

**(Insert COMPANY LOGO AND DETAILS)**

## **PRIVACY POLICY**

### **1. PURPOSE OF THIS PRIVACY POLICY**

The purpose of this Policy is to inform Data Subjects about how (company name) processes their personal information in line with POPIA. Protecting customers' personal information is important to (company name) and it will, in its capacity as Responsible Party and/or Operator, aim to comply with its obligations under POPIA, when it Processes Personal Information

### **2. DEFINITIONS**

The following words and expressions in this policy bear the meanings assigned to them and cognate expressions bear corresponding meanings, unless the context requires otherwise:

- 2.1 “*Data Breach*” means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure of, or access to, Personal Information under the control of or in the possession of (company name).
- 2.2 “*Data Subject*” means the person to whom Personal Information relates.
- 2.3 “*Employees*” means any employee of (company name)
- 2.4 “*(company name) representatives*” means any employee, associate, contractor or legal representative contracted by (company name) and acting on its behalf.
- 2.5 “*Operator*” means a person or entity who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
- 2.6 “*Personal Information*” means information relating to an identifiable living, natural person and where it is applicable, and identifiable, existing juristic person, including, but not limited to:
  - ❖ Race, sex, gender, sexual orientation, pregnancy, marital status, nationality, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, cultural affiliation, language and birth of the person;

- ❖ Information relating to education, medical, financial, criminal or employment history;
- ❖ Any identifying number, symbol ,e-mail address, physical address, telephone number, location information, online identifier;
- ❖ Biometric information of the person;
- ❖ Personal opinions, views or preferences of the person;
- ❖ 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;
- ❖ 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;
- ❖ Organization structure and business operations where the Data Subject is a juristic person;

2.7 “Policy” means this Privacy Policy;

2.8 “Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:

- ❖ The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- ❖ dissemination by means of transmission, distribution or making available in any other form or;
- ❖ merging, linking, restriction, degradation, erasure or destruction of information;

2.9 “Regulator” means Information Regulator established in terms of POPIA;

2.10 “Responsible Party” means 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;

2.11 “Special Personal Information” means Personal Information concerning a Data Subject’s religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, sexual orientation, genetic information, biometric information or criminal behaviour;

2.12 “Third Party” means any independent contractor, agent, consultant, sub-contractor or other representative of (company name).

### **3. PROCESSING OF INFORMATION**

- 3.1 (company name) will collect personal information directly from Data Subjects and/or responsible parties, unless an exception is applicable.
- 3.2 In the event of (company name) collecting personal information from third parties, it will obtain the consent of the data subject, unless an exception is applicable.
- 3.3 (company name) will always collect personal information in a lawful manner and ensure that it protects the data subject's privacy.
- 3.4 (company name) will only process a Data Subject's personal information (other than for Special Personal Information) where:
- ❖ The Data Subject (or a competent person where the Data Subject is a Child) consents;
  - ❖ Processing is necessary to carry out the actions for conclusion or performance of a contract to which a data subject is a party.
  - ❖ Processing complies with an obligation imposed by law on the responsible party;
  - ❖ Processing protects a legitimate interest of the data subject;
  - ❖ Processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied;
- 3.5 (company name) will only Process a data subject's personal Information for specific and lawful purposes, as well as ensure that its processing is only in relation to the purpose for which it has been obtained.
- 3.6 (company name) may disclose Personal Information to third-Parties and will enter into written agreements with such Third Parties to ensure that they process any personal information in accordance with the provisions of this Policy, and POPIA.

### **4. STORAGE OF INFORMATION**

- 4.1 (company name) will store personal information in electronic and/or hardcopy format on its own secure on-site servers or other internally hosted technology via cloud services or other technology of third- party providers contracted with.
- 4.2 (company name) will take appropriate and reasonable technical and organizational steps to protect data subjects' personal information. (company name)'s security measures, including physical, technological and procedural

safeguards, will be appropriate and reasonable and include, amongst others the following:

- ❖ Keeping systems secure;
- ❖ Storing data subjects' records securely;
- ❖ Controlling the access to (company name)'s premises, systems and/or records;
- ❖ Safely destroying or deleting records.

4.3 (company name) will take reasonable steps to ensure that all Personal information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which it is collected or further processed. (company name), however, expects that the Data Subject will notify (company name), in writing, of any updates required in respect of his/her/its personal information.

4.4 (company name) will not retain personal information for a period longer than is necessary to achieve the purpose for which the information was collected or processed unless:

- ❖ The retention of the record is required or authorised by law;
- ❖ The responsible party requires the record for lawful purposes related to its functions or activities;
- ❖ Retention of the record is required by a contract between the parties thereto;
- ❖ The data subject, or competent person, where the data subject is a child, has consented to the retention;
- ❖ The records of personal information is retained for historical, statistical or research if appropriate safeguards are established to prevent use for any other purpose.

## 5. BREACHES RELATED TO PERSONAL INFORMATION

5.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the personal information of a Data Subject has been accessed or acquired by any unauthorised person.

5.2 (company name) will notify the Regulator and the affected Responsible party and Data Subject, as may be applicable, (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach pertaining to that Data Subject's personal information.

## 6. ACCESS TO PERSONAL INFORMATION

- 6.1 The Data Subject may request, in writing, that (company name) provide him/her/it, upon proof of identity, and free of charge, with the information held in relation to the Data Subject and/or a description of the personal information and/or the identity of any third party who may have access or had access to their personal information.
- 6.2 The Data Subject who wishes to obtain personal information, other than own Personal Information, must make application for such in accordance with PAIA.
- 6.3 Subject to written request submitted to the Company or the Information Officer at the postal or physical address or electronic mail address set out in paragraph 6.1 above, a Data Subject may:
- ❖ Request, in writing, that the Company provide him/her/it with Personal Information, other than Personal Information relating to the Data Subject, held by the Company.
  - ❖ Request the Company to update or rectify any inaccurate personal information.
  - ❖ Object to processing and further processing of personal information by the Company.
  - ❖ Withdraw consent to processing and further processing of personal information where consent was previously provided.
  - ❖ Request the Company to delete or destroy personal information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, misleading or unlawfully obtained.

## **7. COOKIES**

- 7.1 A cookie is small text files that is sent from a website to the user's device, such as a computer, smartphone or tablet. The purpose of a cookie is to provide a mechanism to store user preferences, actions the user performed whilst browsing and collect anonymous statistics related to the website usage.
- 7.2 If you accept cookies or fail to "not accept" the use of cookies, you agree that we may use your personal information collected using cookies, subject to the provisions of this privacy policy. Where you "not accept" cookies, you may be unable to access certain parts or functions of our website.

## **8. CHANGES TO THIS POLICY**

- 8.1 (company name) reserves the right to amend this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.

8.2 The current version of this Policy will govern the respective rights and obligations between you and (company name) each time that you utilize our services, regardless of the nature and extent of the services required and by utilizing our services you consent that we may process and disclose your personal information as set out herein.

## 9. CONTACT DETAILS

If you believe we have used your personal information contrary to this privacy statement, you can discuss any concerns with \_\_\_\_\_, by contacting us on:

**Company name**

**Postal address**

**Physical address**

**Telephone number**

**E-Mail**

If a Data Subject is unsatisfied with the manner in which (company name) addresses any complaint with regard to processing of Personal Information, the Data Subject can contact the office of the relevant Regulator.