

Protection of Personal Information Policy

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1. DATA PROTECTION POLICY

- 1.1. Everyone has rights with regard to how their Personal Information is handled. During the course of its activities ADP will collect, store and process Personal Information about ADP staff, customers/clients, suppliers and other third parties. ADP recognises the need to treat it in an appropriate and lawful manner.
- 1.2. Any breach of this policy amounts to serious misconduct and may result in disciplinary action.

2. RELEVANT DEFINITIONS

The following terms bear the meaning given to them here in this policy and its references/annexures:

- 2.1. **"ADP"** means ADP Holdings, all of its subsidiaries and associate companies¹, who are subject to POPIA in South Africa.
- 2.2. **"Data subjects"** for the purpose of this policy include all living individuals and juristic persons about whom ADP holds Personal Information. All data subjects have legal rights in relation to their personal /information.
- 2.3. **"IO"** means the information officer appointed as such by ADP in terms of section 56 of POPIA and who will have the ultimate responsibility to ensure that ADP complies with the provisions of POPIA or any person who lawfully acts as the designated information officer.
- 2.4. **"Operators"** include any person who processes Personal Information on behalf of a responsible party. Employees of responsible parties are excluded from this definition but it could include suppliers which handle Personal Information on ADP's behalf.
- 2.5. **"Personal information"** (PI) means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person, including but not limited to, the name, race, gender, marital status, address and identifying number of a person, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- 2.6. **"POPIA"** means the Protection of Personal Information Act 4 of 2013, and any regulations published under that legislation.
- 2.7. **"Processing"** is any activity that involves use of Personal Information. It includes any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including—
 - 2.7.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

¹ As defined by International Financial Reporting Standards (IFRS)

- 2.7.2. dissemination by means of transmission, distribution or making available in any other form; or merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 2.7.3. merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 2.8. **"Processing conditions"** are the 8 (eight) conditions for the lawful processing of Personal Information set out in chapter 3 of POPIA.
- 2.9. **"Regulator"** means the Information Regulator established in terms of section 39 of POPIA.
- 2.10. **"Responsible parties"** are the people who or organisations which determine the purposes for which, and the manner in which, any Personal Information is processed. They have a responsibility to establish practices and policies in line with POPIA. ADP is the responsible party of all Personal Information used in its business.
- 2.11. **"Special Personal Information"** includes Personal Information concerning 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; or the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
- 2.12. **"Users"** include employees whose work involves using Personal Information. Users have a duty to protect the information they handle by following ADP's data privacy and data protection policies/notices/statements at all times.

3. ABOUT THIS POLICY

- 3.1. This policy applies to all users and will come into effect after the POPIA compliance audit has been conducted.
 - 3.2. The types of information that ADP may be required to handle include details of current, past and prospective employees and clients, suppliers, and others that ADP communicates with. By way of example, ADP processes Personal Information pertaining to gender, sex, marital status, colour, age and the like for compliance and legal documentation purposes. ADP also processes special purpose information pertaining to race or ethnic origin, religious beliefs, trade union membership and the like for purposes of recruitment and employment, employment equity statistics and for the facilitation of union fees and memberships. The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in POPIA and other regulations. POPIA imposes restrictions on how ADP may use that information.
 - 3.3. POPIA applies to the automated or non-automated processing of Personal Information entered into a record in any form (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) by or for ADP.
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- 3.4. This policy sets out ADP's rules on Personal Information protection and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, transportation and destruction of Personal Information.
- 3.5. This policy does not form part of any employee's contract of employment and may be amended at any time.
- 3.6. The IO is responsible for ensuring compliance with POPIA and with this policy. Any questions or concerns about the operation of this policy should be referred in the first instance to the IO, at **+27 21 521 9500 or InformationOfficer@adpgroup.com.**
- 3.5. If you consider that the policy has not been followed in respect of Personal Information about yourself or others you should raise the matter with the IO.

4. PURPOSE OF THE POLICY

The purpose of the policy is to establish management direction and high-level objectives for regulating the manner in which Personal Information is processed and to provide for remedies in cases where Personal Information is not handled accordingly.

Further purposes of the policy include:

- 4.1. the supplementation of ADP's existing privacy policy and any other relevant documents and policies and to align it with POPIA;
- 4.2. compliance with the requirements of POPIA;
- 4.3. the identification and codification of documents and ensuring adequate protection and maintenance of accuracy of documents where required;
- 4.4. providing a set framework and unified policy regarding the methods and procedures for the retention and destruction of documents;
- 4.5. ensuring records are deleted or de-identified when ADP is no longer authorised to have them;
- 4.6. to provide assistance to employees in understanding the requirements relating to the protection of Personal Information and the retention and destruction of documents and/or data.

5. PROCESSING CONDITIONS

Anyone processing Personal Information must comply with the following eight processing conditions:

Condition 1: Accountability;

Condition 2: Processing Limitation;

Condition 3: Purpose Specification;

Condition 4: Further Processing Limitation;

Condition 5: Information Quality;

Condition 6: Openness;

Condition 7: Security Safeguards; and

Condition 8: Data Subject Participation.

5.1. **Condition 1: Accountability**

- 5.1.1. ADP must ensure that the processing conditions are complied with.²
- 5.1.2. ADP has appointed an IO to encourage and support ADP's overall compliance with POPIA.
- 5.1.3. The IO is responsible for drafting an information security policy, which will, among other things, address document retention, access to information and classification of data.
- 5.1.4. ADP will furthermore designate specific individuals to monitor compliance with information security standards within each business area.
- 5.1.5. Training or awareness sessions for employees on information security will be conducted on a regular basis.

5.2. **Condition 2: Processing limitation**

- 5.2.1. Personal information may only be processed lawfully and in a manner that does not infringe on the privacy of a data subject.³
- 5.2.2. Personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.⁴
- 5.2.3. There are a number of grounds that ADP may use in order to process Personal Information, please consult the IO when you collect any new type of Personal Information.
- 5.2.4. It is advisable to obtain voluntary, informed and specific consent from data subjects, where possible, before collecting their Personal Information.
- 5.2.5. A data subject may withdraw consent at any time and such withdrawal of consent should be noted. A data subject may also object at any time on reasonable grounds, to the processing of its Personal Information, save if other legislation provides for such processing. Unless it has another lawful justification for doing so, ADP may then no longer process the Personal Information.

¹ See section 6 of POPIA.

³ See section 9 of POPIA

⁴ See section 10 of POPIA.

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- 5.2.6. Generally, Personal Information must be collected from the data subject directly except in certain circumstances which may include if the data subject has made Personal Information public or if collection from another source is necessary.⁵

5.3. **Condition 3: Purpose specification**

- 5.3.1. Personal information may only be collected for specific, explicitly defined and lawful reasons relating to the functions or activities of ADP, of which the data subject is made aware.⁶
- 5.3.2. Personal information will only be collected to the extent that it is required for the specific purpose notified to the data subject. Any Personal Information which is not necessary for that purpose will not be collected in the first place.
- 5.3.3. Once collected, Personal Information will only be processed for the specific purposes notified to the data subject when the Personal Information was first collected or for any other purposes specifically permitted by POPIA. This means that Personal Information will not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the Personal Information is processed, the data subject will be informed of the new purpose before any processing occurs.
- 5.3.4. Records of Personal Information may only be kept for as long as necessary for achieving the purpose for which the information was collected or subsequently processed, unless:⁷
- 5.3.4.1. retention of the record is required or authorised by law;
 - 5.3.4.2. the responsible party reasonably requires the record for lawful purposes related to its functions or activities;
 - 5.3.4.3. retention of the record is required by a contract between the parties thereto; or
 - 5.3.4.4. the data subject or a competent person where the data subject is a child has consented to the retention of the record.
- 5.3.5. Personal information will not be kept longer than is necessary for the purpose for which it was collected. This means that Personal Information must be destroyed or deleted in a manner that prevents its reconstruction in an intelligible form or be de-identified as soon as reasonably practicable after ADP is no longer authorised to retain the record. For guidance on how long certain Personal Information is likely to be kept before being destroyed, contact the IO or see the Record/Document Retention Statement.
- 5.3.6. Records of Personal Information may be retained for longer for historical, statistical or research purposes if ADP has established appropriate safeguards against the records being used for any other purposes.

⁵ See section 12 of POPIA.

⁶ See section 13 of POPIA.

⁷ See section 14 of POPIA.

5.3.7. ADP must restrict processing of Personal Information if-

5.3.7.1. its accuracy is contested by the data subject, for a period enabling ADP to verify the accuracy of the information; or

5.3.7.2. ADP no longer needs the Personal Information for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof; or

5.3.7.3. the processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead.

5.3.8. Such Personal Information may, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or with the consent of a competent person in respect of a child, or for the protection of the rights of another natural or legal person or if such processing is in the public interest.

5.3.9. Where processing of Personal Information is restricted ADP must inform the data subject before lifting the restriction on processing.

5.4. **Condition 4: Further processing limitation**

5.4.1. Further processing of Personal Information must be compatible with purpose of collection, unless the data subject has consented to such further processing.⁸

5.4.2. Where Personal Information is transferred to a third party for further processing, the further processing must be compatible with the purpose for which it was initially collected, unless the data subject has consented to such further processing or it is permitted in terms of POPIA.

5.4.3. If Personal Information is to be used for any other purpose the further consent of the data subject must be obtained. Where this is not possible, the IO should be consulted.

5.4.4. Personal information may only be disclosed to other recipients in accordance with the provisions of the Personal Information Sharing Notice.

5.4.5. It is not incompatible if the information is used for historical, statistical or research purposes and ADP ensures that the further processing is carried out solely for such purposes and will not be published in an identifiable form.

5.5. **Condition 5: Information quality**

5.5.1. ADP must take reasonably practicable steps to ensure that Personal Information is complete, accurate, not misleading and updated where necessary in light of the purpose for which such information is collected.⁹

5.5.2. Information which is incorrect or misleading is not accurate and steps will therefore be taken to check the accuracy of any Personal Information at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date information will be destroyed.

⁸ See section 15 of POPIA.

⁹ See section 16 of POPIA.

5.5.3. The IO will develop processes for:

5.5.3.1. checking the accuracy and completeness of records containing Personal Information; and

5.5.3.2. dealing with complaints relating to the timeliness and accuracy of Personal Information; and

5.5.3.3. data subjects to periodically verify and update their Personal Information; and

5.5.3.4. making data subjects aware of these processes; and

5.5.3.5. monitoring and tracking updates to Personal Information.

5.5.4. The IO will furthermore put procedures in place to verify that records containing Personal Information remain relevant, accurate and up-to-date.

5.6. **Condition 6: Openness**

5.6.1. ADP must take reasonably practicable steps to ensure that the data subject is aware of¹⁰:

5.6.1.1. the information being collected and where the information is not collected from the data subject, the source from which it is collected; and

5.6.1.2. the name and address of ADP; and

5.6.1.3. the purpose for which the information is being collected; and

5.6.1.4. whether or not the supply of the information by that data subject is voluntary or mandatory; and

5.6.1.5. the consequences of failure to provide the information; and

5.6.1.6. any particular law authorising or requiring the collection of the information; and

5.6.1.7. where applicable, the fact that the responsible party intends to transfer the information to a country or international organisation and the level of protection afforded to the information by that country or international organisation; and

5.6.1.8. any further information such as the:

5.6.1.8.1. recipient or category of recipients of the information

5.6.1.8.2. the nature or category of the information,

5.6.1.8.3. the existence of the right of access to and the right to rectify the information collected,

¹⁰ See section 18 of POPIA.

5.6.1.8.4. the existence of the right to object to the processing of Personal Information; and

5.6.1.8.5. the right to lodge a complaint to the Regulator and the contact details of the Regulator,

which is necessary, having regard to the specific circumstances in which the information is or is not to be processed, to enable processing in respect of the data subject to be reasonable.

5.6.2. It is not necessary for ADP to comply with point 5.6.1 above in limited circumstances set out in POPIA¹¹.

5.6.3. By law all organisations in South Africa are required to have a PAIA manual (***unless a relevant exemption exists***) which will outline to the public:

5.6.3.1. categories of Personal Information collected by ADP; and purpose of processing Personal Information ADP; and

5.6.3.2. description of the categories of data subjects and of the information or categories of information relating thereto; and

5.6.3.3. the recipients or categories of recipients to whom the Personal Information may be supplied; and

5.6.3.4. planned trans-border flows of Personal Information; and

5.6.3.5. a general description of information security measures to be implemented by ADP.

5.6.4. ADP processes Personal Information of its customers/clients. A privacy statement is useful in providing data subjects with the requisite information in order for ADP to comply with this condition.

5.6.5. Where ADP uses Cookies on websites, data subjects will be notified.

5.6.6. An Internal Privacy Statement, which describes how ADP will collect and use Personal Information about its staff during and after its working relationship with them in accordance with the requirements of this condition, will be implemented.

5.7. Condition 7: Security Safeguards

5.7.1. ADP will keep all Personal Information as secure as reasonably practicable against the risk of loss, unauthorised access, interference, modification, destruction or disclosure and conduct regular reviews to identify and manage all reasonably foreseeable internal and external risks to Personal Information under its control.

¹¹ See Section 18(4)

5.7.2. ADP will secure the integrity of the Personal Information under ADP's control.

Duty in Respect of Operators

5.7.3. Operators (i.e. third parties which may further process Personal Information collected by ADP) include but are not limited to call centres, outsourced payroll administrators, marketing database companies, psychometric assessment centres, document management warehouses, external consultants and persons who clear the payment instructions of ADP's clients.

ADP will implement the following key obligations in respect of operators:

5.7.3.1. The operator may not process Personal Information on behalf of ADP without the knowledge and authorisation of ADP;

5.7.3.2. ADP will contractually ensure that the operator implements the security measures required in terms of Condition 7: Security Safeguards;

5.7.3.3. There will be a written contract in place between ADP and the operator which requires the operator to maintain the confidentiality and integrity of Personal Information processed on behalf of ADP;

5.7.3.4. If the operator is located outside of South Africa, ADP will consult the IO, with reference to trans-border data transfers.

Duties in Respect of Security Compromises

5.7.4. In the event that Personal Information has been compromised, or if there is a reasonable belief that a compromise has occurred, ADP (or an operator processing Personal Information on its behalf) will comply with the Security Compromises Guidelines.

5.8. Condition 8: Data subject participation

Request for Information

5.8.1. ADP recognises that a data subject has the right to request ADP to confirm, free of charge, whether or not it holds Personal Information about the data subject. A data subject also has the right to request ADP to provide a record or a description of the Personal Information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information at a prescribed fee, if any.¹²

5.8.2. All users will comply with ADP's Data Subject Access Request Guidelines in respect of any access to Personal Information requests by data subjects.

Request to Correct or Delete

5.8.3. The data subject may request ADP's IO to:

5.8.3.1. correct or delete Personal Information relating to the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, misleading or obtained unlawfully; or

¹² See section 23 of POPI.

5.8.3.2. destroy or delete a record of Personal Information about the data subject that ADP is no longer authorised to retain.

5.8.4. ADP will provide credible proof to the data subject of the action that has been taken in response to the request.

6. FAIR AND LAWFUL PROCESSING

6.1. POPIA is intended not to prevent the processing of Personal Information, but to ensure that it is done fairly and without adversely affecting the rights of the data subject.

6.2. For Personal Information to be processed lawfully, certain requirements have to be met. These may include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for the legitimate interest of the responsible party or the party to whom the Personal Information is disclosed. In most cases when special Personal Information is being processed, the data subject's explicit consent to the processing of such information will be required.

6.3. Personal information about employees may be processed for legal, personnel, administrative and management purposes and to enable the responsible party (i.e. ADP) to meet its legal obligations as an employer, for example to pay employees, monitor their performance and to confer benefits in connection with their employment. Examples of when special Personal Information of employees is likely to be processed are set out below:

6.3.1. information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions as to the employee's fitness for work; and

6.3.2. information about an employee's physical or mental health or condition in order to monitor sick leave and take decisions as to the employee's fitness for work; and

6.3.3. the employee's racial or ethnic origin or religious or similar information in order to monitor compliance with employment equity legislation; and

6.3.4. arranging for the travel and/or applications for visas and permits, for business purposes, of data subjects; and

6.3.5. in order to comply with legal requirements and obligations to third parties.

6.4. Personal information about customers/clients, suppliers and other third parties may be processed for the following purposes, amongst others:

6.4.1. to ensure that the business agreement and matters relating to the agreement can be fulfilled;

6.4.2. to enable ADP to do due diligence to ensure that parties meet the requirements set out in its procurement policy;

- 6.4.3. managing the relationship and complying with instructions or requests;
 - 6.4.4. operational, marketing, auditing, legal and record keeping requirements;
 - 6.4.5. to comply with Applicable Laws, including lawful requests for information received from local or foreign law enforcement, government and statutory agencies.
- 6.5. The prohibition on processing Personal Information does not apply if the -
- 6.5.1. processing is carried out with the consent of a data subject;
 - 6.5.2. processing is necessary for the establishment, exercise or defence of a right or obligation in law;
 - 6.5.3. processing is necessary to comply with an obligation of international public law;
 - 6.5.4. processing is for historical, statistical or research purposes to the extent that -
 - 6.5.4.1. the purpose serves a public interest and the processing is necessary for the purpose concerned; or
 - 6.5.4.2. it appears to be impossible or would involve a disproportionate effort to ask for consent,and sufficient guarantees are provided for to ensure that the processing does not adversely affect the privacy of the data subject to a disproportionate extent; or
 - 6.5.5. Information has deliberately been made public by the data subject.

7. PROCESSING IN LINE WITH DATA SUBJECTS' RIGHTS

Personal information will be processed in line with data subjects' rights. Data subjects have a right to:

- 7.1. request access to any Personal Information held about them by ADP;
- 7.2. prevent the processing of their Personal Information for direct-marketing purposes;
- 7.3. ask to have inaccurate Personal Information amended; and
- 7.4. object to any decision that significantly affects them being taken solely by a computer or other automated process.

8. PROVIDING INFORMATION TO THIRD PARTIES

Users dealing with enquiries from third parties should be careful about disclosing any Personal Information held by ADP.

In particular they should:

- 8.1. check the identity of the person making the enquiry and whether they are legally entitled to receive the information they have requested;
- 8.2. ask the third party to put their request in writing so the third party's identity and entitlement to the information may be verified;
- 8.3. refer to the IO for assistance in difficult situations; and
- 8.4. where providing information to a third party, do so in accordance with the eight processing conditions.
- 8.5. The PAIA manual should also be referred to, where relevant and applicable.

9. DIRECT MARKETING (Should ADP choose to do so)

- 9.1. At the outset it should be noted that POPIA draws a distinction between direct marketing by means of unsolicited electronic communications and direct marketing in person or by mail or telephone. Several provisions in POPIA draw a distinction between these two types of marketing.
- 9.2. "Direct marketing", as defined in POPIA, means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:
 - 9.2.1. promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
 - 9.2.2. requesting the data subject to make a donation of any kind for any reason.
- 9.3. "Electronic communication", in turn, is defined as "[a]ny text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient".
- 9.4. Should ADP ever do direct marketing, it must provide data subjects with an opt-out. In addition, electronic direct marketing is stringently regulated under POPIA. The processing of the Personal Information of a data subject for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines (i.e. machines that are able to do automated calls without human intervention),¹³ facsimile machines, SMSs or e-mail is prohibited unless the data subject:
 - 9.4.1. has given his, her or its consent in the prescribed manner and form set out in regulation 6 of the POPIA Regulations to the processing; or
 - 9.4.2. is a customer/client of ADP, as defined in section 69 of POPIA.

¹³ See section 69(5) of POPIA.

10. TRANSBORDER TRANSFERS OF PERSONAL INFORMATION

ADP may not transfer Personal Information about a data subject to a third party who is in a foreign country unless:¹⁴

- 10.1. the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection that:
 - 10.1.1. effectively upholds principles for reasonable processing of the information that are substantially similar to Processing Conditions; and
 - 10.1.2. includes provisions, that are substantially similar to those of POPIA, relating to the further transfer of Personal Information from the recipient to third parties who are in a foreign country; or
- 10.2. the data subject consents to the transfer; or
- 10.3. the transfer is necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request; or
- 10.4. the transfer is necessary for the conclusion of performance of a contract concluded in the interest of the data subject between the responsible party and a third party; or
- 10.5. the transfer is for the benefit of the data subject, and –
 - 10.5.1. it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
 - 10.5.2. if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

11. MONITORING AND REVIEW OF THE POLICY

This policy is reviewed by the IO on a regular basis or if the law changes, to ensure it is achieving its stated objectives.

¹⁴ See section 72 of POPIA.
