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POPI (PROTECTION OF PERSONAL INFORMATION MANUAL) OF FORWARD MARCH (PTY) LTD (INCLUDING ALL DIVISIONS AND SUBSIDIARIES)

FORWARD MARCH (PTY) LTD
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1. INTRODUCTION

The Protection of Personal Information Act, 2013 (the "POPIA") provides for:

a) the promotion the protection of Personal Information[1] processed by public and private bodies;

b) certain conditions so as to establish minimum requirements for the processing of Personal Information;

c) the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of the POPIA and the PAIA;

d) the issuing of codes of conduct;

e) the rights of persons regarding unsolicited electronic communications and automated decision making;

f) the regulation of the flow of Personal Information across the borders of the Republic; and

g) matters connected therewith.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

The Minimum conditions of lawful processing are as follows:

1. Accountability
2. Processing limitation
3. Purpose specification
4. Further processing limitation
5. Information quality
6. Openness
7. Security safeguards
8. Data subject participation

Exclusions

The Act does not apply to the processing of personal information:

a) in the course of a purely personal or household activity;
b) that has been de-identified to the extent that it cannot be re-identified again;

[1] As defined in terms of article 1 (Definitions) of POPIA

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c) solely for the purpose of journalistic, literary or artistic expression to the extent that such an exclusion is necessary to reconcile, as a matter of public interest, the right to privacy with the right to freedom of expression.

Exemptions

The regulator may grant exemption, however, at the time this manual was published there was no exemptions granted by the regulator.

The processing of the above information will therefore not be dealt with in this manual.

Rights of Data Subjects

may submit objections to processing or requests for correction/deletion via any expedient method including hand delivery, post, email, WhatsApp, SMS, fax, or phone call. Telephonic objections must be recorded and made accessible to the data subject on request.

When it comes to the processing of Personal Information, FORWARD MARCH (PTY) LTD not only needs to comply with the conditions of lawful processing but also needs to ensure that a data subject's rights in terms of the Act are complied with. The Data subjects' rights in terms of the Act are as follows:

a) to be notified that personal information is being collected or personal information has been accessed or acquired by an unauthorised person;
b) to establish whether a responsible party holds personal information of that data subject and to request access to such personal information;
c) to request, where necessary, the correction, destruction or deletion of personal information;
d) to object, on reasonable grounds relating to the particular situation, to the processing personal information;
e) to object to the processing of personal information at any time for purposes of direct marketing;
f) not to have personal information processed for purposes of direct marketing by means of unsolicited electronic communications except as allowed – Refer to Part 7: Direct Marketing;
g) not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of personal information intended to provide a profile of such person;
h) to submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator;
i) to institute civil proceedings regarding the alleged interference with the protection of personal information;

The lawful processing of personal information together with the rights of the data subject will be dealt with in this manual.

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2. DEFINITIONS

The following terms used in this manual and legislation are defined as follows:

"The Act": The Protection of Personal Information Act, 4 of 2013, and includes any regulation under this act.

''Automated means": any equipment capable of operating automatically in response to instructions given for the purpose of processing information.

"Biometrics": A technique of personal identification that is based on physical, physiological or behavioral characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.

"Body": public or private body.

"Child": A natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself.

"Code of conduct": A code of conduct issued by the Regulator in terms of Chapter 7 of the Act.

"Competent person": Any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.

"Consent": Any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

Consent for direct marketing must be collected in a manner that is cost-free, convenient, and accessible. Consent received by phone or automated call must be recorded. The intended goods/services must be clearly stated, and the preferred communication method obtained. Opt-out does not constitute consent.

"Constitution": The Constitution of the Republic of South Africa, 1996.

"Data subject": The person to whom personal information relates.

"De-identify": In relation to personal information of a data subject, means to delete any information that identifies the data subject, can be used or manipulated by a reasonably foreseeable method to identify the data subject, or can be linked by a reasonably foreseeable method to other information that identifies the data subject.

"Direct marketing": To approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject, or requesting the data subject to make a donation of any kind for any reason.

"Electronic communication": Any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient.

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"Enforcement notice": A notice issued by the Regulator to a responsible party in order to take certain action.

"Filing system": Any structured set of information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria.

"Head": of, or in relation to, a private body means:

a) in the case of a natural person, that natural person or any person duly authorised by that natural person;
b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
c) in the case of a juristic person the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer;

"Information matching programme": The comparison, whether manually or by means of any electronic or other device, of any document that contains personal information about ten or more data subjects with one or more documents that contain personal information of ten or more data subjects, for the purpose of producing or verifying information that may be used for the purpose of taking any action in regard to an identifiable data subject.

"Minister": The Cabinet member responsible for the administration of justice.

"Operator": A person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party. This means that the information you process is not for your direct client, employee, supplier, etc. but rather that of another entity. For example, if you provide payroll services and as such process the information of another entity's employees.

"Person": A natural person or a juristic person.

"Personal information": 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 particular 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.

"POPI": Protection of Personal Information.

"POPIA": Protection of Personal Information Act

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"PAIA": Promotion of Access to Information Act

"Prescribed": Prescribed by regulation or by a code of conduct.

"Private body":

a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
b) a partnership which carries or has carried on any trade, business or profession; or
c) any former or existing juristic person but excludes a public body.

"Processing": 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.

"Professional legal adviser": Any legally qualified person, whether in private practice or not, who lawfully provides a client, at his or her or its request, with independent, confidential legal advice.

"Public body":

a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
b) any other functionary or institution when:
    a. exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
    b. exercising a public power or performing a public function in terms of any legislation.

"Public record": A record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.

"Record": Any recorded information:

a) regardless of form or medium, including any of the following:
    a. Writing on any material;
    b. information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
    c. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
    d. book, map, plan, graph or drawing;
    e. photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
b) in the possession or under the control of a responsible party;
c) whether or not it was created by a responsible party; and
d) regardless of when it came into existence.

"Regulator": The Information Regulator established in terms of section 39 of the Act.

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"Re-identify": In relation to personal information of a data subject, means to resurrect any information that has been de-identified, that:

a) identifies the data subject;
b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, ''re-identified'' has a corresponding meaning.

"Republic": The Republic of South Africa.

"Responsible party": 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, in this instance the Responsible Party/ies are:

[FORWARD MARCH (PTY) LTD]

"Restriction": To withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information.

"Special personal information":

a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
b) the criminal behaviour of a data subject to the extent that such information relates to:
    a. the alleged commission by a data subject of any offence; or
    b. any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

"Unique identifier": Any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

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3. LAWFUL CONDITIONS FOR THE PROCESSING OF PERSONAL INFORMAITON

3.1 Condition 1 - Accountability

As a responsible party, FORWARD MARCH (PTY) LTD must ensure that the conditions for the lawful processing of personal information is complied with. This is done through the appointment of an information officer who will take responsibility and accountability for the provisions of the Act. See **Annexure 1.1 – Certificate of appointment of Information and Deputy Information officer and Annexure 1.2 – Information Officer Registration Form.**

3.1.1 The Information officer

An information officer is identified as one of the following:

Nature of the body		**Identity of Information Officer**
Public Body, department or Organ of State (as defined in section 239 of the Constitution)	National Department or Provincial Government Components	Director-General or the person who is acting as such.
	Presidency or a National Government Component	Director-General or the person who is acting as such.
	Provincial department or a Provincial Government Component	Head of Department or the person who is acting as such.
	Office of a Premier or a Provincial Government Component	Director-General or the person who is acting as such.
	Municipality	Municipal Manager or the person who is acting as such.
	Public Institutions	Chief Executive Officer or the person who is acting as such.
Private Body	Natural person	A natural person who carries on any trade, business or profession, but only in such capacity or any person duly authorised by that natural person.
	Partnership	Any partner of the partnership or any person duly authorised by the partnership.
	Juristic person	Chief Executive Officer or the Managing Director or equivalent officer of the juristic person or any person duly authorised by that officer or any person who is acting as such or any person duly authorised by such acting person

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The Information officer takes accountability for the fulfillment of his/her rights and duties as set out in clause 3.1.2 and 3.1.3 below. The Information Officer may be held criminally liable for the following offences:

Sections of POPI	**Nature of offence by an Information Officer**	**Penalty**
100	Hinders, obstructs or unlawfully influences the Regulator	fine or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment
102	Obstruction of execution of warrant	fine or to imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment
103	Fails to comply with an enforcement notice	fine or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment
105	Unlawful acts by responsible party in connection with account number	fine or to imprisonment for a period not exceeding 10 years, or to both a fine and such imprisonment
59	Failure to notify processing subject to prior authorisation	fine or to imprisonment for a period not exceeding 12 months, or to both a fine and such imprisonment
Sections of PAIA	**Nature of offence by an Information Officer**	**Penalty**
90(1)	A person who with intent to deny a right of access in terms of this Act- (a) destroys, damages or alters a record; (b) conceals a record; or (c) falsifies a record or makes a false record	A fine or imprisonment for a period not exceeding two years
90(2)	The Information Officer of a public body who willfully or in a grossly negligent manner fails to make available the manual in terms of section 14 of PAIA	A fine, or imprisonment for a period not exceeding two years
90(3)	A head of a private body who willfully or in a grossly negligent manner fails to make available the manual in terms of section 51 of PAIA	A fine, or imprisonment for a period not exceeding two years
77K	Non-compliance with Enforcement Notice	A fine, or imprisonment for a period not exceeding three years or to both such a fine and such imprisonment

Details of the Information Officer/s can be found in **Annexure 1.3 – Details of appointed Information officers.**

3.1.2 The Deputy Information Officer.

Section 17 of PAIA provides for the designation of a Deputy Information Officer of a public body, and section 56 of POPIA extends the designation of a Deputy Information Officer for a private body.

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Only employee(s) of a body can be designated as a Deputy Information Officer. In order to render a body as accessible as reasonably possible the Information Officers of public and private bodies must designate one or more Deputy Information Officers as are necessary, depending on the structure and size of such bodies.

To ensure accessibility, the Information Officer of a multinational entity based outside the Republic must designate any person within the Republic of South Africa as a Deputy Information Officer.

A person designated as a Deputy Information Officer should be afforded sufficient time, adequate resources and the financial means to devote to matters concerning POPIA and PAIA. It is recommended that a Deputy Information Officer should report to the highest management office within a Body. This means that only an employee at a level of management and above should ideally be considered for designation as a Deputy Information Officer of a body. A Deputy Information Officer should be accessible to everyone, particularly to a data subject in respect of POPIA or a requester, in terms of PAIA. A Deputy Information Officer should have a reasonable understanding of POPIA and PAIA in order to execute his or her duties. A Deputy Information Officer should have a reasonable understanding of the business operations and processes of a body. An employee(s) with institutional knowledge is preferred for designation as a Deputy Information Officer(s).

Details of the Information Officer/s can be found in **Annexure 1.3 – Details of appointed Information officers.**

Information Officers must take up their duties only after they have been registered with the Regulator. The Information Officer must complete and submit the registration form to the regulator. Should there be a change in Information officer, the particulars will be updated. The Information Officer and Deputy Information Officer acknowledges that the Regulator will make their contact details available on its website.

Annexure 1.2 – Information Officer's registration form

Manual applications for registration of Information Officers and Deputy Information Officers may be submitted to the Regulator through the following channels:

Email: registration.IR@justice.gov.za

Postal: P.O Box 31533

Braamfontein

3.1.2 Duties and Responsibilities of the Information Officer in terms of PAIA

3.1.2.1 The Act stipulates the following general responsibilities:

- encourage and ensure compliance with PAIA in accordance with the body's definition of compliance.
- create, maintain and update a PAIA Manual for the body.
- evaluate and approve requests for access to information received in terms of the grounds set out in PAIA, within the time constraint or any extended period.

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3.1.3 Duties and Responsibilities of the Information Officer in terms of POPI

3.1.3.1 The Act stipulates the following general responsibilities:

- to encourage compliance with POPI;
- dealing with requests made to the organisation in relation to POPI (for instance, requests from Data Subjects to update or view their personal information);
- working with the Regulator in relation to investigations;
- submit a report to the Regulator regarding requests received in terms of POPI and PAIA and how they were dealt with (see Part 5 of Manual)
- otherwise ensuring compliance with POPI as may be prescribed (i.e. keep an eye on the Regulator's website!).

3.1.2.2 Regulation 4 lists the following prescribed responsibilities in addition to those listed above:

- <u>Compliance framework</u>:
  - Develop and implement a compliance framework;
  - ensure it is monitored and maintained over time;
  - (this could be captured in a privacy charter or framework document that outlines who is responsible for what and which policies apply).

- <u>Personal information impact assessment ("PIIA")</u>

  It is the responsibility of the information officer to perform a personal information impact assessment to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information.

  This assessment should identify which parts of the Act is applicable to the entity, who are the data subjects of the entity, what information is collected and processed and what measures needs to be taken to ensure lawful processing and safeguarding of the information.

  You may need to have a meeting with individuals within the company who are responsible for processing information, to be able to identify all the necessary information. **Annexure 2 - Personal information Impact assessment** will guide you through this process. This document is the foundation of your POPI manual and policies and procedures. Please make sure that it is completed correctly. Please note that this assessment and the manual interacts with one another and must be completed together. Where necessary, the manual provides further guidance as to what should be done in the impact assessment.

  When identifying and documenting data subjects, try and group them per Data Process, as different information may be processed for the same individual in different processes. For example, employing individuals may be one process, and completion of COVID registers may be a different process, even though the same information is collected and processed. This is due to the fact that

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the information is collected, used and stored in a different way, and as such needs to be evaluated and treated separately.

The following data subjects have been identified during the impact assessment for whom the processes will be implemented as per Part 3: Processing Personal Information: **Refer to Annexure 2 – tab 2.2.**

- POPI Manual
    - It is the responsibility of the Information officer to ensure that the organization has a POPI manual.
    - Ensure that it is monitored, maintained and made available as prescribed by PAIA.
    - Provide copies of the manual to anyone who asks for it (the Regulator may determine in future that a fee must be paid for this)
- Enable Data subject participation.
    - Develop measures and adequate systems to process requests for information or access to information.
- Awareness Training: conduct awareness sessions regarding:
    - The provisions of the POPI Act.
    - The regulations made in terms of the Act.
    - Codes of conduct.
    - Information obtained from the Regulator.
      (this will need to be ongoing as the Regulator provides updates, guidelines, new regulations or as new codes of conduct become enforceable)

3.2. Condition 2 – Processing Limitation

3.2.1 Lawfulness of processing

Personal information must be processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject. FORWARD MARCH (PTY) LTD therefore, implements the below policies and procedures on the personal information processed of all data subjects identified during the Personal Information Impact Assessment as per **Annexure 2 - Personal information Impact assessment.**

3.2.2 Minimality

Personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive. As per **Annexure 2 – Personal Information Impact assessment**, all personal information obtained per data subject will be evaluated against the purpose for processing to identify if it is adequate, relevant and not excessive. If it does not comply, it will not be processed.

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3.2.3 Collection and Processing of Personal Information

3.2.3.1 Collection of Personal Information

FORWARD MARCH (PTY) LTD will always aim to collect data directly from a data subject unless otherwise provided in Section 12(2) of the Act.

3.2.3.2 Processing of Personal Information

We collect and process Personal Information for the data subjects, as referred to **Annexure 2 – tab 2.2,** mainly to provide the data subject with access to our services and products, to help us improve our offerings to the data subject and to support our contractual relationship with the data subject. This Personal Information will be processed in accordance with clause 3.2.1 and 3.2.2 above.

3.2.3.3 Processing of Special Personal Information

We collect and process Special Personal Information for the data subjects, as referred to in **Annexure 2 – tab 2.2** mainly to provide the data subject with access to our services and products, to help us improve our offerings to the data subject and to support our contractual relationship with the data subject. This Special Personal Information will be processed in accordance with clause 3.2.1 and 3.2.2 above.

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3.2.3.4 Processing of Personal Information of children/Minors:

We collect and process Personal Information for the data subjects, as referred to in **Annexure 2 – tab 2.2** mainly to provide the data subject with access to our services and products, to help us improve our offerings to the data subject and to support our contractual relationship with the data subject. This Personal Information will be processed in accordance with clause 3.2.1 and 3.2.2 above.

3.2.4 Consent, justification and objection

FORWARD MARCH (PTY) LTD will only process personal information, in terms of our personal information impact assessment, if we have the authorization as set out in Section 11 of the Act.

FORWARD MARCH (PTY) LTD will only process Special Personal Information, in terms of our personal information impact assessment, if we have the authorization as set out in Section 27 of the Act.

FORWARD MARCH (PTY) LTD will only process Personal Information of Children, in terms of our personal information impact assessment, if we have the authorization as set out in Section 35 of the Act.

In terms of the Act, FORWARD MARCH (PTY) LTD bears the burden of proof for the data subject's or competent person's consent as referred to above. The way in which consent was received, if relevant, or the reason why consent is not necessary, is documented on **Annexure 2 – Personal Information Impact assessment**, per data subject.

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The data subject or competent person may, at any time exercise their rights as set out in Clause 3.8.1.6 and clause 3.8.1.7 hereof.

Complete **Annexure 2 – Personal information Impact assessment** for each data subject to indicate compliance with condition 2 – processing limitation.

3.2.5 Prior authorization

The responsible party must obtain prior authorization from the Regulator prior to any processing any information that is set out in Section 57(1) of the Act.

For guidance and more information on the above, please see **Annexure 6.1 – Application for prior authorisation.**

A responsible party must obtain prior authorisation only once and not each time that personal information is received or processed, except where the processing departs from that which has been authorised.

Responsible parties may not carry out information processing that has been notified to the Regulator until the Regulator has completed its investigation or until they have received notice that a more detailed investigation will not be conducted. The Regulator must inform the responsible party in writing within four weeks of the notification as to whether or not it will conduct a more detailed investigation. On conclusion of the more detailed investigation the Regulator must issue a statement concerning the lawfulness of the information processing. If the Responsible party does not receive the Regulator's decision within the time limits specified, it may presume a decision in its favour and continue with its processing.

FORWARD MARCH (PTY) LTD does not process information as set out in Section 57(1) of the Act and as such does not need prior authorisation.

3.3. Condition 3: Purpose Specification

3.3.1 Collection for Specific Purpose

The type of information we collect will depend on the purpose for which it is collected and used. We will only collect information that we need for that specific purpose. Personal information, as set out in clause 3.2.3 hereof, will be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party. The purpose for all personal information received by FORWARD MARCH (PTY) LTD is set out in **Annexure 2 – Personal Information Impact assessment**.

The data subjects are informed of the purpose for processing the information when such information is received directly from them. This is done in accordance with the documents as indicated on **Annexure 2 – Personal Information Impact assessment**. Where information is not obtained directly from the Data subject, they will be informed of the purpose for processing in the same way in which consent will be requested as above, or otherwise they will be informed as soon as practicable, as set out in **Annexure 2 – Personal Information Impact assessment**.

The information as set out in Section 18 (1) of the act will also be provided to data subject.

It will not be necessary to provide the data subject with information as set out in Section 18(1) if the conditions as set out in Section 18 (4) have been met.

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3.3.2 Data Retention

Personal information must not be retained longer than is necessary for achieving the purpose for the information was collected or subsequently processed. Personal information may only be retained longer than necessary if the requirements of Section 14 of the Act are met.

Due to the administrative difficulties of managing different retention periods, FORWARD MARCH (PTY) LTD policy is to retain all information for the periods as set out in **Annexure 5.2 _Retention of Documents Policy.** This will allow FORWARD MARCH (PTY) LTD to comply with all legislative requirements of retention. This will be communicated to data subjects as provided for in **Annexure 2 – Personal Information Impact Assessment**. Should a Data subject not consent to this, the retention period will default back to the prescribed period as per legislation. These Data subjects will be flagged[2] to ensure that their records are destroyed after the retention period. For all other personal data, it will be destroyed on the lapsing of the retention period, as set out in **Annexure 5.2**.

3.4. Condition 4: Further Processing Limitation

Further processing refers to any processing of personal information for reasons other than those for which it was obtained and that have already been communicated to the data subject.

FORWARD MARCH (PTY) LTD will only process information further if it is in accordance or compatible with the purpose for which it was collected. To assess whether further processing is compatible with the purpose of collection the factors as set out in Section 15(2) of the Act must be taken into consideration. See **Annexure 3.0 – Further processing.**

The further processing of Personal Information will not be incompatible with the purpose of collection if the provisions of Section 15(3) of the Act are complied with.

3.5. Condition 5: Information Quality

3.5.1 Quality of Information collected and processed

3.5.1.1 FORWARD MARCH (PTY) LTD will take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary.

3.5.1.2 When determining the quality of the Personal Information the FORWARD MARCH (PTY) LTD must have regard to the purpose for which personal information is collected or further processed.

3.5.2 Transborder Information Flows

FORWARD MARCH (PTY) LTD does not transfer any data to a third party who is in a foreign country.

[2] Document the system for flagging these data subjects that request information to be destroyed after retention period

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3.6 Condition 6 – Openness

FORWARD MARCH (PTY) LTD will take all reasonably practicable measures to inform data subjects about the personal information being processed and other information as documented under Condition 3: Purpose specification. This will be done as indicated in **Annexures 4.1 –4.2.**

Any data subject may, having provided adequate proof of identity, exercise their rights as set out in Condition 8.

If, in response to a request as above, personal information is communicated to a data subject, the data subject will be advised of their rights as set out in Condition 8.

3.7 Condition 7 - Security Safeguards

3.7.1 Storage of Information

Personal Information of a data subject may be stored as follows:

- Physical documents
- Microsoft sharepoint server/local server
- Company issued portable devices.
- Various data sites that require the information to perform our contractual duties.

3.7.2 Safeguarding of Information

FORWARD MARCH (PTY) LTD will secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent:

a) Loss of, damage to or unauthorised destruction of personal information; and
b) Unlawful access to or processing of personal information.

FORWARD MARCH (PTY) LTD has performed a risk assessment to identify internal and external risks to personal information in our possession or under our control. This was done based on where information is stored and who has access to it to identify the risk of the above.

The risks identified are as set out in **Annexure 2 – tab 2.4**

Safeguards have been implemented to mitigate the identified risks. These safeguards are monitored on a regular[3] basis, updated as necessary where deficiencies are identified.

The safeguards implemented are as set out in **Annexure 2 – tab 2.4**

FORWARD MARCH (PTY) LTD makes use of operators to process the personal information as set out in **Annexure 2 – tab 2.8.**

There is a service agreement in place between FORWARD MARCH (PTY) LTD and the operator to ensure that the operator establishes and maintains the same level of security measures that

[3] Insert these time-frames

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FORWARD MARCH (PTY) LTD do in order to ensure the safeguarding of information. In terms of this service agreement, the operator must notify the responsible party immediately where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorized person.

For example, wording, please see **Annexure 5.3 – Internal POPI Compliance (Disclaimers, Consents and General agreement clauses).**

FORWARD MARCH (PTY) LTD does not perform services as an operator.

3.7.3 Notification of security compromises/Breach

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, Click or tap here to enter text. shall notify:

a) the Regulator; and
b) the data subject, unless the identity of such data subject cannot be established.

The notification will be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

The notification will only be delayed if a public body responsible for the prevention, detection or investigation of offences or the Regulator determines that notification will impede a criminal investigation by the public body concerned.

The notification to a data subject shall be in writing and communicated to the data subject in at least one of the following ways:

a) Mailed to the data subject's last known physical or postal address;
b) sent by e-mail to the data subject's last known e-mail address;
c) placed in a prominent position on the website of the responsible party;
d) published in the news media; or
e) as may be directed by the Regulator.

The following information will be included in notifications:

a) a description of the possible consequences of the security compromise;
b) a description of the measures that we intend to take or have taken to address the security compromise;
c) a recommendation with regard to the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and
d) if known, the identity of the unauthorised person who may have accessed or acquired the personal information.

3.8 Condition 8 – Data Subject Participation

3.8.1 Rights of the data subject

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3.8.1.1 Right of Confirmation

Each data subject shall have the right granted by the South African Regulator to obtain from the Responsible Party the confirmation as to whether or not personal data concerning him or her are being processed.

3.8.1.2 Right of Access

Each data subject shall have the right granted by the South African Regulator to obtain from the Responsible Party information about his or her personal data stored at any time and a copy of this information. This is done in terms of the Promotion of Access to Information Act. Please see **Document 2_Annexure 1 - Form C**. PAIA grants the data subject access to the following information:

- the purposes of the processing;
- the categories of personal data concerned;
- the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular recipients in third countries or international organisations;
- where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;
- the existence of the right to request from the Responsible Party rectification or erasure of personal data, or restriction of processing of personal data concerning the data subject, or to object to such processing;
- the existence of the right to lodge a complaint with a supervisory authority;
- where the personal data are not collected from the data subject, any available information as to their source;
- the existence of automated decision-making, including profiling, referred to in Article 22(1) and (4) of the PAIA and, at least in those cases, meaningful information about the logic involved, as well as the significance and envisaged consequences of such processing for the data subject. Furthermore, the data subject shall have a right to obtain information as to whether personal data are transferred to a third country or to an international organization. Where this is the case, the data subject shall have the right to be informed of the appropriate safeguards relating to the transfer. If a data subject wishes to avail himself of this right of access, he or she may at any time contact our employee of the Responsible Party.

A data subject may need to pay a fee for these services provided to the data subject to enable us to respond to a request. These fees will always be charged in terms of the Promotion of Access to information Act. See **Document 2_Annexure 2 - fees in respect of private bodies**.

Where these fees are applicable, we will give the applicant a written estimate of the fee before providing the services.

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Access to information will be granted or refused, as the case may be, as requested by the Promotion of Access to Information Act, after taking into considerations all the requirements of this Act. Refer to **Document 2 – PAIA Manual.**

3.8.1.3 Right to Rectification

In order to ensure quality of personal information, data subjects are provided with the opportunity to contest the accuracy of the information. see **Annexure 6.3 – Request for correction or deletion of personal information**. We will restrict the processing of personal information in these instances in order to verify the accuracy of the information.

On receipt of a request for correction we will, as soon as reasonably possible:

a) Correct the information or destroy or delete the information, depending on the relevant request;
b) Provide the data subject, to his or her satisfaction, with credible evidence in support of the information, or where agreement cannot be reached between us and the data subject, and if the data subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made;
c) Inform each person or body or responsible party to whom the personal information has been disclosed of these steps;
d) Inform the data subject of the result of the request.

When we become aware of information that may be incorrect, we will institute the necessary process to obtain accurate information. This process will depend on where the information is documented and stored and who is responsible for it. The process for ensuring information quality per data subject is as follows:

Data Subject	**Process**
Employees	*This process needs to indicate the people responsible for following up on data, receiving requests for corrections and correcting data as necessary. Take into account instances such as emails being returned as it was the incorrect receiver, contact numbers not working, etc.*
Customers	
Suppliers	
Add more	
Add more	
Add more	
Add more	

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3.8.1.4 Right to Erasure (right to be forgotten)

Each data subject shall have the right granted by the South African Regulator to obtain from the Responsible Party the erasure of personal data concerning him or her without undue delay, and the Responsible Party shall have the obligation to erase personal data without undue delay where one of the following grounds applies, as long as the processing is not necessary:

- The personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed.
- The data subject withdraws consent to which the processing is based according to point POPIA and where there is no other legal ground for the processing.
- The data subject objects to the processing pursuant to POPIA and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing pursuant to POPIA.
- The personal data have been unlawfully processed.
- The personal data must be erased for compliance with a legal obligation in South Africa which the Responsible Party is subject.
- If one of the aforementioned reasons applies, and a data subject wishes to request the erasure of personal data stored by [Organisation name], he or she may at any time contact the Responsible Party. see **Annexure 6.3 – Form 2 Request for correction or deletion of personal information**. The Responsible Party shall promptly ensure that the erasure request is complied with immediately. Where the Responsible Party has made personal data public and is obliged pursuant to POPIA to erase the personal data, the Responsible Party, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform other Responsible Party's processing the personal data that the data subject has requested erasure by such Responsible Party's of any links to, or copy or replication of, those personal data, as far as processing is not required.

3.8.1.5 Right of Restriction of Processing

Each data subject shall have the right granted by the South African Regulator to obtain from the Responsible Party restriction of processing where one of the following applies:

- The accuracy of the personal data is contested by the data subject, for a period enabling the Responsible Party to verify the accuracy of the personal data.
- The processing is unlawful and the data subject opposes the erasure of the personal data and requests instead the restriction of their use instead.
- The Responsible Party no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defense of legal claims.

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- The data subject has objected to processing pursuant to POPIA pending the verification whether the legitimate grounds of the Responsible Party override those of the data subject. If one of the aforementioned conditions is met, and a data subject wishes to request the restriction of the processing of personal data stored by the practice, he or she may at any time contact an employee of the practice of the Responsible Party. An employee of the practice will arrange the restriction of the processing.

3.8.1.6 Right to Object

Each data subject shall have the right granted by the South African Regulator to object, see **Annexure 6.4 – Objection to the process of Personal Information**, to the process on grounds relating to his or her particular situation, at any time, to processing of personal data concerning him or her, which is based on POPIA. This also applies to profiling based on these provisions.

- the practice shall no longer process the personal data in the event of the objection unless we can demonstrate compelling legitimate grounds for the processing which override the interests, rights, and freedoms of the data subject, or for the establishment, exercise or defense of legal claims.
- If the practice processes personal data for direct marketing purposes, the data subject shall have the right to object at any time to processing of personal data concerning him or her for such marketing.
- This applies to profiling to the extent that it is related to such direct marketing. If the data subject objects to the practice to the processing for direct marketing purposes, the practice will no longer process the personal data for these purposes.
- In addition, the data subject has the right, on grounds relating to his or her particular situation, to object to processing of personal data concerning him or her by the practice for scientific or historical research purposes, or for statistical purposes pursuant POPIA, unless the processing is necessary for the performance of a task carried out for reasons of public interest. In order to exercise the right to object, the data subject may directly contact an employee of the practice.

3.8.1.7 Right of Withdrawal

Every data subject or competent person may, at any time exercise their rights to withdraw his, her or its consent, to the processing of personal information, at any time. We inform the data subject about this right on the documents as indicated on **Annexure 2 – Personal information Impact Assessment**. The data subjects are also informed of the consequences should they withdraw consent, and where consent cannot be withdrawn as the personal information is required by law or for the proper execution of the contract or agreement.

Withdrawal of consent to processing personal information, if not done at the inception stage of agreements or when the information is obtained, may be done on

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Form 1 as per the regulations. This form is recreated as **Annexure 6.5 – Withdrawal of processing.**

4. DIRECT MARKETING

Processing of personal information for the purposes of direct marketing is allowed, provided that it complies with the eight conditions of lawful processing.

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, SMSs or e-mail is prohibited unless the data subject:

a) has given his, her or its consent to the processing; or
b) is a customer of the responsible party and:
    a. The responsible party has obtained the contact details of the data subject in the context of the sale of a product or service;
    b. The processing is for the purpose of direct marketing of the responsible party's own similar products or services; and
    c. The data subject has been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its electronic details.

Consent

A responsible party may approach a data subject only once, and in the prescribed manner and form, for this consent. If the consent has been withheld previously, the data subject may not be approached again to request consent or to provide such direct marketing. The data subject may opt-in to the direct marketing again should they choose to.

A responsible party who wishes to process personal information of a data subject for the purpose of direct marketing by electronic communication must submit a request for written consent to that data, See **Annexure 6.2 – Form 4 - Consent for Direct Marketing**. This consent must be positive and not an absence of objection.

Where Direct marketing is sent by electronic means, it must contain details of the identity of the sender or the person on whose behalf the communication has been sent, and an address or other contact details to which the recipient may send a request that such communications cease.

FORWARD MARCH (PTY) LTD process personal information for the purpose of direct marketing to new potential clients by means of electronic communication through the channels as referred to in **Annexure 2 – tab 2.5**.

FORWARD MARCH (PTY) LTD process personal information for the purpose of direct marketing to existing clients by means of electronic communication to existing clients. This is done through the channels as referred to in **Annexure 2 – tab 2.5**.

FORWARD MARCH (PTY) LTD will ensure that only similar products are being advertised to existing clients by differentiating between different categories of clients and saving their details

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on different directories linked to the service provided. Direct marketing will be done for similar products using the classification of clients per directory.

Directories

A data subject who is a subscriber to a printed or electronic directory of subscribers available to the public or obtainable through directory enquiry services, in which his, her or its personal information is included, must be informed, free of charge and before the information is included in the directory:

a) about the purpose of the directory;
b) about any further uses to which the directory may possibly be put, based on search functions embedded in electronic versions of the directory.

A data subject must be given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its personal information or to request verification, confirmation or withdrawal of such information if the data subject has not initially refused such use.

FORWARD MARCH (PTY) LTD does not make their directories available to the public.

5. INTERNAL TRAINING AND AWARENESS

Training will be provided at regular intervals to employees as well as to the Information Officer and Deputy Information Officers to ensure that everyone is informed and kept abreast of the requirements of POPIA and PAIA, as well as the policies and procedures within the entity to ensure compliance.

Training will be provided as follows[4]:

1. New employees – Formal training session upon employment as part of the induction process
2. Existing employees – Internal workshops and discussions on specific requirements and responsibilities to be held on a regular basis (at least once a year) and formal training will be utilized if necessary.

3. Information officer and Deputy Information Officers – Formal training will be attended as induction for the position, and regular research will be performed by the Deputy Information Officer, who will in turn inform the Information Officer of any relevant information. Formal training will be utilized if necessary.
   Please See **Annexure 6.7 – Training Register.**

6. INFORMATION REGULATOR

The Information Regulator has jurisdiction over the Act to educate, guide, monitor and enforce the Act.

[4] Edit as necessary. Not everyone needs to be trained on the full impact of the act. Most employees only need to be aware of how this impact on their day-to-day activities. Consider Annexure 2 as well as the responsibility of reporting breaches.

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6.1 Reporting to the Information regulator

The entity is required to report any breach of personal information to the Information Regulator.

6.2 Complaints

Complaints may be submitted in writing or via other expedient methods (email, SMS, WhatsApp, telephone). The Information Officer must acknowledge receipt within 14 days. The complaint must meet prescribed content requirements. Anonymous complaints can be accommodated where reasonable.

Any person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the personal information of a data subject.

A responsible party or data subject may submit a complaint to the Regulator in the prescribed manner and form if he, she or it is aggrieved by the determination of an adjudicator.

These complaints are to be done on form 5. See **Annexure 6.6 – Complaints.**

7. PROMOTION OF ACCESS TO INFORMATION ACT

A responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act. Please see **Document 2_ PAIA Manual.**

Section 51: Manual on functions of, and index of records held by, private body
The head of a private body must make a manual available containing:

a) in general:
   a. the postal and street address, phone and fax number and, if available, electronic mail address of the head of the body;
   b. such other information as may be prescribed;
b) insofar as PAIA is concerned:
   a. a description of the guide of how to use the PAIA as referred to in section 10, if available, and how to obtain access to it;
   b. the latest notice, if any, regarding the categories of records of the body which are available without a person having to request access in terms of PAIA;
   c. a description of the records of the body which are available in accordance with any other legislation;
   d. sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject;
c) insofar as the Protection of Personal Information Act, 2013, is concerned:
   a. the purpose of the processing;
   b. a description of the categories of data subjects and of the information or categories of information relating thereto;
   c. the recipients or categories of recipients to whom the personal information may be supplied;
   d. planned transborder flows of personal information; and

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e. a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed.

The head of a private body must on a regular basis update the manual.

The manual must be made available on the web site, if any, of the private body or at the principal place of business of the private body for public inspection during normal business hours. The Manual must also be available to any person upon request and upon the payment of a reasonable amount and must also be available to the Regulator upon request.

8. ANNEXURES

Annexure 1.1 Certificate of appointment of Information officer
Annexure 1.2 Information Officer's registration form
Annexure 1.3 Details of appointed Information officers
Annexure 2 Personal information Impact assessment, Risk assessment, safety measures and Direct Marketing
Annexure 3.0 Further Processing Limitation
Annexure 4.1 Notice to Data Subjects
Annexure 4.2 Notice to Employees
Annexure 5.1 IT Privacy Policy
Annexure 5.2 Document Retention Policy
Annexure 5.3 Internal POPI Compliance (Disclaimers, Consents, general agreement clauses)
Annexure 6 Checklist to monitor processes at regular intervals
Annexure 6.1 Application for Prior Authorisation
Annexure 6.2 Consent for direct marketing
Annexure 6.3 Request for correction or deletion of personal information
Annexure 6.4 Objection to the process of information
Annexure 6.5 Withdrawal of consent of processing
Annexure 6.6 Complaints
Annexure 6.7 Training Register

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9. REFERENCES

- Protection of Personal Information Act 4 of 2013
- Regulations relating to the protection of personal information.
- Promotion of Access to Information Act 2 Of 2000

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