

PROTECTION OF PERSONAL INFORMATION ACT 4 of 2013

DATA PROTECTION POLICY IN RESPECT OF EVOLUTIONARY SERVICE PROVIDER CC

(CK NUMBER 1994/006980/23)

1. INTRODUCTION

- 1.1. Liberate is an outsourced administrative labour provider.
- 1.2. Liberate has offices in Newlands, Cape Town.
- 1.3. Ms Kareena Barat has been duly appointed to be the Information Office of Liberate and is the person with whom to liaise in relation to the Protection of Personal Information Act 4 of 2013 ("the Act").

2. PURPOSE OF THIS DOCUMENT

- 2.1. This document sets out:
 - 2.1.1. what personal information Liberate processes,
 - 2.1.2. why it collects this information and what it is used for,
 - 2.1.3. how it stores that information and for how long; and
 - 2.1.4. how you can contact Liberate to ask them about your personal information.
- 2.2. You can find this document on Liberate's website located at www.liberatevirtualassistants.co.za or you can request a copy of it from the Information Officer on the details below.

3. THE PURPOSE OF THE ACT

- 3.1. The purpose of the Act is to ensure the protection of personal information which is processed by public and private institutions. It does this by:
 - 3.1.1. introducing certain minimum requirements when it comes to the processing of personal information,
 - 3.1.2. allowing for the creation of a regulator to enforce the various provisions of the Act;
 - 3.1.3. allowing for codes of conduct to be issued that apply to all private and public bodies that process personal information;
 - 3.1.4. protecting your rights as a data subject when it comes to receiving unsolicited electronic communications and where decisions relating to your personal information are made by an automated system; and
 - 3.1.5. to regulate when and how your personal information may be sent outside the borders of South Africa.

4. SOME IMPORTANT DEFINITIONS

4.1. In order to make sense of your rights in terms of this document, it is important that certain definitions contained in section 1 of the Act are explained:

4.1.1. Data subject: This is the person to whom the personal information relates.

4.1.2. **Personal Information:** This is extensively defined as follows:

- 4.1.2.1. Information relating to your 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;
- 4.1.2.2. Information relating to your education or to your medical, financial, criminal or employment history;
- 4.1.2.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other assignment particular to you;
- 4.1.2.4. your biometric information;
- 4.1.2.5. your personal opinions, views or preferences of the person;
- 4.1.2.6. correspondence sent by you that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 4.1.2.7. the views or opinions of another individual about you; and
- 4.1.2.8. your name if it appears with other personal information relating to you or if the disclosure of your name itself would reveal information about you.

4.1.3. Processing: this includes any of the following actions in relation to personal information:

- 4.1.3.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 4.1.3.2. dissemination by means of transmission, distribution or making available in any other form; or
- 4.1.3.3. merging, linking, as well as restriction, degradation, erasure or destruction of information

4.1.4. Record: this refers to personal information in the possession or under the control of a responsible party (regardless of who created it or when it was created) which is in any of the following forms:

- 4.1.4.1. writing on any material;
- 4.1.4.2. 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;

- 4.1.4.3. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- 4.1.4.4. book, map, plan, graph or drawing;
- 4.1.4.5. 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;

4.1.5. Responsible party: means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information. In this case, Liberate is the Responsible Party.

4.1.6. Operator: this is a person who processes personal information on behalf of a Responsible Party in terms of a contract or mandate.

5. CONTACT DETAILS OF INFORMATION OFFICER

- 5.1. Attention: Ms Kareena Barat
- 5.2. Physical address: Liberate Virtual Assistants
21 Harrow Road
Rondebosch
Cape Town
South Africa
- 5.3. Telephone: +27797841217
- 5.4. E-mail: kareena@liberatevirtualassistants.co.za

6. WHAT KIND OF PERSONAL INFORMATION IS HELD BY LIBERATE?

6.1. PERSONAL INFORMATION BELONGING TO CUSTOMERS OF THE CLIENTS WHO USE LIBERATE'S SOFTWARE SERVICES:

6.1.1. *Personal information belonging to juristic persons:*

- 6.1.1.1. bank account details;
- 6.1.1.2. company or close corporation registration number, business logo, business e-mail addresses, the physical and postal address, telephone number and location information, VAT numbers.

6.1.2. *Personal information belonging to natural persons*

6.1.2.1. Where customers are natural persons:

- 6.1.2.1.1. bank account details;
- 6.1.2.1.2. identity number, business logo, e-mail addresses, the physical and postal address, telephone number and location information, VAT numbers.

6.1.2.2. Information belonging to natural persons who are representatives of juristic persons

- 6.1.2.2.1. South African identity number, business e-mail address, place of employment, address of employer and personal and business telephone numbers

6.2. PERSONAL INFORMATION BELONGING TO EMPLOYEES OF LIBERATE

- 6.2.1. information relating to the name race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical and/or mental health, well-being, disability, religion, belief, language and birth of employees;
- 6.2.2. information relating to the education, the medical, financial, criminal or employment history of employees;
- 6.2.3. South African identity number, personal e-mail address, physical address, personal telephone numbers, location information and online identifiers of employees;
- 6.2.4. the biometric information of employees;
- 6.2.5. private and confidential correspondence with employees;

6.3. PERSONAL INFORMATION BELONGING TO THIRD PARTY SERVICE PROVIDERS OF LIBERATE

- 6.3.1. bank account details;
- 6.3.2. company or close corporation registration number, business logo, business e-mail addresses, the physical and postal address, telephone number and location information, VAT numbers.

7. WHY IS THE PERSONAL INFORMATION ABOVE COLLECTED BY LIBERATE AND WHAT IS IT USED FOR?

7.1. PERSONAL INFORMATION BELONGING TO CUSTOMERS OF LIBERATE

Liberate requires the information collected from customer that are both natural and juristic persons to provide them with freight forwarding services. Liberate processes the minimal information necessary to provide these services. Liberate may make this information available to operators to ensure that the services are provided to the very best of Liberate's abilities and to the highest standards. All operators have signed documentation confirming that personal information received from Liberate is to be used solely to the purpose for which it is given to them. Such operators are prohibited from further processing the personal information given to them and have confirmed that they have systems in place that make sure that they are compliant with the requirements of the Act.

The personal information sought by Liberate is mandatory in nature. Should customers not provide the personal information sought, Liberate will not be able to provide the services to the customers.

7.2. PERSONAL INFORMATION BELONGING TO EMPLOYEES OF LIBERATE

Liberate is committed to good governance and compliance. No personal information in respect of any employees will be used for any other reason besides what it is provided for. Any staff database kept by Liberate will be for the purpose of managing the employment relationship between Liberate and its employees only. No personal information pertaining to any employee will be provided to any third person unless in accordance with the Act, any relative piece of legislation or with the express consent of the employee. The only exception is where personal information is provided to an operator providing employment related services to Liberate where that operator has concluded an agreement with Liberate in terms of which that operator has been made aware of the limitations on

further processing of the personal information and has declared that it is compliant with the provisions of the Act in the conduct of its obligations to Liberate.

7.3. PERSONAL INFORMATION BELONGING TO THIRD PARTY SERVICE PROVIDERS OF LIBERATE

Liberate requires the information collected from third party service providers that are both natural and juristic persons in order to do business with them. Liberate takes its compliance obligations very seriously and requires the information processed in order to conclude agreements regarding the relationship between Liberate and its service providers, many of whom may be operators as defined in the Act.

Liberate processes the minimal information necessary in order to provide these services and to conclude these agreements. Liberate may make this information available to other operators to ensure that the services are provided to the very best of Liberate's abilities and to the highest standards for its clients. All operators and third-party service providers have signed documentation confirming that personal information received from Liberate and its operators is to be used solely to the purpose for which it is given to them. Such operators and third parties are prohibited from further processing the personal information given to them and have confirmed that they have systems in place that make sure that they are compliant with the requirements of the Act.

The personal information sought by Liberate is mandatory in nature. Should third parties and operators not provide the personal information sought, Liberate will not be able to conclude agreements with them and therefor not do business with them.

7.4. WHERE IS THE PERSONAL INFORMATION COLLECTED BY LIBERATE STORED AND WHAT SECURITY MEASURES ARE IN PLACE?

Personal information is stored both electronically and in hard copy. Electronic information is encrypted and stored on a cloud based system. Personal information is not saved on any internal or external hard drives.

Physical copies of personal information are stored in hard copy files for the duration of an exhibition or while the information is being used on a regular basis. Each year information that is not needed regularly is stored on site in a dead filing facility. This information is kept for up to 10 years. Whilst from a statutory perspective the information must be kept for 5 years in terms of the Companies Act 71 of 2008 as well as tax legislation, Liberate keeps the information longer to ensure the seamless running of annual and periodic conferences as the historical information allows Liberate to provide a better-quality service to its clients.

Liberate as a physical security policy as well as a policy pertaining to the use of electronic data by employees which policies are internal and kept by the Information Officer. These policies are not available to the public save where Liberate is forced to make same available in terms of law so as to protect the information held by Liberate.

7.5. WHEN WILL LIBERATE MAKE PERSONAL INFORMATION AVAILABLE TO THIRD PARTIES (OTHER THAN OPERATORS)

- 7.5.1. Liberate will not reveal any personal information to anyone outside of Liberate unless:
 - 7.5.1.1. It is compelled to comply with legal and regulatory requirements or when it is otherwise allowed by law;
 - 7.5.1.2. It is in the public interest;

7.5.1.3. Liberate needs to do so to protect their rights.

Liberate endeavors to take all reasonable steps to keep secure any information which they hold about an individual, and to keep this information accurate and up to date. If at any time, an individual discovers that information gathered about them is incorrect, they may contact Liberate to have the information corrected. Where information has been disclosed to employees of Liberate, Liberate has agreements in place to ensure that compliance with confidentiality and privacy conditions.

Liberate recognizes the importance of protecting the privacy of information collected about individuals, in particular, information that can identify an individual ("personal information").

8. FOR HOW LONG IS PERSONAL INFORMATION KEPT BY LIBERATE?

8.1. CLOSED CORPORATION ACT NO. 69 of 1984, AS AMENDED

The Closed Corporation Act as amended requires that hardcopies and/or electronic copies of the following documents are kept for a total of 15 years:

- 8.1.1. Accounting records, including supporting schedules to accounting records and ancillary accounting records;
- 8.1.2. Annual financial statements, including annual accounts and the report of the accounting officer;

The following documentation is required to be kept for an indefinite period:

- 8.1.3. Record of Members and past members, after the member has retired from the company;
- 8.1.4. Minutes and resolutions of the members of the company.

8.2. CONSUMER PROTECTION ACT

The Consumer Protection Act seeks to protect the interests of Consumers and as such requires Liberate as a service provider to retain and maintain the following records of consumers for a period of 3 years:

- 8.2.1. Full names, physical address, postal address and contact details;
- 8.2.2. ID number and registration number;
- 8.2.3. Contact details of public officer in case of a juristic person;
- 8.2.4. Service rendered;
- 8.2.5. Intermediary fee;
- 8.2.6. Cost to be recovered from the consumer;
- 8.2.7. Frequency of accounting to the consumer;
- 8.2.8. Amounts, sums, values, charges, fees, remuneration specified in monetary terms;
- 8.2.9. Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided;

- 8.2.10. Record of advice furnished to the consumer reflecting the basis on which the advice was given;
- 8.2.11. Written instruction sent by the intermediary to the consumer;
- 8.2.12. Conducting a promotional competition refer to Section 36(11) (b) and Regulation 11 of Promotional Competitions;
- 8.2.13. Documents in respect of Section 45 and Regulation 31 for Auctions.

8.3. COMPENSATION FOR OCCUPATIONAL INJURIES AND DISEASES ACT, NO 130 OF 1993:

Section 81(1) and (2) of the Compensation for Occupational Injuries and Diseases Act requires a retention period of 4 years for the documents mentioned below:

- 8.3.1. Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.
- 8.3.2. Section 20(2) documents with a required retention period of 3 years:
- 8.3.3. Health and safety committee recommendations made to an employer in terms of issues affecting the health of employees and of any report made to an inspector in terms of the recommendation;
- 8.3.4. Records of incidents reported at work.

8.4. BASIC CONDITIONS OF EMPLOYMENT ACT, NO 75 OF 1997

The Basic Conditions of Employment Act requires a retention period of 3 years for the documents mentioned below:

- 8.4.1. Written particulars of an employee after termination of employment;
- 8.4.2. Employee's name and occupation;
- 8.4.3. Time worked by each employee;
- 8.4.4. Remuneration paid to each employee;
- 8.4.5. Date of birth of any employee under the age of 18 years.

8.5. EMPLOYMENT EQUITY ACT, NO 55 OF 1998:

- 8.5.1. Section 26 and the General Administrative Regulations, 2014, requires a retention period of 3 years for the documents mentioned below:
- 8.5.2. Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act;

8.6. UNEMPLOYMENT INSURANCE ACT, NO 63 OF 2002:

Section 56(2)(c) requires a retention period of 5 years, from the date of submission, for the documents mentioned below:

- 8.6.1. personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed.

9. ACCESS TO AND CORRECTION OF INFORMATION

- 9.1. Clients, employees and third parties have the right to access the personal information Liberate holds about them. Clients and other people whose data Liberate holds also have the right to ask Liberate to update, correct or delete their personal information on reasonable grounds. Once a client or such other person objects to the processing of their personal information, Liberate may no longer process said personal information. Liberate will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information;
- 9.2. All employees have a duty of confidentiality in relation to the Company and clients. Information on clients: Our clients' right to confidentiality is protected in the Constitution and in terms of ECTA. Information may be given to a 3rd party if the client has consented in writing to that person receiving the information or if it is required by law.
- 9.3. If Liberate duly and diligently searches for a record and it is believed that the record either does not exist or cannot be found, the client or requester will be notified accordingly. This notification will include the steps that were taken the attempt to locate the record.

10. DELETION AND DESTRUCTION OF INFORMATION

- 10.1. Clients, employees and third parties have the right to access the personal information Liberate holds about them. Clients and other people whose data Liberate Holds also have the right to ask Liberate to update, correct or delete their personal information on reasonable grounds. Once a client or such other person objects to the processing of their personal information, Liberate may no longer process said personal information. Liberate will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.

11. FORM OF REQUEST

- 11.1. The requester must use the prescribed form to make the request for access to a record. This must be made to the information officer. This request must be made to the address, fax number or electronic mail address of the information officer.
- 11.2. The requester must provide sufficient detail on the request form to enable the information officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 11.3. The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 11.4. If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

12. FEES

- 12.1. The information officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the relevant fee before further processing the request. A personal requester does not pay such fee.
- 12.2. The requester may lodge an application to the court against the tender or payment of the request fee.

- 12.3. The information officer will then decide on the request and notify the requester in the required form.
- 12.4. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that had exceeded the prescribed hours to search and prepare the record for disclosure.

13. AVAILABILITY OF THE MANUAL

- 13.1. The manual is available for inspection at the offices of Liberate free of charge, a copy is made available on Liberate's website, alternatively a copy may be requested from Liberate information officer.

14. PRESCRIBED FEES AND FORMS IN RESPECT OF PRIVATE BODIES

- 14.1. The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development, www.doj.gov.za. For your ease of reference, a copy of Form C is attached hereto as Annexure A.

15. AMENDMENTS TO THIS POLICY

- 15.1. Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year. Clients are advised to access Liberate's website periodically to keep abreast of any changes. Where material changes take place, clients will be notified directly or changes will be stipulated on our website

INFORMATION OFFICER: MS KAREENA BARAT

PRESCRIBED FEES AND FORMS IN RESPECT OF PRIVATE BODIES

The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development, www.doj.gov.za .

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

The Head:	
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B. Particulars of person requesting access to the record

(a)	<i>The particulars of the person who requests access to the record must be given below.</i>
(b)	<i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i>
(c)	<i>Proof of the capacity in which the request is made, if applicable, must be attached.</i>

Full names and surname:	
Identity number:	
Postal address:	
Telephone number:	
E-mail address:	
Capacity in which request is made when made on behalf of another person	

C. Particulars of person on whose behalf request is made

<i>This section must be completed ONLY if a request for information is made on behalf of another person.</i>	
Full names and surname:	
Identity number:	

D. Particulars of record

<p>a. Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.</p> <p>b. If the provided space is inadequate, please continue on a separate folio and attach it to this form.</p> <p>c. The requester must sign all the additional folios.</p>	
<i>Description of record or relevant part of the record:</i>	
<i>Reference number, if available:</i>	
<i>Any further particulars of record:</i>	

E. Fees

<p>a. A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>b. You will be notified of the amount required to be paid as the request fee.</p> <p>c. The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</p> <p>d. If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p>	
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Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is require

Disability:

Form in which record is required

Form in which record is required:

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

	copy of record*		inspection of record
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2. If record consists of visual images

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	view the images		copy of the images"		transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
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4. If record is held on computer or in an electronic or machine-readable form:

	printed copy of record*		printed copy of information derived from the record"		copy in computer readable form* (stiffy or compact disc)
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<p>If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>	YES	NO
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G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

a. Indicate which right is to be exercised or protected:

b. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of20

**SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE**