



## **INTERNAL PERSONAL INFORMATION PROCESSING POLICY**

**(compiled 1 July 2021)**

## 1. INTRODUCTION

- 1.1. The Protection of Personal Information Act No.4 of 2013 (“**POPIA**”) came into full force and effect on 1 July 2021 and has as its purpose to give effect to the constitutional right to privacy of individuals. POPIA seeks to achieve this objective by prescribing conditions for the lawful Processing of Personal Information which are derived from balancing the right to privacy of the Data Subject against the rights of those which Process and require access to the Personal Information of the Data Subject.
- 1.2. Telviva is a Processor of Personal Information, for its own business purposes as well as in the course and scope of providing services to its Clients.
- 1.3. This Policy is intended as a resource for Telviva Personnel and specifies:
  - 1.3.1. Telviva’s responsibilities towards its Personnel with regards to the Processing of their Personal Information;
  - 1.3.2. the responsibilities of Telviva Personnel with regards the Personal Information of other Personnel members and Clients which is Processed by Telviva in the course of its business; and
  - 1.3.3. how and to whom requests relating to the Processing of Personal Information may be made.

## 2. DEFINITIONS

- 2.1. In this Policy, the following terms will have the meaning ascribed to them below:
  - 2.1.1. “**Client**” means an entity with which Telviva has contracted to provide products and/or services;
  - 2.1.2. “**Data Subject**” means the person to whom Personal Information relates;
  - 2.1.3. “**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;

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- 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; and
- 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.

2.1.4. **“Personnel”** means any director, employee, agent, consultant, contractor, professional advisor or other duly appointed representative of Telviva;

2.1.5. **“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.

### 3. INFORMATION OFFICER

3.1. All concerns, queries and requests involving Personal Information must be submitted to Telviva’s Information Officer (**“Information Officer”**).

3.2. The Information Officer is responsible for ensuring Telviva’s compliance with POPIA and with dealing requests related to Telviva’s Processing of Personal Information. Personnel members must cooperate with the Information Officer not only with respect to requests submitted by them to the Information Officer, but also with respect to the directives and requests issued by the Information Officer which relate to the Processing of Personal Information by them in the course of performing duties for Telviva.

3.3. Telviva’s Information Officer is:

<b>Name</b>	
<b>Telephone</b>	
<b>Email Address</b>	

3.4. Communications to the Information Officer with respect to any matter referred to in this Policy should be submitted in writing and sent to the designated email address. Please note that some requests must be made by completing the prescribed forms which will be made available when required.

### 4. PROCESSING BY TELVIVA OF THE PERSONAL INFORMATION OF PERSONNEL MEMBERS

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- 4.1. The execution by Personnel members of their duties for Telviva involves the Processing of their Personal Information by Telviva. This section sets out what information is collected and where it is collected from, how it is used by Telviva, and the rights of Personnel Members (as “Data Subjects” under POPIA) with respect to such Processing activities.
- 4.2. Telviva Processes the following Personal Information about Personnel members:
  - 4.2.1. personal details such as name, address, contact details, medical aid details, biometric information, bank account and tax information as well as next of kin contact details;
  - 4.2.2. information regarding Personnel members’ race, gender and ethnicity;
  - 4.2.3. information contained in the letters of appointment issued to Personnel as well as which is contained in contracts concluded with Personnel;
  - 4.2.4. information relevant to Personnel members’ employment with Telviva and/or appointment to provide services for Telviva such as:
    - a. health information (including doctors notes submitted to Telviva by or on behalf of the Personnel member, drug and alcohol test results and results of other health screening tests which the Personnel member is required to undergo by Telviva);
    - b. information relating to the Personnel member’s execution of his/her duties for Telviva, including as recorded during any disciplinary proceedings in which the Personnel member was involved;
    - c. information contained in Personnel members’ leave applications;
    - d. information gathered during performance reviews conducted by or on behalf of Telviva regarding the performance of Personnel members’ duties;
    - e. information relating to Personnel members’ past criminal convictions and/or current investigations involving allegations against Personnel members regarding the commission of an offence or contravention of law; and
    - f. information relating to Personnel members’ trade union membership.
  - 4.2.5. such information as may be required to be kept by Telviva by applicable law, including information arbitration awards, SARS employee records, OHS incident records, as well as employee disciplinary records;
- 4.3. Telviva will collect Personal Information from Personnel members directly as well as from:
  - 4.3.1. public registers, credit bureaus, money laundering, fraud prevention and law enforcement agencies;
  - 4.3.2. persons or entities which may be legally permitted to provide Telviva with information about the Personnel member; and

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- 4.3.3. persons or entities which the Personnel member has agreed may provide information about the Personnel member to Telviva.
- 4.4. Telviva will Process the Personal Information of Personnel members:
  - 4.4.1. to comply with its legal obligations and responsibilities imposed by applicable law on Telviva in its capacity as an employer of Personnel members; and
  - 4.4.2. to administer the employer/employee relationship with Personnel members employed by Telviva, as well as to administer contractual relationships with Personnel members who render services to Telviva as independent contractors; and
  - 4.4.3. for such other purposes as may be agreed with Personnel members.
- 4.5. The Processing of Personal Information for the purposes stated under clauses 4.4.1 and 4.4.2 are essential to enable Telviva to appoint and make use the services of Personnel members. If it does not have the right to do so it will be unable to engage the services of Personnel members.
- 4.6. To the extent that Telviva Processes a Personnel member's Personal Information based on their consent, or if the basis for such Processing is anything other than as contemplated under 4.4.1 and 4.4.2 or to enable Telviva to exercise its rights, such Personnel member may at any time object to Telviva's continued Processing thereof by notifying the Information Officer in the prescribed manner. The withdrawal of consent will not affect prior Processing of the Personal Information by Telviva.
- 4.7. Personnel members may at any time request Telviva to provide a record or a description of the Personal Information about them held by Telviva, including information about the identity of all third parties, who have, or have had, access to their Personal Information. Telviva will respond to such requests within a reasonable time, and subject to payment of a prescribed fee (if applicable).
- 4.8. Telviva will take reasonable steps to ensure that the Personal Information collected by it is complete, accurate, not misleading and up to date. It is required of Personnel members to notify Telviva of any changes to their status which may result in the Personal Information held by Telviva becoming inaccurate, incorrect or out of date. Any Personnel member who wishes to request a correction of deletion of Personal Information, or the deletion of a record of Personal Information which is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or which was obtained unlawfully may in the prescribed manner lodge a request to the Information officer to correct or delete such record.
- 4.9. Telviva will retain Personnel Personal Information for as long as required to achieve the purpose for which it was collected, unless:
  - 4.9.1. a longer period is required or permitted under applicable law;
  - 4.9.2. the contract entered into between Telviva and the Personnel member permits Telviva to retain such Personal Information for a longer period;

- 4.9.3. Telviva requires a record of such Personal Information for lawful purposes related to its functions or activities; or
- 4.9.4. if the Personnel member has consented to Telviva retaining possession of the Personal Information.
- 4.10. Telviva will not disclose Personal Information of Personnel members unless legally permitted thereto. Save as set out below, Telviva will not transfer Personal Information to a third party unless legally obligated to do so. Telviva may transfer Personal Information of Personnel members to the following entities in pursuit of Telviva's Processing activities set out in this Policy:
  - 4.10.1. to other Telviva Personnel members, including to our directors, contractors, agents, auditors, legal and other professional advisors and of Telviva's affiliated companies;
  - 4.10.2. to governmental, judicial, regulatory and law enforcement bodies and agencies, including the South African Revenue Services;
  - 4.10.3. to Telviva's service providers provided that they adhere to principles similar as contained herein regarding the treatment of your information, including data hosting, processing and management services;
  - 4.10.4. to any successor of all or substantially all of the business or assets of Telviva; or
  - 4.10.5. to any person that acts as the legal guardian, executor, or curator of a Personnel member, or any similar capacity as any of the aforementioned.

## **5. PROCESSING BY PERSONNEL OF PERSONAL INFORMATION**

- 5.1. Protecting and maintaining the confidentiality and integrity of the Personal Information of its Clients and Personnel members is one of Telviva's most important responsibilities. Personnel members will in the course of their duties for Telviva have access to and may be required to Process Personal Information of both Clients and other Personnel members. Such Personal Information will for purposes of this section be referred to as "**Telviva PI**".
- 5.2. Personnel members are accordingly required to comply with this Policy regarding their Processing of Telviva PI. Personnel members shall in particular cooperate with the Information Officer regarding the Processing of Telviva PI, including without limitation by:
  - 5.2.1. complying with directives issued by the Information Officer regarding how and for what purpose Telviva PI may be Processed;
  - 5.2.2. implementing measures and taking actions prescribed by the Information Officer to ensure compliance with applicable data protection laws and requirements;

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- 5.2.3. assisting the Information Officer in respect of any requests made by other Personnel members or Clients with respect to the Processing of their Personal Information; and
- 5.2.4. assisting the Information Officer in relation to any investigations conducted regarding the Processing of Telviva PI, whether required under applicable law or otherwise.
- 5.3. Personnel members shall, between them and Telviva, treat Telviva PI as confidential and proprietary to Telviva.
- 5.4. Personnel members shall:
  - 5.4.1. not Process Telviva PI for any purpose other than the explicitly defined and lawful purpose for which it was collected by Telviva;
  - 5.4.2. at all times, when involved in Processing of Telviva PI, ensure that such Processing activities are compatible with the purposes for which the Telviva PI was collected;
  - 5.4.3. not Process any Telviva PI which is incomplete, inaccurate or misleading, or out of date;
  - 5.4.4. comply with all technical and organisational measures prescribed by Telviva relating to the protection of the integrity, confidentiality and security of Telviva PI;
  - 5.4.5. where the Processing of specific Telviva PI is subject to specific requirements (for instance as may be agreed between Telviva and a Client), or where Processing activities in respect thereof is subject to any restrictions imposed by Telviva, Personnel members shall limit their Processing activities strictly in accordance with such restrictions; and
  - 5.4.6. Personnel members shall immediately notify the Information Officer in the event of loss, damage to or unauthorised destruction of Telviva PI, or unlawful access to Telviva PI and provide assistance to the Information Officer to remedy or mitigate the problem.
- 5.5. All queries and concerns regarding Processing activities conducted/to be conducted in relation to Telviva PI must be referred to the Information Officer, whose recommendations and directives shall be binding as it relates to Processing activities involving Telviva PI.