/will be incorporated into the Company's standard terms of engagement, the Company's employment contracts and written agreements with third parties.

10.2.6 Comply with the rights of people on who the Company holds information (such as the right to access information about themselves).

10.2.7 Only process special personal information with the explicit consent of the person on whom the Company holds the information. If in doubt about whether the Company is permitted to process the special personal information, consult the Information Officer.

10.3 **Security measures**

10.3.1 The Company must take positive steps to prevent the accidental, improper or deliberate disclosure or misuse of personal information and prevent unauthorised access.

10.3.2 The Company must limit the disclosure of and access to personal information to those who have a business need to access the information.

10.3.3 In the event of personal information being compromised, the Company should notify the Information Officer immediately.

10.3.4 The use or disclosure of personal information that has been collected for the Company's business purposes for any ulterior purpose is strictly prohibited and will lead to disciplinary action against the staff member concerned.

10.4 **Disclosure of personal information to others**

10.4.1 The Company must ensure that where any person or organisation processes personal information on behalf of the Company (e.g.: security or IT service provider), a written agreement is concluded with the service provider requiring them to:

10.4.1.1 process the personal information in accordance with the Company's instructions and in compliance with POPI;

10.4.1.2 maintain adequate information security; and

10.4.1.3 take reasonable steps to ensure that staff who have access to the information are familiar with the terms of the agreement.

10.5 **Data Subject Access Requests**

10.5.1 A data subject, whose information the Company holds, may submit a request for a description of his or her personal information held by the Company, as well as a list of all third parties who have or have had access to the personal information.

10.5.2 Any such requests from data subjects should be transferred to the Information Officer if the request relates to a person who is not an employee or to the Head of Human Resources in relation to requests from employees or former employees.

10.5.3 All personal information is potentially disclosable to the person to whom it relates. The Company should bear this in mind when recording expressions of opinion about people and ensure that the Company can justify what it write (e.g.: interview notes, performance appraisals or in emails).

10.6 **Disclosure of Personal Information outside of South Africa**

10.6.1 If information is required to be transferred outside of South Africa, the Company is obliged to make sure that the data subject whose information is being transferred has specifically consented to the transfer of the information or ensure that the Company's engagement terms are in place, which provides the necessary consent to do so.

10.6.2 In the event that specific consent for the transfer is sought from the data subject, the data subject must be informed about the destination to which the information is going to be sent and the level of protection that the information will receive once it is transferred.

10.6.3 If obtaining consent for a transfer will pose a difficulty, consult the Information Officer, who will determine how best to handle the matter.

11. **Glossary of terms from POPI**

11.1.1 **Information Officer:** The person appointed to ensure compliance with POPI and to deal with requests for access to personal data or information.

11.1.2 **Data Subject:** Person to whom personal information relates.

11.1.3 **Personal Information:** Includes information about an identifiable natural person, and in so far as it is applicable, an identifiable juristic person, including but not limited to:

11.1.3.1 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 a person.

11.1.3.2 Information relating to the education or the medical, criminal or employment history of the person or information relating to financial transactions in which the person has been involved.

11.1.3.3 Any identifying number, symbol or other particular assigned to the person.

11.1.3.4 The address, fingerprints or blood type of the person.

11.1.3.5 The personal opinions, view or preferences of the person, except where they are about another individual or about a proposal for a grant, an award or prize to be made to another individual.

11.1.3.6 Correspondence sent by the person that is implicitly or explicitly of a private and confidential nature or further correspondence that would reveal the contents of the original correspondence.

- 11.1.3.7 The views or opinion of another individual about the person.
- 11.1.3.8 The views or opinions of another individual about a proposal for a grant, an award or prize to be made to the person, but excluding the name of the other individual where it appears with the views or opinions of the other individual.
- 11.1.3.9 The name of the person where it appears with other personal information relating to the person or where the disclosure of the name itself would be reveal information about the person.
- 11.1.3.10 Excludes information about a natural person who has been dead or juristic person that has ceased to exist, for more than 20 years.
- 11.2 **Processing:** any operation or any set of operations concerning personal information, including in any case the collection, recording, organisation, storage, updating or modification, retrieval, consultation, use, dissemination by means of transmission or making available in any other form, merging, linking, as well as blocking, erasure or destruction of information.
- 11.3 **Responsible Party:** the natural or juristic person, administrative body or any other entity which, alone or in conjunction with others, determines the purpose of and the means for processing of personal information.
- 11.4 **Special Personal Information:** includes religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life or biometric information of a data subject or criminal behaviour.