

INFORMED CONSENT NOTICE (Section 18(1) of POPIA)

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1. ABOUT POPIA

The Protection of Personal Information Act, 4 of 2013, ("POPIA") regulates and controls the processing of a person or legal entity's Personal Information, which processing includes the collection, use, and transfer of a person or legal entity's Personal Information.

2. POPIA DEFINITIONS

The following definitions will be used throughout this **Informed Consent Notice** and which may be used in the interpretation of this document:

- 2.1. **"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;
- 2.2. **"child"** 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 him-or herself;
- 2.3. **"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;
- 2.4. **"consent"** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;
- 2.5. **"Data Subject"** means you, the person who will provide the Company or its Operator(s) with Personal Information and who consents when providing such Personal Information, to the Company or its Operator's use thereof in accordance with this Informed Consent Notice.
- 2.6. **"Operator"** means a natural person or a juristic person who processes your/ a Data Subject's Personal Information on behalf of the Company in terms of a contract or mandate, without coming under the direct authority of Company;
- 2.7. **"person"** means a natural person or a juristic person;
- 2.8. **"Personal Information"** means information relating to any identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, namely the Data Subject, 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;
- 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;

2.9. **"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;
- d) sharing with, transfer and further processing , to and with such information;

2.10. **"record"** means any recorded information—

- a) regardless of form or medium, including any of the following:
 - i. Writing on any material;
 - ii. information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
 - iii. label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;
 - iv. book, map, plan, graph or drawing;

- v. photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;
- b) in the possession or under the control of a responsible party;
- c) whether or not it was created by a responsible party; and
- d) regardless of when it came into existence;

2.11. **"Responsible Party"** means the Company including without detracting from the generality thereof, its directorate and officials, management, executives, and employees and Operators who need to process your/ the Data Subject's Personal Information for Company procurement, supply chain, tender, security, contracting and related business purposes;

2.12. **"Special Personal information"** includes any information relating to an individual's: Ethnicity, Gender, Religious or other beliefs, Political opinions, Membership of a trade union, Sexual orientation, Medical history, Offences committed or alleged to have been committed by that individual, Biometric details, and Children's details.

2.13. **"you"** means the person who is reading this Informed Consent Notice, namely the Data Subject, who by providing the Company with your Personal Information, in your capacity as an applicant for employment, for a bursary or learnership or internship, or in your capacity as an Employee of the Company, gives Company and its Operators consent to use and process your / the Data Subject's Personal Information in accordance with the provisions of this Informed Consent Notice and the word "your /your's" bears a corresponding meaning, as the context may indicate.

3. EXPLANATORY NOTES

3.1. In terms of POPIA, where a Responsible Party processes a Data Subject's Personal Information, the Responsible Party has a legal duty to protect that Data Subject's Personal Information in a lawful, legitimate and responsible manner and in accordance with the provisions of POPIA read together with the 8 core processing conditions set out under POPIA.

3.2. Furthermore unless the processing:

- 3.2.1. is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party; or

- 3.2.2. is required and complies with an obligation imposed by law on either the Data Subject or the Responsible Party; or
 - 3.2.3. is necessary to protect the legitimate interest(s) of the Data Subject or the Responsible Party; or
 - 3.2.4. is necessary for the proper performance of a public law duty by a public body; or
 - 3.2.5. is necessary for pursuing the Data Subject or the Responsible Party's legitimate interests, or that of a third party to whom the Personal Information is supplied, all processing of a Data Subject's Personal Information must be done with the Data Subject's express and informed consent and permission – i.e. the Data Subject has to consent to the processing of his/her/ its Personal Information.
- 3.3. Company does and will from time-to-time process Personal Information which belongs to, or which is held by a Data Subject.
- 3.4. Following this, in order to comply with POPIA, the Company in its capacity as the Responsible Party, requires your / the Data Subject's consent and express and implied permission to process your / the Data Subject's Personal Information.

4. PURPOSE OF THIS INFORMED CONSENT DOCUMENT

This **Informed Consent Notice** explains and sets out

- 4.1. what Personal Information belonging to you / the Data Subject will be processed by the Company;
- 4.2. why the Company needs your / the Data Subject's Personal Information;
- 4.3. what the Company will be doing with your / the Data Subject's Personal Information;
- 4.4. who the Company will be sharing your / the Data Subject's Personal Information with;
- 4.5. what the Company will do with your / the Data Subject's Personal Information once the purpose for the processing comes to an end.

5. APPLICATION OF THIS INFORMED CONSENT NOTICE

This Informed Consent Notice will apply to:

- 5.1. the Company, and
- 5.2. to you / the Data Subject, and
- 5.3. to your / the Data Subject's Personal Information,

which is processed or may be processed or further processed by the Company including any processing or further processing of your / the Data Subject's Personal Information by any Operators duly appointed by the Company.

6. PURPOSE FOR THE COLLECTION

6.1. In order for the Company to engage with you / the Data Subject and to enter into contractual relationships with you / the Data Subject, the Company needs to process your / the Data Subject's Personal Information including certain Special Personal Information pertaining to you/ the Data Subject, which Personal Information will be used for a number of legitimate purposes, including, inter alia, the following:

6.1.1. **auxiliary and security and access to Company premises, facilities and systems** for the purposes of giving you / the Data Subject access to the Company premises and offices, facilities and systems, and for the purposes of managing the safety and security of the Company facilities, including those of its employees and persons entering the Company facilities, including

- the provision of security services;
- ensuring a safe working environment;
- the developing and implementing of security services policies and procedures; and
- security search, seizure and vetting services;

6.1.2. **Compliance with applicable laws**

for the purposes of complying with a variety of lawful obligations, including without detracting from the generality thereof:

- Administrative laws,
- B-BBEE laws,
- Business laws,
- Company laws,
- Communication laws,
- Environmental laws,
- Financial and Tax laws,
- Health and Safety laws,
- Labour laws,
- Public sector laws,
- Security laws,

6.1.3. Corporate affairs and social networking purposes

- for the purposes of inviting you / the Data Subject to Company events and functions, networking forums as well as
- other educational and cultural events and forums, whether sponsored or organized by the Company or by other
- parties and for the purposes of ensuring that you are provided the details pertaining to these events, and are
- granted access to such events;

6.1.4. protection of legitimate interests

for the purposes of protecting you / the Data Subject and / or Company's legitimate interest (s) as well as for the purposes of investigating any matter which requires investigation and further attention in order to protect your legitimate interests;

6.1.5. communication and making contact with Data Subject

for the purposes of making contact with you / the Data Subject and attending to your / the Data Subject's enquiries and requests;

6.1.6. providing information to Data Subject

for the purpose of providing you / the Data Subject from time to time with information pertaining to Company, its directors, employees, services and goods and other ad hoc business related information;

6.1.7. pursuing a party's legitimate interests

for the purposes of a pursuing your / the Data Subject's and / or Company's legitimate interests, or that of a third party to whom the Personal Information is supplied;

6.1.8. performing internal operations

for the purposes of performing internal Company operations;

6.1.9. fraud detection, investigation and prevention

for the purpose of preventing and detecting fraud and abuse of Company processes, systems, procedures and operations, including conducting internal and external investigations and where necessary using your Personal Information in enquiries and hearings; Investigating plagiarism, fraudulent activity, dishonesty, using another's information, and holding out its your own, cheating, acting unethically , unruly or unacceptable behaviour, infringement of codes or IP.

6.1.10. legal services

for legal purposes, including without detracting from the generality thereof , the following legal purposes:

- the drafting of contracts; Contracts Management, the drafting of General legal documents, legal correspondence, legal policy rules and legislation relevant to Company obligations and operations, providing Legal Advice and Legal Opinion , managing Legal Compliance and Risk in relation to the Company, managing and handling all Litigation which has to be pursued or defended in connection with the Company, Employee Disciplinary Matters, the provision of legal Education and Training, assisting with document management and Record Retention, attending to Employment Insurance matters, Receipt of Legal Process, regulation, management and control over Intellectual property including Copyright matters, and assisting with alternative dispute resolution matters,
- brochures publications and related research material;
- Corporate Relations and PR purposes

6.1.11. for the purposes of performing internal operations, including but not limited to:

- administrative duties, including maintaining a personal employee file as per the labour laws of South Africa;
- the management of you /the Data Subject in your capacity as a Company employee;
- attending to payments;
- administering and managing the Company information systems and related security thereof;
- facilitation of business systems which you may have access to;
- delegation of duties under the Company delegations of authority;
- visa applications and travel bookings and arrangements;
- management of mail and deliveries – incoming and outgoing;
- provision of Occupational Health and Safety services;
- ongoing management of the relationship between you / the Data Subject and the Company.

7. CONSEQUENCES OF YOU WITHHOLDING CONSENT OR PERSONAL INFORMATION

Should you / the Data Subject refuse to provide Company with your Personal Information, which information is required by Company for the purposes indicated above, together with the required and requisite consent to process the aforementioned Personal Information, then Company will be unable to engage with you / the Data Subject and / or enter into any subsequent relationship with you / the Data Subject. .

8. STORAGE AND RETENTION AND DESTRUCTION OF INFORMATION

8.1. Your / the Data Subject's Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within the Company on a need to know and business basis, save that where appropriate, some of your / the Data Subject's Personal Information may be retained in hard copy/ paper format.

8.2. All Personal Information which you / the Data Subject provide to Company will be held and / or stored securely. In this regard Company undertakes to conduct regular audits regarding the safety and the security of your / the Data Subject's Personal Information.

8.3. Once your / the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the requisite and prescribed retention periods as required by the law applicable to such Personal Information and applicable in South Africa. On expiration of this retention period, the Company will thereafter ensure that such Personal Information is permanently destroyed.

9. ACCESS BY OTHERS AND CROSS BORDER TRANSFER

9.1. The Company may from time to time have to disclose your / the Data Subject's Personal Information to other parties, including its Institutions or subsidiaries, trading partners, Auditors, Regulatory Bodies and /or governmental officials, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between Company and the party to whom it is disclosing your / the Data Subject's Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

9.2. Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, your / the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations that those imposed by POPIA.

10. RIGHT TO OBJECT AND COMPLAINTS

You / the Data Subject is encouraged to make immediate contact with the Company Information Officer at any time if you are not comfortable or satisfied with the manner in which Company is processing your / the Data Subject's Personal Information. On receipt of your / the Data Subject's objection Company will place a hold on any further processing of the record until the cause of the objection has been resolved. If you / the Data Subject is not satisfied with such process, you / the Data Subject has the right to lodge a complaint with the Information Regulator.

11. ACCURACY OF INFORMATION AND ONUS

POPIA requires that all your / the Data Subject's Personal Information and related details, as supplied are complete, accurate and up-to-date. Whilst the Company will always use its best endeavours to ensure that your / the Data Subject's Personal Information is reliable, it will be your / the Data Subject's responsibility to advise the

Company of any changes to your / the Data Subject's Personal Information, as and when these changes may occur.

12. ACCESS TO THE INFORMATION BY THE DATA SUBJECT

You / the Data Subject has the right at any time to ask Company to provide you / the Data Subject with details of the Personal Information which the Company holds on your/ the Data Subject's behalf; and/or the purpose for which it has been used, provided that such request is made using the standard request for information form, which can be accessed on the Company website at: <https://konsortium.co.za/legal-information/>

13. AMENDMENTS AND BINDING ON SUCCESSORS IN TITLE

13.1. The Company reserves the right to amend this **Informed Consent Notice** from time to time.

13.2. You/ the Data Subject are requested to please check the Company website periodically to inform yourself / the Data Subject of any changes to said **Informed Consent Notice**.

14. DECLARATION AND INFORMED CONSENT

14.1. I / the Data Subject confirm that my / the Data Subject's Personal Information, provided to the Company is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then, in such an event, I / the Data Subject undertake to advise the Company or its Operator (s) of these changes.

14.2. I, / the Data Subject, in providing the required Personal Information to Company and / or to its Operator (s), consent and give Company express and informed permission to process and further process my /the Data Subject's Personal Information as and where required and acknowledge that I / the Data Subject understand the purposes for which the Personal Information is required and for which it will be used.

14.3. Furthermore, should any of the Personal Information which has been provided by myself concern or pertain to a legal entity whom I represent, I confirm that I have the necessary authority to act on behalf of such legal entity/ Data Subject and that I have the right to provide the Personal Information and / or the required consent to use said Personal Information to the Company, on behalf of the aforementioned legal entity.

For further information contact the company's information officer:

Head of Business	Shelley Kotze
Information Officer	Shelley Kotze
Physical Address	24 Bergsma Street, Annlin, Pretoria, 0182
Postal Address	24 Bergsma Street, Annlin, Pretoria, 0182
Telephone Number	+27 12 567 0769
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This notice was last updated on: 12 July 2021