

Approved POPIA Policy

Sign and Seal Trading 99 Pty Ltd (t/a Jonkershuis Constantia)

January 2022

POPI POLICY (“The Policy”) Version 1.0

This is Sign and Seal Trading 99 Pty Ltd’s (“Jonkershuis”) policy in terms of the Protection of Personal Information Act, No. 4 of 2013 (POPIA).

This Policy applies to the business of Jonkershuis wherever it is conducted. It applies to the paid employees, guests, service providers and interested parties of Jonkershuis upon the premises of Jonkershuis and towards Jonkershuis’ general business and management conduct.

Notice

As POPIA compliance is still in its infancy in South Africa, the procedures and guidelines in this Policy are drafted using the best available guidance from the Information Regulator as at 1 January, 2022. This Policy is, therefore, cited as Version 1.0. Jonkershuis hereby advises that it will amend this document in due course should practices and procedures change.

Introduction

1. POPIA is intended to balance two opposing interests. These are:

- (a) South Africans’ individual constitutional rights to privacy (which requires individuals’ Personal Information to be protected); and
- (b) the needs of South African society to have access to work with individuals’ Personal Information for legitimate purposes, including the purpose of conducting business.

2. This Policy sets out the framework for Jonkershuis’ POPIA compliance. Where reference is made to the processing of Personal Information, this denotes all activities by which the information is processed, from the time that the information is first collected, to the time that the information is deleted or destroyed, irrespective of whether the information is processed manually, or via automated systems.

Purpose

3. The purpose of this policy is to enable Jonkershuis to:

- (a) comply with the law in respect of the information it holds about individuals, or “Data Subjects”;
- (b) follow sound and reasonable commercial practice; and
- (c) protect Jonkershuis’ employees and other individuals.

Jonkershuis Undertakings

4. Jonkershuis will always:

- (a) comply with both the law and sound practice;
- (b) respect individuals’ rights;
- (c) be transparent with individuals whose information it holds;
- (d) provide training and support for employees who handle personal information, so that they are well acquainted and act consistently with regard to POPIA requirements.

5. In addition to being transparent, Jonkershuis will seek to give individuals as much choice as is both reasonable and POPIA-compliant over what information is held and how it is used.

6. Jonkershuis undertakes to follow POPIA at whatever time it is applicable and to process Personal Information lawfully and acceptably, in order to avoid infringing on the privacy of our employees, guests, service providers and interested parties. Jonkershuis recognises that its first priority under the POPIA is to avoid causing harm to individuals. Primarily, this means:

(a) Jonkershuis undertakes to process information only for the purpose for which it is intended, to enable us to do our work, as agreed with our employees, guests, service providers and interested parties;

(b) keeping information secure and in the right hands;

(c) retention of only accurate information;

(d) whenever necessary, Jonkershuis shall obtain any Data Subjects' consent to process Personal Information;

(e) where Jonkershuis does not seek consent, the processing of our employees, guests, service providers and interested parties' Personal Information will be subsequent to a legal obligation placed upon us, or to protect a legitimate interest that requires protection;

(f) Jonkershuis shall cease to retain Personal Information if the required consent is withdrawn, or if a legitimate objection is raised;

(g) Jonkershuis shall record and retain Personal Information it has collected for the minimum period as required by law unless an employee, guest, service provider or interested party has provided written consent or instruction for us to retain the records for a longer period;

(h) Jonkershuis shall destroy Personal Information records so as to de-identify an employee, guest, service provider or interested party as soon as reasonably possible after the period for which the Jonkershuis has used said information;

(i) Jonkershuis undertakes to ensure that the Personal Information which it collects and processes is complete, accurate, up to date and not misleading;

(j) Jonkershuis undertakes to retain the physical file and the electronic data related to the processing of Personal Information;

(k) Jonkershuis undertakes to take special care with our employees, guests, service providers and interested parties' bank account details and is not entitled to disclose or procure the disclosure of such banking details to any third party, save for the Jonkershuis' bank and an individual's bank, purely for purposes of executing a debit order.

7. Jonkershuis shall collect Personal Information directly from the employee, guest, service provider or interested party whose information it requires, unless:

(a) the information is of public record;

(b) the individual has consented to the collection of their Personal Information from another source;

(c) the collection of the information from another source does not prejudice the individual;

(d) the information to be collected is necessary for the maintenance of law and order or national security;

- (e) the information is being collected to comply with a legal obligation, including an obligation to SARS;
- (f) the information collected is required for the conduct of proceedings in any court or tribunal, where these proceedings have commenced or are reasonably anticipated;
- (g) the information is required to maintain Jonkershuis' legitimate interests; or
- (h) where requesting consent is not reasonably practical in the circumstances.

8. Jonkershuis shall restrict the processing of Personal Information:

- (a) where the accuracy of the information is contested, for a period of time sufficient to enable Jonkershuis to verify the accuracy of the information;
- (b) where the purpose for which the Personal Information was collected has been realised and the Personal Information is being retained only for the purposes of proof; or
- (c) where the employee, guest, service provider or interested party requests that the Personal Information be transmitted to another automated data processing system.

Non-Personal Information

10. Jonkershuis may automatically collect non-Personal Information about employees, guests, service providers and interested parties. Jonkershuis may also aggregate details which an individual has submitted to our website (for example, the services they are interested in). They cannot be identified from this information and it is only used to assist Jonkershuis in providing an effective service.

Key Risks

11. Jonkershuis has identified the following potential key risks, which this Policy is designed to address:

- (a) breach of confidentiality, as in information being given out inappropriately;
- (b) insufficient clarity about the range of uses to which information will be put, leading to Data Subjects being insufficiently informed;
- (c) failure to offer choice about information use when it is appropriate;
- (d) breach of security by sanctioning unauthorised access;
- (e) harm to individuals if personal data is not kept up to date; and
- (f) third party data operator contracts.

Individual's Rights

12. The employees, guests, service providers and interested parties of Jonkershuis hold the following specific rights:

- (a) in cases where their consent is required to process their Personal Information, this consent may be withdrawn;
- (b) in cases where Jonkershuis processes Personal Information without consent to protect a legitimate interest, or to comply with the law, or to pursue or protect our legitimate interests, the individual in question has the right to object to such processing; and

(c) all relevant employees, guests, service providers and interested parties are entitled to lodge a complaint regarding our application of POPIA with the Information Regulator.

Security Safeguards

13. In order to secure the integrity and confidentiality of the Personal Information in Jonkershuis' possession, and to protect it against loss or unauthorised access, Jonkershuis must continue to implement the following security protocols:

(a) the business premises where records and personal information is kept must remain protected by access control, burglar alarms and, if possible, armed response;

(b) archived files must be stored behind locked doors and access control by designated personnel to these storage facilities must be implemented;

(c) all the user terminals on Jonkershuis' internal computer network and servers, along with computers and laptops (both company-issue and personal-use) must be password-protected, which must be changed on a regular basis. This applies equally to all cloud data storage facilities;

(d) Jonkershuis' email infrastructure must comply with industry standard security safeguards;

(e) if it proves necessary, assessments shall be carried out on Jonkershuis' digital infrastructure to identify any weaknesses in our systems and to ensure sufficient security in place;

(f) Jonkershuis must use a recognised firewall to protect the information stored on its local servers, and must run antivirus protection at least every week to ensure its systems are kept up to date with the latest patches;

(g) Jonkershuis employees must be trained on an ongoing basis to carry out their duties in compliance with POPIA;

(h) it must be a term of the contract with every employee that they maintain full confidentiality in respect of all of Jonkershuis employees, guests, service providers and interested parties' Personal Information;

(i) employment contracts for employees whose duty it is to process Personal Information must include an obligation on the staff member: (1) to maintain Jonkershuis' security measures, and (2) to notify their manager immediately if there are reasonable grounds to believe that the Personal Information has been accessed or acquired by any unauthorised person;

(j) the processing of the Personal Information of Jonkershuis employees must take place in accordance with the rules contained in the relevant labour legislation; and

(k) the digital work profiles and access privileges of staff who have left Jonkershuis employ must be properly deleted.

These security protocols must be substantiated on a regular basis to ensure effective implementation, and safeguards must be kept up to date in response to new risks or deficiencies.

Security Breaches

14. Should it appear that the Personal Information of an employee, guest, service provider or interested party has been accessed or acquired by an unauthorised person, Jonkershuis must notify the Information Regulator and the relevant individual, unless Jonkershuis is no longer able to identify the individual. This notification must take place as soon as is reasonably possible.

15. Such notification must be given to the Information Regulator first as they, or another public body, may require that the notification to the individual be delayed.

16. The notification to the individual must be communicated in writing in one of the following ways, with a view to ensuring that the communiqué reaches the individual:

- (a) by email to the individual's last known email address;
- (b) by publication on Jonkershuis's website, or in the news media; or
- (c) as directed by the Information Regulator.

17. This notification to the affected individual must give sufficient information to allow the person to protect themselves against the potential consequences of the security breach, and must include:

- (a) a description of the possible consequences of the breach;
- (b) details of the steps that Jonkershuis intends to take or has taken to attend to the breach;
- (c) recommendations as to what the Member could do to mitigate the ill-effects of the breach; and
- (d) if it is known, the identity of the individual or body who may have accessed, or acquired the Personal Information.

Correction of Personal Information

18. Employees, guests, service providers or interested parties are entitled to require Jonkershuis to correct or delete inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained Personal Information that Jonkershuis has on record.

19. Employees, guests, service providers or interested parties are also entitled to require Jonkershuis destroy or delete Personal Information records that Jonkershuis is no longer authorised to retain.

20. Upon receipt of such a request, Jonkershuis must comply as soon as reasonably practicable:

(a) in the event that an individual so requires it and a dispute arises regarding the individual's rights to have information corrected, Jonkershuis must attach a clear and visible notice to the information, in indication that the correction of the information has been requested, but has not yet been made; and

(b) Jonkershuis must notify the individual who has made a request for their Personal Information to be corrected or deleted an update of what action Jonkershuis has taken as a result of such a request.

Special Personal Information

21. Special rules apply to the collection and use of information relating to a person's religious or philosophical beliefs, their race or ethnic origin, their trade union membership, their political persuasion, their health or sex life, their biometric information, or their criminal behaviour.

22. Jonkershuis shall not process any of this special Personal Information without the individual's consent, or where this is necessary for the establishment, exercise or defence of a right or an obligation in law.

23. With nature of Jonkershuis' field of work in mind, it is unlikely that Jonkershuis will ever have to process special Personal Information, but should it be necessary the guidance of the Information Officer must be sought.

24. Jonkershuis may only process the Personal Information of a minor if Jonkershuis have the consent of the child's parent or legal guardian.

Information Officer

25. Jonkershuis' Information Officer is our Administrative Manageress and has been nominated and authorised by said General Manager in writing. Our Information Officer's responsibilities include:

- (a) encouraging and ensuring compliance with POPIA;
- (b) encouraging compliance of the conditions for the lawful processing of Personal Information;
- (c) dealing with requests made by the Information Regulator or Data Subjects;
- (d) working with the Regulator in relation to investigations conducted in accordance with the relevant provisions of POPIA;
- (e) developing, implementing and monitoring a POPIA compliance framework;
- (f) ensuring that a personal information risk assessment is regularly performed to guarantee that adequate measures and standards are maintained within Jonkershuis;
- (h) developing internal measures and adequate systems to process Jonkershuis requests for access to information; and
- (i) ensuring that internal awareness sessions are conducted regarding the provisions of POPIA, the regulations and any codes of conduct or information obtained from the Regulator.

26. Jonkershuis Information Officer must register themselves with the Information Regulator prior to taking up their duties.

27. In carrying out their duties, our Information Officer must ensure that:

- (a) this Policy is implemented;
- (b) that this Policy is continually developed, monitored, maintained, and made available;
- (c) that internal measures are developed along with with suitable systems to process requests for information or access information;
- (d) that internal awareness and training sessions are conducted regarding the provisions of POPIA – including the Regulations, codes of conduct or information obtained from the Information Regulator; and
- (e) that copies of this Policy are provided to individuals at their request.

28. Guidance notes for Information Officers have been published by the Information Regulator and Jonkershuis' Information Officer must familiarise themselves with the content of these notes.

29. An employee, guest, service provider or interested party can rest assured that unless Jonkershuis is legally obliged to share their Personal Information, Jonkershuis will only share so much of an individual's Personal Information as is needed by the authority that requires it. Jonkershuis will only do so when it is necessary to do its work for the individual.

30. Should an individual have any concerns with the way in which Jonkershuis is processing their Personal Information, the individual is entitled to lodge a complaint with the Information Regulator, whose contact details are:

33 Hoofd Street

Forum III, 3rd Floor, Braampark

P.O Box 31533

Braamfontein, Johannesburg, 2017

Complaints email: complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za

Staff Training & Acceptance of Responsibilities

31. Jonkershuis' Information Officer will ensure that all employees who have access to any kind of Personal Information will have relevant responsibilities outlined during their induction programme. Continual training will provide further opportunities for employees to explore POPIA issues through training, team meetings, and supervision. Acceptance of this Policy will entail that all employees sign acceptance of this Policy once they have had a chance to understand the contents, along with their resultant responsibilities in terms of the Policy and the POPIA.

Direct Marketing

32. Jonkershuis may only carry out direct marketing activities, using any form of electronic communication, if:

(a) individuals have been given an opportunity to object to receiving direct marketing material by electronic communication at the time that their Personal Information was collected; and

(b) they did not object at the time or at any time after receiving such direct marketing communications from Jonkershuis.

33. Jonkershuis may only approach individuals by using their Personal Information if Jonkershuis has obtained said Personal Information in the context of providing services associated with its business to them.

34. Jonkershuis may approach an individual to ask for their consent to receive direct marketing material only once, and Jonkershuis may not do so again if the individual has previously refused their consent.

35. All direct marketing communications must disclose an individual's identity and must contain an address or opt-out functionality, to which the individual may send a request that communications cease.

Transborder Information Flows

36. Jonkershuis may not transfer an individual's Personal Information to a third party in a foreign country, unless:

(a) the person consents to this, or requests it;

(b) such third party is subject to a law, binding corporate rules or a binding agreement, which protects the Personal Information in a manner similar to POPIA, and that such third party is governed by similar rules which prohibits the onward transfer of the Personal Information to a further third party in another country;

(c) the transfer of the Personal Information is required for the performance of the contract between Jonkershuis and the individual;

(d) the transfer is necessary for the conclusion or performance of a contract for the benefit of the individual, entered into between Jonkershuis and the third party; or

(e) the transfer of the Personal Information is for the benefit of the individual;

(f) it is not reasonably possible to obtain the individual's consent and that if it was possible the individual would be likely to give such consent.

Offences & Penalties

37. POPIA provides for serious penalties for the contravention of its terms.

(a) For minor offences, a guilty party can receive a fine or be imprisoned for up to 12 months.

(b) For serious offences, the period of imprisonment rises to a maximum of 10 years.

(c) Administrative fines for Jonkershuis can reach a maximum of R10 million.

38. Breaches of this Policy by employees will be viewed as a serious disciplinary offence.

39. It is, therefore, imperative that Jonkershuis complies strictly with the terms of this Policy and protects its employees, guests, service provider and interested parties' Personal Information in accordance with the laws of South Africa.

40. This Policy shall be governed by and construed in accordance with the laws of South Africa.