



POPI POLICY



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1. INTRODUCTION

1.1 The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act of 2013 ("POPIA") which was assented by South Africa's parliament on 19 November 2013. Whilst some sections already came into effect on 11 April 2014, the majority of POPIA's sections commence on 01 July 2021.

1.2 POPIA aims to promote the protection of privacy through providing guiding principles that are intended to be applied to the Processing of Personal Information in a context-sensitive manner.

1.3 Through the provision of quality goods and services, Lebon Consulting is necessarily involved in the collection, use and disclosure of certain aspects of the Personal Information of clients, customers, employees, and other stakeholders.

1.4 A person's right to privacy entails having control over his or her Personal Information and being able to conduct his or her affairs relatively free from unwanted intrusions.

1.5 Given the importance of privacy, Lebon Consulting is committed to effectively managing Personal Information in accordance with POPIA's provisions.

2. DEFINITIONS

2.1 Consent

means any voluntary, specific, and informed expression of will in terms of which permission is given for the Processing of Personal Information.

2.2 Data Subject

means a natural or juristic person to whom Personal Information relates, such as an individual client/policyholder, customer, service provider or a company that supplies Lebon Consulting with products or services.

2.3 De-Identify

means to delete any information that identifies a Data Subject, or which can be used by a reasonably foreseeable method to identify, or when linked to other information, that identifies the Data Subject.

2.4 Filing System

means any structured set of Personal Information, whether centralised, decentralised or dispersed on a function or geographical basis, which is accessible according to specific criteria.

2.5 Information Officer

means a company's Managing Director alternatively an appointed individual by such a chief executive (to be formally registered with the South African Information Regulator) who ensures that a company complies with all the necessary provisions of POPIA to ultimately ensure the lawful Processing of Personal Information of Data Subjects.

2.6 Operator

means 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. For example, a third-party service provider that has contracted with Lebon to shred documents containing Personal Information. When dealing with an operator, it is considered good practice for a Responsible Party to include an indemnity clause.

2.7 Personal Information

means any information that can be used to reveal a person or juristic entity's identity. Personal information related to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning:

2.7.1 Race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person;

2.7.2 Information relating to education, medical, financial, criminal or employment history of the person;

2.7.3 Any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

2.7.4 The biometric information of the person;

2.7.5 The personal opinions, views or preferences of the person;

2.7.6 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;

2.7.7 The views or opinions of another individual about the person;

2.7.8 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.

2.8 Processing

means the act of Processing information includes any activity or any set of operations, whether or not by automatic means, concerning Personal Information and includes:

2.8.1 The collection, receipt, Recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

2.8.2 Dissemination by means of transmission, distribution or making available in any other form; or

2.8.3 Merging, linking, as well as any restriction, degradation, erasure, or destruction of information.

2.9 Record

means any Recorded information, regardless of form or medium, including:

2.9.1 Writing on any material;

2.9.2 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;

2.9.3 Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;

2.9.4 Book, map, plan, graph or drawing;

2.9.5 Photograph, film, negative, slide or other device in which one or more visual images are embodied so as to be capable, with or

2.9.6 without the aid of some other equipment, of being reproduced.

2.10 Regulator

means the Information Regulator established in terms of POPIA.

2.11 Re-Identify

in relation to Personal Information of a Data Subject, means to resurrect any information that has been de-identified that identifies the Data Subject, or can be used or manipulated by a reasonably foreseeable method to identify the Data Subject.

2.12 Responsible Party

means a public or private entity that determines the purpose of and means for Processing Personal Information.

2.13 Special Personal Information

means Personal Information relating to:

2.13.1 the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of the Data Subject; or

2.13.2 the criminal behaviour of a Data Subject to the extent that such information relates to:

2.13.2.1 the alleged commission by a Data Subject of any offence;

2.13.2.2 any proceedings in respect of any offence allegedly committed by a Data Subject or the disposal of such proceedings.

2.14 Unique Identifier

means 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.

3. POLICY PURPOSE

3.1 The purpose of this policy is to demonstrate Lebon's commitment to protecting Personal Information and the privacy rights of its

clients, stakeholders and all other Data Subjects in the following manner:

3.1.1 Through stating desired behaviour and directing compliance with the provisions of POPIA and best practice.

3.1.2 By cultivating a culture that recognises privacy as a valuable human right.

3.1.3 By developing and implementing internal controls for the purpose of managing the compliance risk associated with the protection of Personal Information.

3.1.4 By creating business practices that will provide reasonable assurance that the rights of clients and Data Subjects are protected and balanced with the legitimate business needs of Lebon.

3.1.5 By assigning specific duties and responsibilities to control owners, including the appointment of an Information Officer and where necessary, Deputy Information Officer, in order to protect the interests of Lebon and its clients.

3.1.6 By raising awareness through training and providing guidance to individuals within Lebon who Process Personal Information on a daily basis so that they can act confidently and consistently.

4. POLICY APPLICATION

4.1 This policy and its guiding principles applies to:

4.1.1 Lebon's Executive Committee and management;

4.1.2 All business units and divisions of Lebon Consulting;

4.1.3 All employees of Lebon; and

4.1.4 All contractors, suppliers and other persons acting on behalf of Lebon.

4.2 The policy's guiding principles find application in all situations and must be read in conjunction with POPIA as well as Lebon's PAIA Manual as required by the Promotion of Access to Information Act No 2 of 2000 (PAIA).

4.3 The legal duty to comply with POPIA's provisions is activated in any situation where there is Processing of Personal Information entered into a Record by or for a Responsible Party who is domiciled (resident) in South Africa.

4.4 POPIA does not apply in situations where the Processing of Personal Information:

4.4.1 Is concluded in the course of purely personal or household activities; or

4.4.2 Where the Personal Information has been de-identified.

5. RIGHTS OF DATA SUBJECTS

Where appropriate, Lebon will ensure that its clients and customers are made aware of the rights conferred upon them as Data Subjects in terms of POPIA.

Lebon will ensure that it gives effect to the following 5 (five) rights:

5.1 The Right to Access Personal Information

Lebon recognises that a Data Subject has the right to establish whether Lebon holds Personal Information related to him, her or it including the right to request access to that Personal Information. (see Annexure A)

5.2 The Right to have Personal Information Corrected or Deleted

The Data Subject has the right to request, where necessary and subject to the provisions of POPIA, that his, her or its Personal Information must be corrected or deleted where Lebon is no longer authorised to retain the Personal Information. (see Annexure A)

5.3 The Right to Object to the Processing of Personal Information

The Data Subject has the right, on reasonable grounds, to object to the Processing of his, her or its Personal Information.

In such circumstances, Lebon will give due consideration to the request and the requirements of POPIA. Lebon may cease to use or disclose the Data Subject's Personal Information and may, subject to any statutory and contractual Record keeping requirements, also approve the destruction of the Personal Information.

5.4 The Right to Complain to the Information Regulator

The Data Subject has the right to submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information. (see Annexure B)

5.5 The Right to be Informed

The Data Subject has the right to be notified that his, her or its Personal Information is being collected by Lebon Consulting. The Data Subject also has the right to be notified in any situation where Lebon Consulting has reasonable grounds to believe that the Personal Information of the Data Subject has been accessed or acquired by an unauthorised person.

6. GENERAL GUIDING PRINCIPLES

All employees and persons acting on behalf of Lebon will at all times be subject to, and act in accordance with, the following guidelines:

6.1 Accountability

6.1.1 Lebon will ensure that the provisions of POPIA and the guiding principles outlined in this policy are complied with through the encouragement of desired behaviour. However, Lebon will take appropriate sanctions, which may include disciplinary action, against those individuals who through their intentional or negligent actions and/or omissions fail to comply with the principles and responsibilities outlined in this policy.

6.2 Process Limitation

6.2.1 Lebon will ensure that Personal Information under its control is Processed:

6.2.1.1 In a fair, lawful, and non-excessive manner;

6.2.1.2 Only with the informed consent of the Data Subject; and

6.2.1.3 Only for a specifically defined purpose.

6.2.2 Lebon will inform the Data Subject of the reasons for collecting his, her or its Personal Information and obtain consent prior to Processing Personal Information. Alternatively, where services or transactions are concluded over the telephone or electronic video feed, Lebon will maintain a voice Recording of the stated purpose for collecting the Personal Information followed by the Data Subject's subsequent consent.

6.2.3 Lebon will under no circumstances distribute or share Personal Information between separate legal entities, associated organisations (such as subsidiary companies) or with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected.

6.2.4 Where applicable, the Data Subject must be informed of the possibility that their Personal Information will be shared with other service providers, aspects of Lebon's business and be provided with Lebon's reasons for doing so.

6.3 Purpose Specification

6.3.1 Section 13(1) of POPIA requires a Responsible Party to collect Personal Information for a specific purpose meaning Responsible Parties will need to define the different reasons for which Personal Information will be Processed and also make sure that these reasons tie in with the Responsible Party's general business activities.

6.3.2 In terms of Section 13 the collection for specific purpose is as follows:

6.3.2.1 Lebon will Process Personal Information only for specific, explicitly defined, and legitimate reasons related to a function or activity of the Responsible Party.

6.3.2.2 Steps must be taken in accordance with Section 18(1) to ensure that the Data Subject is aware of Lebon's purpose of the collection of the information unless the provisions of Section 18(4) are applicable.

6.3.3 Section 18(1) of POPIA provides that reasonably practicable steps must be taken to make the Data Subject aware of the specific collection and Processing of the Personal Information.

6.4 Further Processing Limitation

6.4.1 Further Processing of Personal Information must be in accordance or compatible with the purpose for which it was collected in terms of Section 13.

6.4.2 To assess whether Processing is compatible with the purpose of collection, the Responsible Party must take account of:

6.4.2.1 The relationship between the purpose of the intended further Processing and the purpose for which the information has been collected;

6.4.2.2 The nature of the information concerned;

6.4.2.3 The consequences of the intended further Processing for the Data Subject;

6.4.2.4 The manner in which the information has been collected; and

6.4.2.5 Any contractual rights and obligations between the parties.

6.5 Information Quality

6.5.1 Lebon will take reasonable steps to ensure that all Personal Information collected is complete, accurate and not misleading. In some instances Lebon may rely on third party intermediaries to provide such Personal Information and as such, Lebon will ensure as far as reasonably possible that such information is complete, accurate and not misleading.

6.5.2 Lebon will furthermore use its best endeavors to ensure that the Personal Information collected is accurate and correct.

6.6 Open Communication

6.6.1 Lebon will take reasonable steps to ensure that Data Subjects are notified (and are at all times aware) that their Personal Information is being collected, including the purpose for which it is being collected and Processed.

6.6.2 Lebon will further ensure that it establishes and maintains a “contact us” facility, for instance via its website (www.lebonconsulting.co.za) or through an electronic helpdesk, for Data Subjects who want to:

6.6.2.1 Enquire whether Lebon holds related Personal Information; or

6.6.2.2 Request access to related Personal Information; or

6.6.2.3 Request Lebon to update or correct related Personal Information; or

6.6.2.4 Make a complaint concerning the Processing of Personal Information.

6.7 Security Safeguards

6.7.1 Lebon will manage the security of its Filing System to ensure that Personal Information is adequately protected. To this end, security controls will be implemented in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction.

6.7.2 Security measures also need to be applied in a context-sensitive manner. For example, the more sensitive the Personal Information, such as medical information or credit card details, the greater the security required.

6.7.3 Lebon will continuously review its security controls which will include regular testing of protocols and measures put in place to combat cyber-attacks on Lebon's IT network.

6.7.4 Lebon will further ensure that all paper and electronic Records comprising Personal Information are securely stored and made accessible only to authorised individuals.

6.7.5 All current and new employees of Lebon will be required to sign employment contracts or addendums to their employment contracts containing terms for the use and storage of employee information. Confidentiality clauses will also be included to reduce the risk of unauthorised disclosures of Personal Information in terms of POPIA for which Lebon is responsible.

6.7.6 All Lebon Consulting employees will also on an ad hoc basis receive scheduled POPIA training to ensure that all employees are well aware of their responsibilities in this regard.

6.7.7 Lebon's operators and third-party service providers will be required to enter into service level agreements with Lebon where both parties pledge their mutual commitments to POPIA and the lawful Processing of any Personal Information pursuant to the agreement.

6.8 Data Subject Participation

6.8.1 A Data Subject may request the correction or deletion of his, her or its Personal Information held by Lebon.

6.8.2 Lebon will ensure that it provides a facility for Data Subjects who want to request the correction or deletion of their Personal Information. Where applicable, Lebon will include a link to unsubscribe from any of its electronic newsletters or related marketing activities.

7. INFORMATION OFFICERS

7.1 Lebon has appointed an Information Officer, as well as a Deputy Information Officer to manage, assist and discharge all of Lebon's obligations in terms of POPIA as provided for in this policy, whereby the Information Officer and Deputy Information Officer have been duly registered with the South African Information Regulator – please refer to clause 8.2.12 below. Lebon's executive management will at all times also be actively involved to ensure compliance with the requirements as provided for in POPIA.

7.2 Where the Information Officer is unavailable or unable to perform his/her duties, the Deputy Information Officer will assume the role of the Information Officer.

7.3 The information and contact details of Lebon's Information Officer and a Deputy Information Officer, as well as the information of the Information Regulator, will be communicated to the Data Subjects in an appropriate format or forum.

8. SPECIFIC DUTIES AND RESPONSIBILITIES

8.1 Executive Committee

8.1.1 Lebon's executive committee, together with the Information Officer, cannot delegate its accountability and is ultimately answerable for ensuring that it meets their legal obligations in terms of POPIA.

The executive committee may however delegate some of its responsibilities in terms of POPIA to Lebon's senior management or other capable individuals.

The executive committee, in conjunction with the Information Officer, is responsible for ensuring that:

8.1.2 All persons responsible for the Processing of Personal Information on behalf of Lebon:

8.1.2.1 Are appropriately trained and supervised to do so;

8.1.2.2 Understand that they are contractually obligated to protect the Personal Information they come into contact with; and

8.1.2.3 Are aware that a wilful or negligent breach of this policy's Processes and procedures may lead to disciplinary action being taken against them.

8.1.3 Data Subjects who want to make enquiries about their Personal Information are made aware of the procedure that needs to be followed should they wish to do so.

8.1.4 The scheduling of periodic POPIA audits/reviews to accurately assess and review the ways in which Lebon collects, holds, uses, shares, discloses, destroys and Processes Personal Information

8.2 Information Officer

8.2.1 Lebon's Information Officer is responsible for:

8.2.1.1 Taking steps, whilst liaising with Lebon's executive committee, to ensure that Lebon is compliant with the provision of POPIA.

8.2.1.2 Keeping the executive committee updated about Lebon's information protection responsibilities under POPIA. For instance, in the case of a security breach, the Information Officer must inform and advise the executive committee of Lebon's obligations pursuant to POPIA.

8.2.2 Continuity analysing privacy regulations and aligning them with Lebon's Personal Information Processing procedures. This will include reviewing the information protection procedures and related policies.

8.2.3 Ensuring that POPIA audits/reviews are scheduled and conducted on a regular basis.

8.2.4 Ensuring that Lebon makes it convenient for Data Subjects who want to update their Personal Information or submit POPIA related complaints.

8.2.5 Approving any contracts entered into with operators, employees and other third parties which may have an impact on the Personal Information held or Processed by Lebon. This will include overseeing the amendment of Lebon's employment contracts and other service level agreements with third parties.

8.2.6 Encouraging compliance with the conditions required for the lawful Processing of Personal Information.

8.2.7 Ensuring that employees and other persons acting on behalf of Lebon are fully aware of the risks associated with the Processing of Personal Information and that they remain informed about Lebon's security controls.

8.2.8 Organising and overseeing the awareness training of employees and other individuals involved in the Processing of Personal Information on behalf of Lebon.

8.2.9 Addressing employees' POPIA related questions.

8.2.10 Addressing all POPIA related requests and complaints made by Lebon's clients and Data Subjects.

8.2.11 Working with the Information Regulator in relation to any ongoing investigations. The Information Officer will therefore act as the contact point for the Information Regulator authority on issues relating to the Processing of Personal Information and will consult with the Information Regulator where appropriate, with regard to any other matter.

8.2.12 Lebon's Information and Deputy Information Officer details as follows:

Information Officer:

Name: Shampene Mphaloane

Designation: Managing Director

Contact Number: 012 745 8100

Email Address: shampene@lebonconsulting.co.za

Deputy Information Officer:

Name: VACANT

8.2.13 Lebon's Information Officer and Deputy Information Officer share the same physical and postal address as below:

81 Botterklapper Street, Fintech Campus

The Willows

Pretoria

Gauteng

0182

9. POPIA AUDIT/REVIEW

Lebon's Information Officer will schedule periodic POPIA audits/reviews. The purpose of a POPIA audit/review is to:

- 9.1 Identify the Processes used to collect, Record, store, disseminate and destroy Personal Information.
- 9.2 Determine the flow of Personal Information throughout Lebon.
- 9.3 Redefine the purpose for gathering and Processing Personal Information.
- 9.4 Ensure that the Processing parameters are still adequately limited.
- 9.5 Ensure that new Data Subjects are made aware of the Processing of their Personal Information.
- 9.6 Re-establish the rationale for any further Processing where information is received via a third party.
- 9.7 Verify the quality and security of Personal Information.
- 9.8 Monitor the extent of compliance with POPIA and this policy.
- 9.9 Monitor the effectiveness of internal controls established to manage Lebon's POPIA related compliance risk.

In performing the POPIA audit/review, the Information Officer will liaise with Lebon senior and middle management in order to identify areas within Lebon that are most vulnerable or susceptible to the unlawful Processing of Personal Information.

Lebon's Information Officer will at all times be permitted direct access to and have demonstrable support from Lebon's executive committee and management in performing their duties

10. REQUEST TO ACCESS PERSONAL INFORMATION PROCEDURE

10.1 Data Subjects have the right to:

- 10.1.1 Request what Personal Information Lebon holds about them and why.
- 10.1.2 Request access to their Personal Information.
- 10.1.3 Be informed how to keep their Personal Information up to date.

10.2 Access to information requests can be made by email, addressed to the Information Officer. The Information Officer will provide the Data Subject with a "Personal Information Request Form" (see Annexure A) whereby the Data Subject can request the necessary from Lebon.

10.3 Once the completed form has been received, the Information Officer will verify the identity of the Data Subject prior to handing over any Personal Information. All requests will be Processed and considered against Lebon's PAIA (Promotion of Access to Information Act of 2000) Policy.

10.4 The Information Officer will Process all requests within a reasonable time.

11. POPIA COMPLAINTS PROCEDURE

Data Subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon. Lebon takes all complaints very seriously and will address all POPIA related complaints in accordance with the following procedure:

11.1 POPIA complaints must be submitted to Lebon in writing. Where so required, the Information Officer will provide the Data Subject with a "POPIA Complaint Form". (see Annexure B)

11.2 Where the complaint has been received by any person other than the Information Officer, that person will ensure that the full details of the complaint reach the Information Officer within 1 (one) working day.

11.3 The Information Officer will provide the complainant with a written acknowledgment of receipt of the complaint within 3 (three) working days.

11.4 The Information Officer will carefully consider the complaint and address the complainant's concerns in an amicable manner. In considering the complaint, the Information Officer will endeavour to resolve the complaint in a fair manner and in accordance with the principles outlined in POPIA.

11.5 The Information Officer must also determine whether the complaint related to an error or breach of confidentiality that has occurred and which may have a wider impact on Lebon's Data Subjects.

11.6 Where the Information Officer has reason to believe that the Personal Information of Data Subjects has been accessed or acquired by an unauthorised person, the Information Officer will consult with Lebon's Executive Committee where after the affected Data Subjects and the Information Regulator will be informed of this breach.

11.7 The Information Officer will revert to the complainant with a proposed solution with the option of escalating the complaint to Lebon's executive committee within 7 (seven) working days of receipt of the complaint. In all instances, Lebon will provide reasons for any decisions taken and communicate any anticipated deviation from the specified timelines.

11.8 The Information Officer's response to the Data Subject may comprise any of the following:

11.8.1 A suggested remedy for the complaint;

11.8.2 A dismissal of the complaint and the reasons as to why it was dismissed;

11.8.3 An apology (if applicable) and any disciplinary action that has been taken against any employees involved.

11.9 Where the Data Subject is not satisfied with the Information Officer's suggested remedies, the Data Subject has the right to complain to the Information Regulator as follows:

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

Telephone Number: (012) 406 4818

Facsimile Number: (086) 500 3351

Email Address: POPIAComplaints@inforegulator.org.za
/ POPIAComplaints@inforegulator.org.za

11.10 The Information Officer will review Lebon's complaints process to assess the effectiveness of the procedure on a periodic basis and to improve the procedure where it is found wanting. The reason for any complaints will also be reviewed to ensure the avoidance of occurrences giving rise to POPIA related complaints.

12. DISCIPLINARY ACTION

12.1 Where a POPIA complaint or a POPIA infringement investigation has been finalised, Lebon may recommend any appropriate administrative, legal and/or disciplinary action to be taken against any employee reasonably suspected of being implicated in any non-compliant activity outlined within this policy.

12.2 In the case of ignorance or minor negligence, Lebon will undertake to provide further awareness training to the employee.

12.3 Any gross negligence or the willful mismanagement of Personal Information, will be considered a serious form of misconduct for which Lebon may summarily dismiss the employee. Disciplinary procedures will commence where there is sufficient evidence to support an employee's gross negligence.

Examples of immediate actions that may be taken subsequent to an investigation include:

12.3.1 A recommendation to commence with disciplinary action.

12.3.2 A referral to appropriate law enforcement agencies for criminal investigation.

12.3.3 Recovery of funds and assets in order to limit any prejudice or damages caused.

PART I: GENERAL INFORMATION

FULL NAME

:

EMAIL ADDRESS

:

CONTACT NUMBER

:

PART II: DATA SUBJECT PARTICULARS

First Name

:

Surname

:

Email Address

:

Cellphone Number

:

Physical Address

:

I request Lebon to:

1. Inform me whether it holds any of my Personal Information
2. Provide me with a Record or description of my Personal Information
3. Correct or update my Personal Information
4. Destroy or delete a Record of my Personal Information

INSTRUCTIONS :

PART III: SIGNATURE

FULL NAME (PRINT)

SIGNATURE

CAPACITY/POSITION

DATE

ANNEXURE B POPIA PERSONAL INFORMATION
COMPLAINT FORM

PART I: COMPLAINANT PARTICULARS

FULL NAME

:

EMAIL ADDRESS

:

CONTACT NUMBER

:

ID NUMBER

:

POSTAL ADDRESS

:

PART II: COMPLAINT DETAILS

DETAILS OF COMPLAINT

:

DESIRED OUTCOME

:

PART III: SIGNATURE

FULL NAME (PRINT)

SIGNATURE

CAPACITY/POSITION

DATE



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