
**UPL SOUTH AFRICA (PTY) LTD ("UPLSA")
PROTECTION OF PERSONAL INFORMATION POLICY**

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1. POLICY STATEMENT

- 1.1. During the course of its activities UPLSA will collect, store and Process Personal Information about UPLSA's staff, customers, suppliers and other third parties. UPLSA 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

- 2.1. The following terms bear the meaning given to them here in this policy and its annexures:
 - 2.1.1. "**Data subjects**" for the purpose of this policy include all living individuals and juristic persons about whom UPLSA holds Personal Information. All Data Subjects have legal rights in relation to their Personal Information.
 - 2.1.2. "**Operators**" include any person who Processes Personal Information on behalf of a Responsible Party. Employees of a responsible party are excluded from this definition but it could include suppliers which handle Personal Information on UPLSA's behalf.
 - 2.1.3. "**IO**" means the information officer appointed as such by UPLSA in terms of section 56 of POPIA and who will have the ultimate responsibility to ensure that UPLSA complies with the provisions of POPIA.
 - 2.1.4. "**Personal Information**" means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person, including 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.
 - 2.1.5. "**POPIA**" means the Protection of Personal Information Act 4 of 2013.
 - 2.1.6. "**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—
 - 2.1.6.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.1.6.2. dissemination by means of transmission, distribution or making available in any other form; or

- 2.1.6.3. merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 2.1.7. "**Processing conditions**" are the 8 (eight) conditions for the lawful Processing of Personal Information set out in chapter 3 of POPIA.
- 2.1.8. "**Regulator**" means the Information Regulator established in terms of section 39 of POPIA.
- 2.1.9. "**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. UPLSA is the Responsible Party of all Personal Information used in its business.
- 2.1.10. "**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.
- 2.1.11. "**UPLSA**" means "**UPL South Africa (Pty) Ltd**" and all its subsidiaries and business areas.
- 2.1.12. "**Users**" include employees whose work involves using Personal Information. Users have a duty to protect the information they handle by following UPLSA's data privacy and data protection policies at all times.

3. **ABOUT THIS POLICY**

- 3.1. This policy applies to all users and will come into effect on 1 July 2021.
- 3.2. The types of information that UPLSA may be required to Process include details of current, past and prospective employees and clients, suppliers, contractors and others that UPLSA communicates with. 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 UPLSA 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 UPLSA.

- 3.4. This policy sets out UPLSA'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. The IO is responsible for ensuring compliance with POPIA and with this policy. That post is held by Rachel Evatt, Rachel.evatt@upl-ltd.com. Any questions or concerns about the operation of this policy should be referred in the first instance to the IO.
- 3.6. 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 your line manager or the IO.

4. **PURPOSE OF THE POLICY**

- 4.1. 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:
 - 4.1.1. the supplementation of UPL's Global Data Privacy policies and to align it with South African laws;
 - 4.1.2. compliance with the requirements of POPIA;
 - 4.1.3. the identification and codification of documents and ensuring adequate protection and maintenance of accuracy of documents where required;
 - 4.1.4. providing a set framework and unified policy regarding the methods and procedures for the retention and destruction of documents;
 - 4.1.5. ensuring records that are no longer required or documents that are of no value are destroyed properly and in accordance with the data retention schedule of UPLSA; and
 - 4.1.6. providing assistance to employees in understanding the requirements relating to the protection of Personal Information and the retention and destruction of documents.

5. **PROCESSING CONDITIONS**

- 5.1. Anyone Processing Personal Information must comply with the following eight Processing conditions:

- 5.1.1. Condition 1: Accountability;
- 5.1.2. Condition 2: Processing Limitation;
- 5.1.3. Condition 3: Purpose Specification;
- 5.1.4. Condition 4: Further Processing Limitation;
- 5.1.5. Condition 5: Information Quality;
- 5.1.6. Condition 6: Openness;
- 5.1.7. Condition 7: Security Safeguards; and
- 5.1.8. Condition 8: Data Subject Participation.

5.2. **Condition 1: Accountability**

- 5.2.1. UPLSA must ensure that the Processing conditions are complied with.¹
- 5.2.2. UPLSA has appointed an IO to encourage and support UPLSA's overall compliance with POPIA.
- 5.2.3. 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.
- 5.2.4. UPLSA will furthermore designate specific individuals to monitor compliance with information security standards within each business area.
- 5.2.5. Training or awareness sessions for employees on information security will be conducted on a regular basis.
- 5.2.6. The Data Privacy Compliance Framework will assist in tracking the progress on compliance within the organisation

5.3. **Condition 2: Processing limitation**

- 5.3.1. Personal information may only be Processed lawfully and in a manner that does not infringe on the privacy of a data subject.²
- 5.3.2. Personal information may only be Processed if, given the purpose for which it is Processed, it is adequate, relevant and not excessive.³

¹ See section 6 of POPIA.

² See section 9 of POPIA.

³ See section 10 of POPIA.

- 5.3.3. There are a number of grounds that UPLSA may use in order to Process Personal Information, please consult the IO when you collect any new type of Personal Information.
- 5.3.4. It is advisable to obtain voluntary, informed and specific consent from Data Subjects, where possible, before collecting their Personal Information.
- 5.3.5. 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. UPLSA may then no longer Process the Personal Information, unless it has another lawful justification for doing so.
- 5.3.6. 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.⁴

5.4. **Condition 3: Purpose specification**

- 5.4.1. Personal information may only be collected for specific, explicitly defined and lawful reasons relating to the functions or activities of UPLSA, of which the data subject is made aware.⁵
- 5.4.2. 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.
- 5.4.3. 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.
- 5.4.4. 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:⁶
 - 5.4.4.1. retention of the record is required or authorised by law;

⁴ See section 12 of POPIA.

⁵ See section 13 of POPIA.

⁶ See section 14 of POPIA.

- 5.4.4.2. the Responsible Party reasonably requires the record for lawful purposes related to its functions or activities;
 - 5.4.4.3. retention of the record is required by a contract between the parties thereto; or
 - 5.4.4.4. the data subject or a competent person where the data subject is a child has consented to the retention of the record.
- 5.4.5. Personal information will therefore 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 UPLSA 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 UPLSA Document Retention Policy

5.5. *Condition 4: Further Processing limitation*

- 5.5.1. Further Processing of Personal Information must be compatible with purpose of collection, unless the data subject has consented to such further Processing.⁷
- 5.5.2. 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.
- 5.5.3. 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.
- 5.5.4. Personal information may only be disclosed to other recipients in accordance with the provisions of the Personal Information Sharing Policy.

5.6. *Condition 5: Information quality*

- 5.6.1. UPLSA 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.⁸
- 5.6.2. 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

⁷ See section 15 of POPIA.

⁸ See section 16 of POPIA.

of collection and at regular intervals afterwards. Inaccurate or out-of-date information will be destroyed.

5.6.3. The IO will develop Processes for:

- 5.6.3.1. checking the accuracy and completeness of records containing Personal Information;
- 5.6.3.2. dealing with complaints relating to the timeliness and accuracy of Personal Information;
- 5.6.3.3. individuals to periodically verify and update their Personal Information;
- 5.6.3.4. making individuals aware of these Processes; and
- 5.6.3.5. monitoring and tracking updates to Personal Information.

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

5.7. Condition 6: Openness

5.7.1. UPLSA must take reasonably practicable steps to ensure that the data subject is aware of⁹:

- 5.7.1.1. the information being collected and where the information is not collected from the data subject, the source from which it is collected;
- 5.7.1.2. the name and address of UPLSA;
- 5.7.1.3. the purpose for which the information is being collected;
- 5.7.1.4. whether or not the supply of the information by that data subject is voluntary or mandatory;
- 5.7.1.5. the consequences of failure to provide the information;
- 5.7.1.6. any particular law authorising or requiring the collection of the information;
- 5.7.1.7. where applicable, the fact that the Responsible Party intends to transfer the information to a country or international organisation and

⁹ See section 18 of POPIA.

- the level of protection afforded to the information by that country or international organisation;
- 5.7.1.8. any further information such as the recipient or category of recipients of the information, the nature or category of the information and the existence of the right of access to and the right to rectify the information collected;
- 5.7.1.9. the existence of the right to object to the Processing of Personal Information; and
- 5.7.1.10. the right to lodge a complaint to the Regulator and the contact details of the Regulator,
- 5.7.2. 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.
- 5.7.3. By law all organisations in South Africa are required to have a PAIA manual which will outlines to the public:
 - 5.7.3.1. categories of Personal Information collected by UPLSA;
 - 5.7.3.2. purpose of Processing Personal Information;
 - 5.7.3.3. description of the categories of Data Subjects and of the information or categories of information relating thereto;
 - 5.7.3.4. the recipients or categories of recipients to whom the Personal Information may be supplied;
 - 5.7.3.5. planned transborder flows of Personal Information; and
 - 5.7.3.6. a general description of information security measures to be implemented by UPLSA.
 - 5.7.3.7. UPLSA Processes Personal Information of its clients/customers, an External Privacy Statement is required which will provides Data Subjects the requisite information in order for UPLSA comply with this condition.
 - 5.7.3.8. The use of cookies on the UPLSA website requires that Data Subjects are aware of what cookies are active on the UPLSA website, what user data they track, for what purpose, and where in the world

this data is sent. UPLSA will notify Data Subjects by of these matters by means of a Cookie Policy

- 5.7.3.9. For staff an Internal Privacy Notice describes how UPLSA 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 should be implemented.

5.8. Condition 7: Security safeguards

- 5.8.1. UPLSA will keep all Personal Information secure against the risk of loss, unauthorised access, interference, modification, destruction or disclosure and conduct regular risk assessments to identify and manage all reasonably foreseeable internal and external risks to Personal Information under its control.

5.8.1.1.

5.8.2. Duty in respect of operators

- 5.8.2.1. Operators (i.e. third parties which may further Process Personal Information collected by UPLSA) include call centres, outsourced payroll administrators, marketing database companies, recruitment agencies, psychometric assessment centres, document management warehouses, external consultants, credit bureaus and persons who clear the payment instructions of UPLSA's clients.

- 5.8.2.2. UPLSA will implement the following key obligations in respect of operators:

5.8.2.2.1. The operator may not Process Personal Information on behalf of UPLSA without the knowledge and authorisation of UPLSA

5.8.2.2.2. UPLSA will ensure that the operator implements the security measures required in terms of Condition 7: Security Safeguards;

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

- 5.8.2.2.4. If the third party is located outside of South Africa, UPLSA will consult the IO.

Capturing of Images and Use of Close Circuit Television The use of photographs will comply with the Photography Policy. In addition, the use of any Closed Circuit Television (CCTV) to monitor and record activities for the purposes of safety and security will comply with the provisions of the CCTV Monitoring Policy. Duties in Respect of Security Compromises

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

5.9. Condition 8: Data subject participation

5.9.1. Request for Information

- 5.9.1.1. UPLSA recognises that a data subject has the right to request UPLSA to confirm, free of charge, whether or not it holds Personal Information about the data subject and request UPLSA 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.¹⁰
- 5.9.1.2. All users will comply with the UPLSA Subject Access Request Policy in respect of any access to Personal Information requests by Data Subjects.

5.9.2. Request to Correct or Delete

- 5.9.2.1. The data subject may request UPLSA's IO to:
- 5.9.2.1.1. 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

¹⁰ See section 23 of POPIA.

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

5.9.2.2. UPLSA will provide credible proof to the individual of the action that has been taken in response to the request.

5.9.2.3. If any changes to the Personal Information will have an impact on any decisions to be made about the individual, UPLSA will inform all third parties to whom the information has been disclosed, including any credit bureaus, of such changes.

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 users may be Processed for legal, personnel, administrative and management purposes and to enable the Responsible Party (i.e. UPLSA) to meet its legal obligations as an employer, for example to pay users, monitor their performance and to confer benefits in connection with their employment. Examples of when special Personal Information of users 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;

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

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

7. PROCESSING IN LINE WITH DATA SUBJECTS' RIGHTS

7.1. Personal information will be Processed in line with Data Subjects' rights. Data subjects have a right to:

7.1.1. request access to any Personal Information held about them by UPLSA;

- 7.1.2. prevent the Processing of their Personal Information for direct-marketing purposes;
- 7.1.3. ask to have inaccurate Personal Information amended; and
- 7.1.4. object to any decision that significantly affects them being taken solely by a computer or other automated Process.

8. **PROVIDING INFORMATION TO THIRD PARTIES**

- 8.1. Users dealing with enquiries from third parties should be careful about disclosing any Personal Information held by UPLSA. In particular they should:
 - 8.1.1. check the identity of the person making the enquiry and whether they are legally entitled to receive the information they have requested;
 - 8.1.2. suggest that the third party puts their request in writing so the third party's identity and entitlement to the information may be verified;
 - 8.1.3. refer to the IO for assistance in difficult situations; and
 - 8.1.4. where providing information to a third party, do so in accordance with the eight Processing conditions.

9. **MONITORING AND REVIEW OF THE POLICY**

This policy is reviewed annually by the IO to ensure it is achieving its stated objectives.