

CX CERTIFICATION SA

Hereafter referred to as CXCSA

CoreXalance (Pty) Ltd. T/A CX Certification SA

2007/021277/07

**MANUAL IN TERMS OF THE
PROTECTION OF PERSONAL INFORMATION
ACT, 2013**

Table of Contents

1. Introduction.....	3
2. Definitions.....	3
3. Scope of the Policy	3
4. Policy Statement	4
5. Processing Of Personal Information	4
6. Access to Personal Information	7
7. Implementation Guidelines	8
8. Eight Processing Conditions.....	9
9. Direct Marketing	13
10. Destruction of Documents	14

1. INTRODUCTION

This Policy describes the way in which CX Certification SA will meet its legal obligations and requirements concerning confidentiality and information security standards. The requirements within the Policy are primarily based upon the Protection of Personal Information Act, No 4 of 2013, being the principal legislation covering security and confidentiality of Personal Information in Republic of South Africa.

1.1. Contact Details

Head of body:	Ms M Kayser (CEO)
Information Officer:	Ms M Kayser
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2. DEFINITIONS

2.1	Consent	means the voluntary, specific and informed expression of will;
2.2	Data Subject	means the natural or juristic person to whom the Personal Information relates;
2.3	Direct Marketing	means approaching a Data Subject personally for the purpose of selling them a product or service, of requesting a donation;
2.4	CXCSA	means CX Certification SA (Pty) Ltd;
2.5	POPI	means the Protection of Personal Information Act, No. 4 of 2013;
2.6	Personal Information	means information relating to an unidentifiable, living, natural person, or an identifiable, existing juristic person, as defined in POPI;
2.7	Processing	means an operation or activity, whether or not by automatic means, concerning Personal Information.

3. SCOPE OF THE POLICY

The Policy applies to all CXCSA employees, directors, sub-contractors, agents, and appointees. The provisions of the Policy are applicable to both on and off-site Processing of Personal Information.

4. POLICY STATEMENT

CXCSA collects and uses Personal Information of the individuals and corporate entities with whom it works in order to operate and carry out its business effectively. CXCSA regards the lawful and appropriate Processing of all Personal Information as crucial to successful service delivery and essential to maintaining confidence between CXCSA and those individuals and entities who deal it. CXCSA therefore fully endorses and adheres to the principles of the Protection of Personal Information Act ("POPI").

5. PROCESSING OF PERSONAL INFORMATION

5.1. Purpose of Processing

CXCSA uses the Personal Information under its care in the following ways:

5.1.1. Client communication;

5.1.2. Reports;

5.1.3. Client reports;

5.1.4. Consolidated reports;

5.1.5. Industry reports;

5.1.6. Interesting statistics reports;

5.1.7. Market research reports;

5.1.8. Vetting reports:

5.1.8.1. Statutory information (banking details, registration number, VAT number, client's directors details)

5.1.8.2. Business interests;

5.1.8.3. Operations;

5.1.8.4. Credit statistics;

5.1.8.5. Overview and observations of findings;

5.1.8.6. Consolidated financial statistics, where applicable;

5.1.9. Conducting credit reference checks and assessments;

5.1.10. Administration of agreements;

5.1.11. Providing products and services to clients;

- 5.1.12. Detecting and prevention of fraud, crime, money laundering and other malpractices;
- 5.1.13. Conducting market or client satisfaction research;
- 5.1.14. Marketing, promotions and sales;
- 5.1.15. In connection with legal proceedings;
- 5.1.16. Staff administration;
- 5.1.17. Keeping of accounts and records;
- 5.1.18. Complying with legal and regulatory requirements;
- 5.1.19. Profiling Data Subjects for the purposes of direct marketing;

5.2. Categories of Data Subjects and their Personal Information

CXCSA may possess the following records relating to clients, contractors, service providers, suppliers, shareholders, and staff:

Entity Type	Personal Information Processed by CXCSA
Clients: Natural Persons	Names, contact details, physical and postal addresses, date of birth, ID number, tax related information, financial information, debtors and creditors, nationality, gender, confidential correspondence;
Client – Juristic Persons / Entities	Names of contact persons, name of legal entity, physical and postal address and contact details, financial information, debtors and creditors, registration number, founding documents, tax related information, authorised signatories, beneficiaries, ultimate beneficial owners, shareholding information, logo, BB-BEE information;
Contracted Service Providers	Names of contact persons, legal entity names, physical and postal address and contact details, financial information, registration number, founding documents, tax related information, authorised signatories, beneficiaries, ultimate beneficial owners, shareholding information, BB-BEE information;
Employees / Directors	Gender, pregnancy, marital status, colour, race, age, language, education information, financial information, employment history, ID number, physical and postal address, contact details, opinions, criminal record, well-being.

5.3. Categories of Recipients for Processing the Personal Information

CXCSA may share the Personal Information with its agents, affiliates, and associated companies, who may use this Personal Information to send the Data Subject information on products and services. CXCSA may supply the Personal Information to any party to whom CXCSA may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers who render the following services:

- 5.3.1. Capturing and organising of data;
- 5.3.2. Storing of data;
- 5.3.3. Sending of emails and other correspondence to clients;
- 5.3.4. Conducting due diligence and credit checks;
- 5.3.5. Administration of CXCSA's medical aid and pension schemes.

5.4. Actual or Planned Transborder Flows of Personal Information

Personal Information may be transmitted transborder to CXCSA's affiliates, holding company, service providers and authorised suppliers in foreign countries, and Personal Information may be stored in data servers hosted outside the Republic of South Africa. CXCSA will endeavour to ensure that its holding company, service providers and suppliers will make all reasonable efforts to secure said data and Personal Information. Compliance with section 72 of POPI, *Transfers of personal information outside Republic*, will be achieved through the use of the necessary contractual commitments from the relevant third parties.

5.5. Retention of Personal Information Records

CXCSA may retain Personal Information records indefinitely, unless the Data Subject objects thereto. If the Data Subject objects to indefinite retention of its Personal Information, CXCSA shall retain the Personal Information records to the extent permitted or required by law. Personal Information which are not retained, are destroyed and discarded securely and appropriately.

5.6. General Description of Information Security Measures

CXCSA employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- 5.6.1. Firewalls;
- 5.6.2. Virus protection software and update protocols;
- 5.6.3. Logical and physical access control;

- 5.6.4. Secure setup of hardware and software making up the IT infrastructure;
- 5.6.5. Storage of Personal Information on an offsite cloud based encrypted server;
- 5.6.6. Outsourced service providers who Process Personal Information on behalf of CXCSA are contracted to implement security controls that are substantially similar to the conditions for the lawful Processing of Personal Information.

6. ACCESS TO PERSONAL INFORMATION

All individuals and entities may request access, amendment or deletion of their Personal Information held by CXCSA. Any requests should be directed, on the prescribed form, to the Information Officer.

6.1. Remedies available if request for access to Personal Information is refused

6.1.1. Internal Remedies

CXCSA does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and a requester will have to exercise such external remedies at his/her disposal if a request is refused and the requester is dissatisfied with the response provided by the information officer.

6.1.2. External Remedies

A requester that is dissatisfied with the information officer's refusal to disclose information may, within thirty (30) days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within thirty (30) days of notification of the decision, apply to a court for relief. For purposes of POPI, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

6.2. Grounds for Refusal

CXCSA may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which CXCSA may refuse access include:

- 6.2.1. Protecting Personal Information that CXCSA holds about a third party (who is a natural person) including a deceased person, from unreasonable disclosure;
- 6.2.2. Protecting commercial information that CXCSA holds about a third party or CXCSA (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- 6.2.3. If disclosure of the record would result in a breach of a duty of confidence

owed to a third party in terms of an agreement;

- 6.2.4. If disclosure of the record would endanger the life or physical safety of an individual;
- 6.2.5. If disclosure of the record would prejudice or impair the security of property or means of transport;
- 6.2.6. If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- 6.2.7. If disclosure of the record would prejudice or impair the protection of the safety of the public;
- 6.2.8. The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- 6.2.9. Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of CXCSA;
- 6.2.10. Disclosure of the record would put CXCSA at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- 6.2.11. The record is a computer programme; and
- 6.2.12. The record contains information about research being carried out or about to be carried out on behalf of a third party or CXCSA.

Records that cannot be found or do not exist

If CXCSA has searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

7. IMPLEMENTATION GUIDELINES

7.1. Training & Dissemination of Information

- 7.1.1. This Policy has been put in place throughout CXCSA, training on the Policy and POPI will take place with all affected employees.
- 7.1.2. All new employees will be made aware at induction, or through training programs, of their responsibilities under the terms of this Policy and POPI.
- 7.1.3. Modifications and updates to data protection and information sharing policies, legislation, or guidelines will be brought to the attention of all staff.

8. EIGHT (8) PROCESSING CONDITIONS

POPI is implemented by abiding by eight (8) Processing conditions. CXCSA shall abide by these principles in all its Processing activities.

8.1. Accountability

CXCSA shall ensure that all Processing conditions, as set out in POPI, are complied with when determining the purpose and means of Processing Personal Information and during the Processing itself. CXCSA shall remain liable for compliance with these conditions, even if it has outsourced its Processing activities.

8.2. Processing Limitation

8.2.1. Lawful Grounds

The Processing of Personal Information is only lawful if, given the purpose of Processing, the information is adequate, relevant and not excessive.

CXCSA may only Process Personal Information if one of the following grounds of lawful Processing exists:

- The Data Subject consents to the Processing;
- Processing is necessary for the conclusion or performance of a contract with the Data Subject;
- Processing complies with a legal responsibility imposed on CXCSA;
- Processing protects a legitimate interest of the Data Subject;
- Processing is necessary for pursuance of a legitimate interest of CXCSA, or a third party to whom the information is supplied.

Special Personal Information includes:

- Religious, philosophical, or political beliefs;
- Race or ethnic origin;
- Trade union membership;
- Health or sex life;
- Biometric information (including blood type, fingerprints, DNA, retinal scanning, voice recognition, photographs);
- Criminal behaviour;
- Information concerning a child.

CXCSA may only Process Special Personal Information under the following circumstances:

- The Data Subject has consented to such Processing;
- The Special Personal Information was deliberately made public by the Data Subject;
- Processing is necessary for the establishment of a right or defence in law;
- Processing is for historical, statistical, or research reasons;
- If Processing of race or ethnic origin is in order to comply with affirmative action laws.

All Data Subjects have the right to refuse or withdraw their consent to the Processing of their Personal Information, and a Data Subject may object, at any time, to the Processing of their Personal Information on any of the above grounds, unless legislation provides for such Processing. If the Data subject withdraws consent or objects to Processing then CXCSA shall forthwith refrain from Processing the Personal Information.

8.2.2 Collection Directly From The Data Subject

Personal Information must be collected directly from the Data Subject, unless:

- Personal Information is contained in a public record;
- Personal Information has been deliberately made public by the Data Subject;
- Personal Information is collected from another source with the Data Subject's consent;
- Collection of Personal Information from another source would not prejudice the Data Subject;
- Collection of Personal Information from another source is necessary to maintain, comply with or exercise any law or legal right;
- Collection from the Data Subject would prejudice the lawful purpose of collection;
- Collection from the Data Subject is not reasonably practicable.

8.3. Purpose Specification

CXCSA shall only Process Personal Information for the specific purposes as set out

and defined above at clause 5.1.

8.4. Further Processing

New Processing activity must be compatible with original purpose of Processing. Further Processing will be regarded as compatible with the purpose of collection if:

- 8.4.1. Data Subject has consented to the further Processing;
- 8.4.2. Personal Information is contained in a public record;
- 8.4.3. Personal Information has been deliberately made public by the Data Subject;
- 8.4.4. Further Processing is necessary to maintain, comply with or exercise any law or legal right;
- 8.4.5. Further Processing is necessary to prevent or mitigate a threat to public health or safety, or the life or health of the Data Subject or a third party.

8.5. Information Quality

CXCSA shall take reasonable steps to ensure that Personal Information is complete, accurate, not misleading and updated. CXCSA shall periodically review Data Subject records to ensure that the Personal Information is still valid and correct.

Employees should as far as reasonably practicable follow the following guidance when collecting Personal Information:

- 8.5.1. Personal Information should be dated when received;
- 8.5.2. A record should be kept of where the Personal Information was obtained;
- 8.5.3. Changed to information records should be dated;
- 8.5.4. Irrelevant or unneeded Personal Information should be deleted or destroyed;
- 8.5.5. Personal Information should be stored securely, either on a secure electronic database or in a secure physical filing system.

8.6. Openness

CXCSA shall take reasonable steps to ensure that the Data Subject is made aware of:

- 8.6.1. What Personal Information is collected, and the source of the information;
- 8.6.2. The purpose of collection and Processing;
- 8.6.3. Where the supply of Personal Information is voluntary or mandatory, and

the consequences of a failure to provide such information;

8.6.4. Whether collection is in terms of any law requiring such collection;

8.6.5. Whether the Personal Information shall be shared with any third party.

8.7. Data Subject Participation

8.7.1. Data Subject have the right to request access to, amendment, or deletion of their Personal Information.

8.7.2. All such requests must be submitted in writing to the Information Officer. Unless there are grounds for refusal as set out in clause 6.2, above, CXCSA shall disclose the requested Personal Information:

- On receipt of adequate proof of identity from the Data Subject, or requester;
- Within a reasonable time;
- On receipt of the prescribed fee, if any;
- In a reasonable format.

8.7.3. CXCSA shall not disclose any Personal Information to any party unless the identity of the requester has been verified.

8.8. Security Safeguards

CXCSA shall ensure the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:

8.8.1. Identify all reasonably foreseeable risks to information security;

8.8.2. Establish and maintain appropriate safeguards against such risks.

8.8.3. Written Records

- Personal Information records should be kept in locked cabinets, or safes;
- When in use Personal Information records should not be left unattended in areas where non-staff members may access them;
- CXCSA shall implement and maintain a "Clean Desk Policy" where all employees shall be required to clear their desks of all Personal Information when leaving their desks for any length of time and at the end of the day;
- Personal Information which is no longer required should be disposed of by shredding;

- Any loss or theft of, or unauthorised access to, Personal Information must be immediately reported to the Information Officer.

8.8.4. Electronic Records

- All electronically held Personal Information must be saved in a secure database;
- As far as reasonably practicable, no Personal Information should be saved on individual computers, laptops or hand-held devices;
- All computers, laptops and hand-held devices should be access protected with a password, fingerprint or retina scan, with the password being of reasonable complexity and changed frequently;
- Electronical Personal Information which is no longer required must be deleted from the individual laptop or computer and the relevant database. The employee must ensure that the information has been completely deleted and is not recoverable.
- Any loss or theft of computers, laptops or other devices which may contain Personal Information must be immediately reported to the Information Officer, who shall notify the IT department, who in turn shall take all necessary steps to remotely delete the information, if possible.

9. DIRECT MARKETING

- 9.1. All Direct Marketing communications shall contain CXCSA's details, and an address or other contact details to which the recipient may send a request that such communications cease.
- 9.2. The processing of Personal Information of a Data Subject for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMS's or email will not be undertaken unless the Data Subject has given his, her or its consent to the processing; or is, subject to subsection 69 (3) of POPI, a client of CXCSA.
- 9.3. CXCSA will, in the prescribed manner and form, approach a Data Subject whose consent is required and who has not previously withheld such consent, only once in order to request the consent of that Data Subject.
- 9.4. CXCSA will only process the Personal Information of a Data Subject who is a client of CXCSA:
 - 9.4.1. if CXCSA has obtained the contact details of the Data Subject in the context of the sale of a product or service;
 - 9.4.2. for the purpose of direct marketing of CXCSA's own similar products or

services; and

- 9.4.3. if the Data Subject has been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its electronic details at the time when the information was collected; and on the occasion of each communication with the Data Subject for the purpose of marketing if the Data Subject has not initially refused such use.

9.5. Record Keeping

CXCSA shall keep record of:

- Date of consent;
- Wording of the consent;
- Who obtained the consent;
- Proof of opportunity to opt-out on each marketing contact;
- Record of opt-outs.

10. DESTRUCTION OF DOCUMENTS

- 10.1. Documents may be destroyed after the termination of the retention period specified herein, or as determined by CXCSA from time to time.
- 10.2. Each department is responsible for attending to the destruction of its documents and electronic records, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which they should be retained by CXCSA pending such return.
- 10.3. The documents will made available for collection by a reputable document disposal company.
- 10.4. Deletion of electronic records will be done in consultation with CXCSA's IT Department, to ensure that deleted information is incapable of being reconstructed and/or recovered.