

BANGSURE (PTY) LTD

**PROTECTION OF PERSONAL
INFORMATION
ACT**

COMPLIANCE MANUAL

TABLE OF CONTENTS

<u>MANUAL STATEMENT</u>	4
<u>MANUAL ADOPTION</u>	4
<u>INTRODUCTION</u>	5
<u>1. DEFINITIONS</u>	5
<u>2. PURPOSE OF THE MANUAL</u>	9
<u>3. APPLICATION OF THE MANUAL TO THE COMPANY</u>	9
<u>4. THE RIGHTS OF THE DATA SUBJECTS</u>	11
<u>5. HOW THE COMPANY INTENDS TO GIVE EFFECT TO POPI'S GUIDING PRINCIPALS</u> ..	13
<u>5.1.ACCOUNTABILITY</u>	13
<u>5.2.PROCESSING LIMITATION</u>	13
<u>5.3.COLLECTION SHALL BE MADE FOR A SPECIFIC PURPOSE</u>	14
<u>5.4.FURTHER PROCESSING LIMITATION</u>	15
<u>5.5.INFORMATION QUALITY</u>	16
<u>5.6.OPENNESS</u>	16
<u>5.7.SECURITY SAFEGUARDS</u>	17
<u>5.8.DATA SUBJECT PARTICIPATION</u>	19
<u>6. INFORMATION OFFICERS</u>	20
<u>7. SPECIFIC DUTIES AND RESPONSIBILITIES</u>	20
<u>7.1.GOVERNING BODY</u>	20
<u>7.2.INFORMATION OFFICER</u>	20
<u>7.3.EMPLOYEES AND OTHER PARTIES WHO WORK IN CONJUNCTION WITH THE</u> <u>COMPANY'S LEGITIMATE BUSINESS INTERESTS</u>	21
<u>7.4. EMPLOYEES OR THIRD PARTIES ACTING IN CONJUNCTION WITH THE COMPANY</u> <u>SHALL ONLY PROCESS PERSONAL INFORMATION WHERE:</u>	22
<u>7.5. IN ORDER TO ADEQUATELY COMPLY WITH THE DATA SUBJECTS CONSENSUAL</u> <u>REQUIREMENTS, THE COMPANY AS PREVIOUSLY INDICATED SHALL PROVIDE</u>	

	<u>ITS DATA SUBJECTS WITH A WRITTEN OR ELECTRONIC MEDIUM CONSENT</u>	
	<u>FORM, WHICH CAN BE REDUCED TO PRINTED FORMAT (ANNEXURE C).</u>	=.....22
<u>8.</u>	<u>POPI AUDIT</u>	24
<u>9.</u>	<u>REQUEST FOR ACCESS TO PERSONAL INFORMATION</u>	24
<u>10.</u>	<u>POPI COMPLAINTS PROCEDURE</u>	25
<u>11.</u>	<u>DISCIPLINARY ACTION</u>	26
	<u>ANNEXURE A PERSONAL INFORMATION REQUEST FORM</u>	27
	<u>ANNEXURE B POPI COMPLAINT FORM</u>	29
	<u>POPI CONSENT ANNEXURE C</u>	31

MANUAL STATEMENT

- A) This manual forms part of the of BangSure (Pty) Ltd business processes and procedures.
- B) Any reference to the “Company” should be interpreted to include the shareholders of BangSure (Pty) Ltd.
- C) The Company’s employees, volunteers, contractors, suppliers, and any other persons acting on behalf of the Company shall be required to familiarise themselves with this manual’s requirements and undertake to comply with its processes and procedures.

MANUAL ADOPTION

By signing this document, We as the Directors of the Company hereby authorise the adoption of the processes and procedures set out herein.

Name & Surname	CONRAD BOTHA
Capacity	Director
Date	
Signature	

Name & Surname	ALEXANDER WIM PETER LENAERTS
Capacity	Director
Date	
Signature	

INTRODUCTION

In accordance with the preamble of the Protection of Personal Information Act 4 of 2013 (“POPI”) the purpose of the act is to promote the protection of Personal Information by public and private bodies and to create minimum requirements for the Processing of such Personal Information.

Section 2 of POPI further establishes the acts’ purpose is to give effect to the Fundamental Constitutional right to privacy (Section 14) and to balance this Constitutional right against the right to access that information.

Most importantly it seeks to provide individuals with rights and remedies to protect their Personal Information from Processing which is not in accordance with the provisions of POPI.

In order to effectively and thoroughly provide its services, the Company is required to collect, use and disclose certain aspects of its clients, customers and employee’s Personal Information.

Given the importance of the clients right to privacy, the Company is committed to effectively manage and store its clients’ Personal Information in accordance with the provisions of POPI.

1. DEFINITIONS

- 1.1. **“Applicable Legislation”** means the legislation which should reasonably be observed in conjunction with POPI and which relates to the Processing of the Data Subject’s Personal Information in relation to the transaction being performed by the Company;
- 1.2. **“Automated means”**, for the purposes of this section, means any equipment capable of operating automatically in response to instructions given for the purpose of Processing information;
- 1.3. **“Business Days”** means any day other than a Saturday, Sunday, or Public Holiday within the Republic of South Africa, and should any time limit expire on one of the aforementioned days then such limit shall be extended to the next available day;
- 1.4. **“Company”** shall refer to BangSure (Pty) Ltd with registration number 2022/788620/07 and principal place of business at 30 East Road, Unit 7, Morningside, Gauteng.
- 1.5. **“Consent/ed”** means any voluntary, specific, and informed expression of will in terms of which permission is given for the Processing of Personal Information;

- 1.6. **“Data Subject”** means the person to whom the Personal Information relates, whether relating to a natural or juristic person or service provider and is used interchangeably with the term client/s;
- 1.7. **“De- Identify/ied”** means in relation to Personal Information of a Data Subject, to delete any information 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
- 1.8. **“Direct Marketing”** means to approach a Data Subject either in person or by mail or Electronic Communication, for the direct or indirect purpose of:
- (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the Data subject; or
 - (b) requesting the Data Subject to make a donation of any kind for any reason;
- 1.9. **“Electronic Communication”** means any text, voice, sound, or image message sent over Electronic Communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;
- 1.10. **“Filing System”** means any structured set of Personal Information, whether centralised, decentralised, or dispersed on a functional or geographical basis, which is accessible according to specific criteria;
- 1.11. **“Information Officer”** means under a private body, the head of the private body as contemplated with Section 1 of PAIA, or any individual duly authorised and/or appointed by the head of the private body to ensure the Company’s compliance with the provisions of POPI’. This officer once appointed must be registered with the South African Information Regulator prior to performing his or her duties;
- 1.12. **“Operator”** means any 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 terms shall be used interchangeably and where necessary with “ **employee/s**”;
- 1.13. **“PAIA”** means the promotion of Access to Information Act No 2 of 2000;
- 1.14. **“Person”** means any natural or juristic person;
- 1.15. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the Person;
- (b) information relating to the education or the medical, financial, criminal or employment history of the Person;
- (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other 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;

1.16. **“POPI”** means the Protection of Personal Information Act 4 of 2013;

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

- (a) The collection receipt, recording, organisation, collation, storage updating or modification, retrieval or 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;

This term will often be used interchangeably with the term **“Processed”**

1.18. **“Private Body”** means

- (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;

1.19. **“Public Body”** means:

- (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— (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or (ii) exercising a public power or performing a public function in terms of any legislation;

1.20. **“Public Record”** means a record that is accessible in a public domain, and which is in the possession of or under control of a Public Body, whether or not it was created by that Public Body;

1.21. **“Record”** means any recorded information:

(a) Regardless of form or medium including:

- (i) Writing on any material;
- (ii) (ii) 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;
- (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- (iv) book, map, plan, graph, or drawing;
- (v) 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;

1.22. **“Regulator”** means the information regulator established in terms of Section 39 of POPI;

1.23. **“Responsible Party”** means a public or private body or any other Person which, alone or in conjunction with others, determines the purpose and means for Processing Personal Information;

2. PURPOSE OF THE MANUAL

The purpose of this manual is to demonstrate the Company's commitment to protect the rights of the Data Subjects' in the following manner:

- 2.1. Creating a Company culture which takes cognisance of the value which Data Subjects' place on the right to Privacy;
- 2.2. Appointing an Information Officer in accordance with the Provisions of POPI, who's role shall be the protection of the Company's interests and its Data Subjects' Personal Information and/or where necessary the appointment of deputy Information Officers;
- 2.3. Thorough enforcement of strict adherence to the provisions of POPI and best practice;
- 2.4. Implementing training programmes and internal control measures within the Company which are aimed at managing risk compliance;
- 2.5. By creating business practices which are aimed at the protection of the rights of the Data Subjects', but simultaneously balanced with the needs of the Company to conduct its business appropriately; and
- 2.6. To raise awareness amongst its Data Subjects' and fellow professionals in order for the industry to act confidently and competently;

Furthermore, the Company seeks to protect itself from breaches in its compliance with POPI owing to the occurrence of, but not limited to the following events:

- 2.7. Breaches in confidentiality leading to loss of revenue, in the event that Personal Information of its Data Subjects' is disclosed or shared inappropriately;
- 2.8. Failing to notify its Data Subjects of their rights to question how and for what purpose the Company may use their Personal Information in the course of its business interests; and
- 2.9. Breaches in Data Subjects' Personal Information, as result of computer hacking event, phishing schemes or fraudulent activities by independent third parties.

3. APPLICATION OF THE MANUAL TO THE COMPANY

- 3.1. This manual and its provisions apply to:
 - 3.1.1. All branches, units, subsidiaries, and divisions of the Company;

- 3.1.2. All employees and volunteers associated with the Company; and
 - 3.1.3. All independent contractors, suppliers or service providers acting on behalf of or in conjunction with the Company to the extent that these provisions do not act in direct contravention to their own compliance manuals.
- 3.2. This manual's guideline must at all times be read in conjunction with the provisions of the POPI and PAIA manual, and where such provisions act in direct contravention of POPI, measures must be taken to ensure that the Company rectifies such contravention, provided that such measures do not directly interfere with the Company's legitimate business interests.
- 3.3. The Company has a legal duty to comply with this manual and its guidelines in the event that an in accordance with Section 3 of POPI that:
- 3.3.1. Processing of Personal Information—

entered in a Record by the Company or for a Responsible Party by making use of Automated or non-Automated means: Provided that when the Recorded Personal Information is Processed by non-Automated means, it forms part of a Filing System or is intended to form part thereof; and

where the Responsible party is— domiciled in the Republic; or
 - 3.3.2. not domiciled in the Republic but makes use of Automated or non-Automated means in the Republic unless those means are used only to forward Personal Information through the Republic.
 - 3.3.3. POPI applies, subject to paragraph (b), to the exclusion of any provision of any other legislation that regulates the Processing of Personal Information and that is materially inconsistent with an object, or a specific provision, of POPI.

If any other legislation provides for conditions for the lawful Processing of Personal Information that are more extensive than those set out in POPI, the extensive conditions prevail.

3.3.4. POPI must be interpreted in a manner that—

gives effect to the purpose of the POPI and does not prevent any public or private body from exercising or performing its powers, duties, and functions in terms of the law as far as such powers, duties and functions relate to the Processing of Personal Information and such Processing is in accordance with POPI or any other legislation, that regulates the Processing of Personal Information.

3.4. In Accordance with Section 6 of POPI Exclusions to the implementation of the POPI act or to the use of this manual include but are not limited to the following:

3.4.1. This act does not apply to the Processing of Personal Information:

- (a) In the course of purely personal or household activity;
- (b) that has been De-Identified to the extent that it can no longer be re-identified;
- (c) by or on behalf of a Public Body:
 - (i) where the purpose of which is the prevention, detection including assistance in the identification of the proceeds of unlawful activities and the combatting of money laundering activities, investigation or proof of offences, the prosecution of offenders or the execution of sentences or security measures, to the extent that safeguard have been established in legislation for the protection of such Personal Information;
 - (ii) relating to the judicial functions of the court referred to in Section 166 of the Constitution.

3.4.2. Exclusion for Journalistic, literary, or artistic purposes.

4. THE RIGHTS OF THE DATA SUBJECTS

4.1. In accordance with the purpose of this manual the Company will ensure where reasonably possible that attention will be drawn to its client's rights as Data Subjects'.

- 4.2. The Company aims to give effect to the following rights:
- 4.2.1. The Right to be notified that his/her its Personal Information is being collected; and
 - 4.2.1.1. That his/her or its Personal Information has been accessed or acquired by an unauthorised Person
 - 4.2.2. The Right to question whether a responsible party holds Personal Information on or relating to the Data Subject and to request access to that Personal Information. The Company undertakes to provide the Data Subject with its Personal Information upon confirmation of its identity and after completion of a request form annexed hereunder as (**Annexure A**);
 - 4.2.3. The right to request where necessary the destruction, correction, or deletion of his/her/its Personal Information. Where the Company is no longer legally required to keep such information such Personal Information shall be destroyed;
 - 4.2.4. The right to object on reasonable grounds to the Processing of his/her/its Personal Information. In this scenario the Company will give due consideration to the request, and the reasonable grounds raised by the Data Subject and the considerations of POPI and all Applicable Legislation, and where such request does not contravene the legitimate business interests of the Company, such Personal Information will be destroyed;
 - 4.2.5. The right to object to the Processing of the Data Subject's Personal Information in terms of Section 11(3)(b) for the purposes of Direct Marketing and by means of unsolicited Electronic Communication as referred to in section 69(1) of POPI;
 - 4.2.6. The right to lawfully lodge a complaint to the Information Regulator, where there has been interference with the protection of Data Subjects' Personal Information, in accordance with the procedures for the submission of such a complaint. The Company aims to simplify this process by providing its Data Subjects with immediate access to a claim form annexed hereunder.

An example of the complaint form can be found at (**Annexure B**)

5. HOW THE COMPANY INTENDS TO GIVE EFFECT TO POPI'S GUIDING PRINCIPALS

The Company intends to give effect to the following lawful conditions of Processing as set out in sections 8-25 of POPI:

ACCOUNTABILITY

- 5.1.1. The Company aims to create an atmosphere of accountability within its branches and amongst its employees' and is fully cognisant of the reputational damage and civil liability it may open itself up to in the event of any breaches of its obligations in terms of POPI.
- 5.1.2. As such the Company aims to promote that each of its employees' is responsible for the protection of its Data Subjects rights, and where any breaches occur as a result of wilful negligence and misconduct of an employee, that such action will result in appropriate sanctions.

PROCESSING LIMITATION

- 5.2.1. In accordance with sections 8-10 of POPI the Company will only process Personal information in a manner which is:
 - 5.2.1.1. Lawful and where the Company obtains written Consent from the Data Subject; (See **Annexures C-E**)
 - 5.2.1.2. Reasonable and does not infringe on the privacy of the Data Subject;
 - 5.2.1.3. Is Processed for a specifically defined and/or relevant purpose, whilst not being excessive;
 - 5.2.1.4. Necessary to carry out its actions for the conclusion or performance of a contract to which the Data Subject is a party to;
 - 5.2.1.5. Complies with an obligation imposed by the law on the Responsible Party;

- 5.2.1.6. Protects the legitimate interest of the Data Subject
 - 5.2.1.7. Necessary for the proper performance of a public law duty by a Public Body;
 - 5.2.1.8. Necessary for pursuing the legitimate business interests of the Company;
- 5.2.2. The Company will collect Personal Information Directly from the Data Subject, except where such Personal Information, is derived from Public Record or has deliberately been made public by the Data Subject; or
- 5.2.2.1. Where the Data Subject or a competent Person on behalf of a child has Consented to such collection from another source;
 - 5.2.2.2. Such collection will not prejudice the legitimate business interests of the Data Subject;
 - 5.2.2.3. Is necessary to comply with Applicable Legislation and does not prejudice the administration of justice;
 - 5.2.2.4. Serves the legitimate business interests of the Company or any third party to whom the information is supplied; and
 - 5.2.2.5. Such compliance with POPI is not reasonably practical in the circumstances of the particular case, such as urgent applications to the High Court.

The Company shall where necessary notify its Data Subjects that their Personal Information will be shared with other aspects of its business and the reasons for doing so.

In this instance the Company will provide a Consent form to its Data Subjects an example of which can be found hereunder (**Annexure C**).

COLLECTION SHALL BE MADE FOR A SPECIFIC PURPOSE

- 5.3.1. The Company will only collect Personal Information for a purpose which is specific and lawful, and which relates to the activities or services which it intends to provide to the Data Subject; and

- 5.3.1.1. Shall take steps to ensure that the Data Subject is being made aware of its purpose;
 - 5.3.1.2. The Company additionally aims to retain or store Data Subjects Personal Information, for its legitimate business reasons and not retain such information for periods longer than necessary unless:
 - 5.3.1.3. Such retention is necessary according to Applicable Legislation;
 - 5.3.1.4. Such retention is necessary for fulfilment of its function and activities as a result of a contract entered into between the Data Subject and the Company;
 - 5.3.1.5. The Data Subject has Consented thereto;
 - 5.3.1.6. Retention of such Personal Information is necessary for statistical purposes, provided safeguards have been implemented.
- 5.3.2. The Company shall restrict its Processing of Data Subjects Personal Information where:
- 5.3.2.1. The information it has collected is no longer accurate and the Data Subject has contested to such inaccuracy and has been given a period to verify the accuracy of same;
 - 5.3.2.2. It no longer needs the Personal Information for the purpose or business interest which it initially collected; and
 - 5.3.2.3. It is unlawful to do so.

FURTHER PROCESSING LIMITATION

- 5.4.1. The Company shall not engage in further Processing of Data Subjects' Personal Information unless the purpose which it is collected for is compatible with its initial purpose and such purpose shall be deemed compatible where:
- 5.4.1.1. The Data Subject has Consented thereto;
 - 5.4.1.2. The Company has obtained the information from Public Record;

- 5.4.1.3. Further Processing is necessary to avoid the prevention of the administration of the justice; and
- 5.4.1.4. Is necessary to comply with Applicable Legislation.

INFORMATION QUALITY

- 5.5.1. The Company will ensure that when its Data Subjects Personal Information is collected and /or Processed and that such information is accurate and keep such Processing within the purpose of its activities and services;
- 5.5.2. Where the Data Subjects Personal Information is received from third parties the Company will takes steps to ensure the accuracy of such information.

OPENNESS

- 5.6.1. The Company aims to take reasonably practicable steps to ensure that its Data Subjects are notified of the following:
 - 5.6.1.1. That their Personal Information has been collected, and where such information is collected from an independent third party, the details of such party;
 - 5.6.1.2. The Company details and its purpose for collection of its Personal Information;
 - 5.6.1.3. Whether the supply of the information is voluntary or compulsory;
 - 5.6.1.4. The consequences of the Data Subjects' failure to supply same;
 - 5.6.1.5. Any further information is accordance with section 18(1)(h) of POPI.

5.6.2. The Company affirms that such steps should be taken directly with the Data Subject before the collection of same and where such a scenario is not possible as soon as reasonably practicable after it has been collected;

5.6.2.1. In the matter of further collection, the aforementioned steps should be repeated.

5.6.3. The Company however is not required to take such steps where:

5.6.3.1. The Data Subject has already provided Consent;

5.6.3.2. Noncompliance would not prejudice the Data Subject's legitimate interests;

5.6.3.3. To avoid the prevention of the administration of justice;

5.6.3.4. Such collection is necessary in terms of Applicable Legislation;

5.6.3.5. Compliance with the steps would prejudice the lawful purpose of the collection;

5.6.3.6. The steps are reasonable impracticable in the particular case.

In an effort to show transparency as already indicated above. The Company shall upon written request, provide its clients with a request of Personal Information form (**Annexure A**) should they so require for: Access to their information; and Request any updates thereto

SECURITY SAFEGUARDS

5.7.1. It is the Company's intention to take reasonable and practicable steps to ensure that the confidentiality and integrity of its Data Subjects' by taking measures aimed at preventing:

5.7.1.1. The loss, damage and unauthorised destruction of Personal Information; and the unauthorised possession or Processing of such Personal Information;

5.7.2. As a means to prevent the aforementioned consequences the Company shall:

- 5.7.2.1. Identify reasonably foreseeable external and internal risks to Personal Information in its possession or under its control;
- 5.7.2.2. Establish safeguards to the aforementioned risks such as accurate Filing Systems under Lock and Password Protection for access to electronic files;

5.7.3. Regularly verify the safeguards it has implemented;

5.7.4. Ensure that these safeguards are updated on a regular basis, whilst having regard to generally accepted industry practices;

The Company shall ensure that its electronic information shall only be accessed by those with the applicable authorisation, this is inclusive of any employee acting with the requisite authority of the Company.

5.7.5. Where the Company takes on additional employees, the Company shall take steps to ensure that the employees' attention is drawn to the relevant clauses of this manual and the conditions applicable in POPI. Furthermore, attention shall be drawn to POPI clauses in their respective employment contracts.

5.7.6. Where the Company has reasonable grounds to believe that Personal Information of the Data subject has been accessed or acquired by an unauthorised Person the Company shall endeavour:

- 5.7.6.1. To notify the regulator;
- 5.7.6.2. Notify the Data subject in writing, unless such subject cannot be identified, as soon as reasonably possible after such discovery, taking into account, the legitimate needs of applicable law enforcement institutions and Applicable Legislation at the time;

Such notification may be delayed where the notification may impede the investigation of an offence by a Public Body.

5.7.7. Where a written notification is submitted to the Data Subject such notification must be communicated to the Data Subject in one of the following ways:

- 5.7.7.1. Be mailed to their last known physical or postal address;
- 5.7.7.2. Sent via email to the Data Subject's last known email address;
- 5.7.7.3. Posted on the companies' website;
- 5.7.7.4. Published in news or media; and
- 5.7.7.5. As may be directed by the regulator.

DATA SUBJECT PARTICIPATION

5.8.1. The Company shall endeavour to inform that Data Subject of its rights to:

- 5.8.1.1. Request the Company to confirm the Personal Information it holds on the Data Subject;
- 5.8.1.2. Request a Record or description of the Personal Information that the Company holds including information pertaining to independent third parties who have access to this information, within a reasonable time, manner, and form and at a reasonably prescribed fee, which fee shall be presented to the Data subject prior to such requests being confirmed;

5.8.2. The Company shall upon receipt of request in the prescribed manner, by any Data Subject and as soon as practically possible;

- 5.8.2.1. Correct or delete any Personal Information its possession or under its control which is inaccurate, irrelevant excessive or out of date, incomplete or misleading or obtained unlawfully; and
- 5.8.2.2. Delete or destroy Personal Information that it is no longer authorised to carry unless such exceptions exist taking into account Applicable Legislation.

Once again, the Company shall draw its Data Subjects attention to forms that it can request to access its Personal Information (**Annexure A**) hereunder.

6. INFORMATION OFFICERS

6.1. In accordance with the applicable provisions of POPI the Company shall appoint an Information officer and where necessary a deputy Information Officer whose duties and responsibilities shall be:

6.1.1. Ensuring the Company complies with its conditions of lawful Processing as mentioned in clause 6 above;

6.1.2. Dealing with requests made to the Company by its Data Subjects’;

6.1.3. Working in tandem with the Regulator to ensure the Company s’ compliance with the act.

7. SPECIFIC DUTIES AND RESPONSIBILITIES

7.1. GOVERNING BODY

7.1.1. The Company shall ensure that it keeps up to date with the applicable POPI provisions whilst simultaneously operating its business in line with the applicable legislations applicable to the Company’s various business operations.

7.2. INFORMATION OFFICER

7.1.2. Amongst the duties already established the Information Officer shall be responsible for:

7.1.2.1. Ensuring POPI Audits are scheduled on an annual basis;

7.1.2.2. Ensuring a convenient and simplified process which allows Data Subjects’ to gain contact with the Company for the purposes of obtaining Personal Information in the

Company's possession or control or filing of requisite complaints;

- 7.1.2.3. Encouraging compliance within the Company relating to the lawful conditions of Processing;
- 7.1.2.4. Ensuring that Operators, independent third parties and fellow employees' attention is drawn to the applicable provisions of POPI and that these parties are made fully aware of the risks associated with the Processing of Personal Information;
- 7.1.2.5. Drawing employee's attention to the internal and external risk management practices within the Company and updating these where necessary;
- 7.1.2.6. Organising and overseeing employee awareness training where Processing of Personal Information is concerned;
- 7.1.2.7. Addressing employee related POPI questions;
- 7.1.2.8. Addressing all complaints issued against the Company by Data Subjects';
- 7.1.2.9. Working in tandem with the Regulator to ensure compliance in any investigation; and
- 7.1.2.10. Assessing and amending this manual where necessary.

7.3. EMPLOYEES AND OTHER PARTIES WHO WORK IN CONJUNCTION WITH THE COMPANY'S LEGITIMATE BUSINESS INTERESTS

- 7.2.1. It is anticipated that during the course of conducting its business and /or performing its services that employees or independent third parties will come into contact with or gain access to Personal Information of the Company's clients.
- 7.2.2. In this regard the Company, its employees and independent third parties that it works in conjunction with, shall be advised to treat its client's information as confidential. To this end the Company shall include a disclaimer in its email signature to give effect to this provision;

7.2.3. In light of the foregoing the Company shall endeavour to ensure that employees' who come into contact with its clients' Personal Information do not directly or indirectly disclose such Personal Information, either internally or externally to any third party, unless such information has already been made available on a public server, has been, made publicly known, or is necessary for the Company to perform any of its duties or services. Should any employee require assistance about the Processing of the Data Subject's Personal Information, they may request assistance from the Information Officer.

7.4. EMPLOYEES OR THIRD PARTIES ACTING IN CONJUNCTION WITH THE COMPANY SHALL ONLY PROCESS PERSONAL INFORMATION WHERE:

7.3.1. The Data Subject has provided written Consent to the Processing of such information and is aware and clearly understand the purpose for such Processing;

7.3.2. The Processing is necessary in order to carry out obligations and/or mandate for the performance of the contract concluded between the Company and the Data Subject;

7.3.3. The Processing protects a legitimate interest of the Data Subject;

7.3.4. The Processing is necessary for the Company to pursue its legitimate business interests or of the interest of the third party, who the Company works in conjunction with on the transaction;

7.5. IN ORDER TO ADEQUATELY COMPLY WITH THE DATA SUBJECTS CONSENSUAL REQUIREMENTS, THE COMPANY AS PREVIOUSLY INDICATED SHALL PROVIDE ITS DATA SUBJECTS WITH A WRITTEN OR ELECTRONIC MEDIUM CONSENT FORM, WHICH CAN BE REDUCED TO PRINTED FORMAT (ANNEXURE C).

7.4.1. will be obtained directly from the Data Subject unless;

7.4.1.1. The Personal Information has been made public;

- 7.4.1.2. Valid Consent has been obtained and given to a third party;
- 7.4.1.3. The Personal Information is necessary to provide for effective law enforcement;

7.4.2. Employees acting on behalf of the Company shall not:

- 7.4.2.1. Access and Process such Personal Information which is not necessary for the Company to perform its work-related duties or activities;

7.4.3. In order to ensure the protection of its Data Subject's Personal Information the Company and its employees shall ensure that the following precautions are taken:

- 7.4.3.1. Following the guidelines for the lawful Processing of Personal Information and keeping such information secure;
- 7.4.3.2. Ensuring all Personal Information is held in as few places as necessary;
- 7.4.3.3. Implementing IT protocols such a password authentication for files that contain Data Subject's Personal Information;
- 7.4.3.4. Ensuring that all devices such as computers, laptops, flash drives, and smartphones which have access to Personal Information, are password protected and that passwords are updated annually;
- 7.4.3.5. Ensuring that when making electronic payments that banking details of the recipients are confirmed prior to payment;
- 7.4.3.6. Where Personal Information is stored on paper, or removal storage devices that such information is stored in a secured place and in accordance with a Filing System, when not being used;
- 7.4.3.7. Ensuring that computer screens and devices are switched off when not in use;
- 7.4.3.8. Taking reasonable steps to ensure that Personal Information is stored for as long as necessary, or as long as required by Applicable Legislation.
- 7.4.3.9. Undertake to regularly update disclaimers in Electronic Communication

7.4.3.10. Undergo POPI awareness training from time to time.

8. POPI AUDIT

- 8.1. The Information Officer shall schedule an annual POPI audit whose purpose shall be the following:
 - 8.1.1. Identify how Personal Information is process and stored in the Company;
 - 8.1.2. Determine the flow of Personal Information through the Company its branches and independent third parties, who work in conjunction with the Company;
 - 8.1.3. Amend the process of gathering and storage of Personal Information where necessary keep this manual line with updated legislation;
 - 8.1.4. Ensuring that Data Subjects are made aware that their Personal Information is being Processed;
 - 8.1.5. Verifying the quality and security of the Personal Information;
 - 8.1.6. Monitor the effectiveness of internal risk management controls; and
 - 8.1.7. Review the effectiveness of the complaint's procedure.

9. REQUEST FOR ACCESS TO PERSONAL INFORMATION

- 9.1. As indicated under the Rights of the Data Subjects, each of the Company's Data Subjects shall have the right in accordance with the request form (Annexure A) to be made aware of:
 - 9.1.1. the Personal Information which the Company has collected;
 - 9.1.2. the right to gain access to this Personal Information; and
 - 9.1.3. be informed how to keep their Personal Information up to date
- 9.2. The request for Personal Information can be submitted via Electronic Communication to the Information Officer and once completed the Information Officer shall verify the identity of the Data Subject, prior to the release of such information. Such request shall be Processed with a reasonable time frame.

10. POPI COMPLAINTS PROCEDURE

10.1. As indicated in clause 5.2.6 the Data Subject has a right to lodge a complaint where they believe that any of their rights under POPI have been infringed. The Company shall address all POPI related complaints in the following manner:

10.1.1. POPI complaints are required to be submitted to the Information Officer in writing. Where it is required the Data Subject, shall be provided with a complaint form (Annexure B) hereunder;

10.1.2. Where the complaint has not been addressed directly to the Information Officer, the employee who receives the complaint shall ensure that the complaint is transmitted in full to the Information Officer, within 4 Business Days of receipt;

10.1.3. The Information Officer shall provide the complainant with written acknowledgment of the complaint within 5 Business Days of receipt of same;

10.1.4. Upon receipt of the complaint the Information Officer shall address the complainants concerns in an amicable manner, and shall endeavour to resolve the complaint in accordance with the provisions of POPI;

10.1.5. In assessing the complaint, the Information Officer will determine whether the breach was as a result of internal measures or through the actions of a third party working in conjunction with the Company.

10.1.6. The Company shall within 7 Business Days of acknowledgment of the complaint provide the complainant with a response relating thereto which response shall contain the following:

10.1.6.1. Suggest a remedy such as an apology;

10.1.6.2. Dismiss the complaint and state the grounds for such dismissal; and

10.1.6.3. Recommend disciplinary action against any employee where necessary.

Where the complainant remains unsatisfied by the response of the Company, he/she or it shall have the right to refer such a complaint to the Information Regulator in accordance with the procedures set out in POPI.

11. DISCIPLINARY ACTION

- 11.1. Should any complaint result in disciplinary action being taken against any employee the Company shall follow its internal disciplinary processes.

[illegible]

Date

ANNEXURE B POPI COMPLAINT FORM

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

Please submit your complaint to the Information Officer:

Name	
Contact Number	
Email Address:	

Where we are unable to resolve your complaint, to your satisfaction you have the right to complain to the Information Regulator.

The Information Regulator: Ms Mmamoroke Mphelo

Physical Address: SALU Building, 316 Thabo Sehume Street, Pretoria

Email: inforreg@justice.gov.za

Website: <http://www.justice.gov.za/inforeg/index.html>

A. Particulars of Complainant

Name & Surname	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	

B. Details of Complaint

C. Desired Outcome

D. Signature Page

Signature:

Date

POPI CONSENT

Annexure C

I, the undersigned _____

Hereby agree to provide my personal information to BangSure (Pty) Ltd (“The Company”) on the express understanding that:

1. This constitutes our consent, as required under the Protection of Personal Information Act 4 of 2013 (“POPI”).
2. The Administration, legal and the finance department of the Company will have access to my personal details which have been furnished to them for the purposes of;
 - a. Employment by the Company, and/or
 - b. Verifying your identity and to conduct credit and personal searches where necessary; and/or
 - c. Offer and sell insurance products;
 - d. Interview purposes for employment, and/or
 - e. Contractor/Representative/Brokers Conducting business with the Company and/or
 - f. Conducting due diligence investigations for commercial purposes with the Company, and/or
 - g. To comply with legal, financial and regulatory requirements,
3. The personal data will be used only for the purposes in 2 and 4 of this consent.
4. The Company is authorised to release our personal information to the South African Revenue Services, UIF, departments of Government that the Company is servicing under a tender (If required by these departments) and any department or organisation in order to comply with legislative and regulatory requirements.
5. The Company will in addition to its POPI compliance store my details, as provided for a reasonable period of time and will destroy my information when my information is no longer needed or in use for the aforesaid purposes.

6. The Company has the privilege of confidentiality under the law pertaining to its clients, employees and contractors.

DATE

(Insert Name and Surname)

Company