

Privacy Statement

1. Definitions

- 1.1. Biometrics: means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;
- 1.2. Child/Children: means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning himself or herself;
- 1.3. Competent Person: means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a Child;
- 1.4. Data Subject: refers to the living, natural or juristic person to whom Personal Information relates, i.e. customer, employee, supplier;
- 1.5. 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, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
 - (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;

- (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;
- 1.6. Process/Processed/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, 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;
- 1.7. Special Personal Information: means personal information as referred to in section 26 of the POPIA and includes information relating to the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject.

2. Introduction

Wesizwe is committed to ensuring compliance with South African Legislation, including data legislation such as the Protection of Personal Information Act 4 of 2013 (POPIA) and the Promotion of Access to Information Act 2 of 2000 (PAIA).

Wesizwe intends to treat the Personal Information of its data subjects with the utmost discretion and is committed to taking measures to safeguard the such Personal Information.

This privacy statement sets out how Wesizwe will Process Personal Information it receives in relation to its data subjects.

3. Application

This Privacy Statement applies to all Processing of Personal Information and Special Personal Information by Wesizwe.

This Privacy Statement highlights how Wesizwe intends to collect, use, retain, and protect Personal Information and Special Personal Information. Further, this Privacy Statement provides for the rights of Data Subjects.

4. Processing of Personal Information

Wesizwe intends to use Personal Information and Special Personal Information for the sole purpose for which it was collected. Wesizwe will ensure that any further Processing of Personal Information and/or Special Personal Information is compatible with the purpose for which it was originally collected.

Wesizwe may collect the Personal Information directly from a Data Subject or from a public record or where the Data Subject is a Child, with the consent of a Competent Person. Further, Wesizwe may collect Personal Information from a third party, with the consent of the Data Subject or where the collection of the Personal Information will not prejudice a legitimate interest of the Data Subject. The latter third parties may include:

- (a) data brokers;
- (b) insurance companies;
- (c) credit bureaus;
- (d) business partners;
- (e) government institutions.

Wesizwe will only Process Personal Information if:

- (a) the Data Subject, or Competent Person, where the Data Subject is a Child, consents to the processing;
- (b) the Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
- (c) the Processing complies with an obligation imposed by law on Wesizwe;
- (d) the Processing protects a legitimate interest of the Data Subject;
- (e) the Processing is necessary for pursuing the legitimate interests of Wesizwe or third

party to whom the information is supplied.

Wesizwe may, thus, use the Personal Information of Data Subjects for:

- (a) contracting;
- (b) auditing purposes;
- (c) criminal investigations;
- (d) to communicate with the Data Subject;
- (e) legal proceedings.

5. Processing of Special Personal Information

Wesizwe will only Process Special Personal Information if:

- (a) the Data Subject has consented;
- (b) the Processing is necessary for the establishment, exercise, or defence of a right or obligation in law;
- (c) the Processing is necessary to comply with an obligation of international public law; or
- (d) the information has deliberately been made public by the Data Subject;
- (e) it is for historical, statistical or research purposes to the extent that-
 - i. the purpose serves a public interest and the processing is necessary for the purpose concerned; or
 - ii. it appears impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided to ensure that the Processing does not adversely affect the individual privacy of the Data Subject to a disproportionate extent.

6. Personal Information of Children

Wesizwe will only Process the Personal Information of Children if:

- (a) the Competent Person provides prior consent;
- (b) the Processing is necessary for the establishment, exercise, or defence of a right or obligation in law;
- (c) it is necessary to comply with an obligation of international law;

- (d) it is for historical, statistical or research purposes to the extent that-
 - i. the purpose serves a public interest and the processing is necessary for the purpose concerned; or
 - ii. it appears impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided to ensure that the Processing does not adversely affect the individual privacy of the Child to a disproportionate extent;
- (e) the Personal Information has been deliberately made public by the Child with the consent of the Competent Person.

7. Disclosure of Personal Information

Wesizwe may disclose the Personal Information of a Data Subject where the Data Subject consents or to protect its legitimate interests to third parties including:

- (a) Regulatory authorities;
- (b) Government institutions;
- (c) Law Firms;
- (d) Insurers;
- (e) Auditors.

8. Security Safeguards

Wesizwe has put in place reasonable physical, electronic, contractual and managerial procedures aimed at safeguarding and securing Personal Information it holds. Wesizwe will continually review and where necessary, upgrade and improve measures intended to safeguard Personal Information.

9. Retention of Personal Information

Wesizwe will retain Personal Information for as long as necessary to achieve the purpose for which the information was collected or as required by law.

10. Rights of Data Subjects

Wesizwe recognises and gives effect to the following rights of Data Subjects:

- (a) the right to have their Personal Information Processed in accordance with the conditions for the lawful Processing of Personal Information;
- (b) the right to be notified that their Personal Information is being collected;
- (c) the right to be notified that their Personal Information has been accessed or acquired by an unauthorized person;
- (d) the right to establish whether Wesizwe holds Personal Information of a Data Subject and to request such Personal Information. Data Subjects shall make the request in terms of Section 53 of PAIA and specifically, as set out in Wesizwe PAIA Manual which is available on the Wesizwe website;
- (e) to request, where necessary, the correction, destruction or deletion of their Personal Information;
- (f) the right to object, on reasonable grounds, to the Processing of their Personal Information, including for direct marketing;
- (g) the right not to have their Personal Information Processed for purposes of direct marketing by means of unsolicited electronic communications;
- (h) not to be subject, under certain circumstances, to a decision which is based solely on the basis of automated processing of their Personal Information to provide a profile of the Data Subject;
- (i) the right to submit a complaint to Information Regulator regarding the alleged interference with the Personal Information of any Data Subject;
- (j) the right to institute civil proceedings regarding the alleged interference with the protection of their Personal Information.

11. POPIA Complaints

Please submit your POPIA complaints via email to the Information Officer at:

Johannes.Pule@wesizwe.com

12. Forms

The following forms are to be utilised:

- Form 1: [Objection to the Processing of Personal Information;](#)
- Form 2: [Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information;](#)
- Form 3: [Application for the Issue of a Code of Conduct;](#)
- Form 5: [Complaint Regarding Interference with the Protection of Personal Information/Complaint Regarding Determination of an Adjudicator.](#)

Yours Faithfully



Information Officer