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PROTECTION OF PERSONAL INFORMATION POLICY
F AND M AGENCIES
t/a
SOUTHMARK

F AND M AGENCIES (Registration no: 1988028263/23) t/a



1. INTRODUCTION

This Data Protection and Information Sharing Policy describes the way that F and M Agencies, trading as Southmark, 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, as that is the key piece of legislation covering security and confidentiality of personal information.

2. DEFINITIONS

- 1.1. **Consent** means the voluntary, specific and informed expression of will;
- 1.2. **Data Subject** means the natural or juristic person to whom the Personal Information relates;
- 1.3. **Direct Marketing** means approaching a Data Subject personally for the purpose of selling them a product or service, of requesting a donation;
- 1.4. **POPI** means the Protection of Personal Information Act, No. 4 of 2013;
- 1.5. **Personal Information** means information relating to an unidentifiable, living, natural person, or an identifiable, existing juristic person, as defined in POPI;
- 1.6. **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 employees, members, 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

Southmark 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. Southmark regards the lawful and appropriate processing of all Personal Information as crucial to successful service delivery and essential to maintaining confidence between Southmark and those individuals and entities who deal it. Southmark 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

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

- Conducting credit reference checks and assessments
- Administration of agreements
- Providing products and services to customers
- Discounting and asset funding purposes
- Detecting and prevention of fraud, crime, money laundering and other malpractice
- Conducting market or customer satisfaction research
- Marketing and sales
- In connection with legal proceedings
- Staff administration
- Keeping of accounts and records
- Complying with legal and regulatory requirements
- Profiling data subjects for the purposes of direct marketing

5.2. Categories of Data Subjects and their Personal Information

Southmark may possess records relating to suppliers, shareholders, contractors service providers, staff and customers:

Entity Type	Personal Information Processed
Customers: Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence
Customer – Juristic Persons / Entities	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information
Contracted Service Providers	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE 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

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

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to customers;
- Conducting due diligence checks;
- Administration of the Medical Aid and Pension Schemes.

5.4. Actual or Planned Transborder Flows of Personal Information

Personal Information may be transmitted transborder to Southmark's authorised dealers and its suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. Southmark will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

5.5. Retention of Personal Information Records

Southmark may retain Personal Information records indefinitely, unless the Data Subject objects thereto. If the Data Subject objects to indefinite retention of its Personal Information Southmark shall retain the Personal Information records to the extent permitted or required by law.

5.6. General Description of Information Security Measures

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

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- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of Southmark are contracted to implement security controls.

6. ACCESS TO PERSONAL INFORMATION

All individuals and entities may request access, amendment, or deletion of their own Personal Information held by Southmark. 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

Southmark does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.

6.1.2. External Remedies

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 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 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, 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

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

- Protecting personal information that Southmark holds about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
- Protecting commercial information that Southmark holds about a third party or Southmark (for example trade secret: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- 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;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Southmark;
- Disclosure of the record would put Southmark at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party or Southmark.

Records that cannot be found or do not exist

If Southmark 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

This Policy has been put in place throughout Southmark, training on the Policy and POPI will take place with all affected employees.

All new employees will be made aware at induction, or through training programmes, of their responsibilities under the terms of this Policy and POPI.

Modifications and updates to data protection and information sharing policies, legislation, or guidelines will be brought to the attention of all staff.

7.2. Employee Contracts

Each new employee will sign an Employment Contract containing the relevant consent clauses for the use and storage of employee information, and a confidentiality undertaking as part and will be personally responsible for ensuring there are no breaches of confidentiality in relation to any Personal Information, however it is stored. Failure to comply will result in the instigation of a disciplinary procedure.

Each employee currently employed within Southmark will sign an addendum to their Employment Contract containing the relevant consent clauses for the use and storage of employee information, and a confidentiality undertaking as part and will be personally responsible for ensuring there are no breaches of confidentiality in relation to any Personal Information, however it is stored. Failure to comply will result in the instigation of a disciplinary procedure.

8. EIGHT PROCESSING CONDITIONS

POPI is implemented by abiding by eight processing conditions. Southmark shall abide by these principles in all its possessing activities.

8.1. Accountability

Southmark 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. Southmark 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.

Southmark 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 Southmark;
- Processing protects a legitimate interest of the Data Subject;
- Processing is necessary for pursuance of a legitimate interest of Southmark, 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.

Southmark 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 Southmark 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

Southmark shall only process Personal Information for the specific purposes as set out and defined above at paragraph 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:

- Data Subject has consented to the further processing;
- Personal Information is contained in a public record;
- Personal Information has been deliberately made public by the Data Subject;
- Further processing is necessary to maintain, comply with or exercise any law or legal right;
- 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

Southmark shall take reasonable steps to ensure that Personal Information is complete, accurate, not misleading and updated. Southmark 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:

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

8.6. Openness

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

- What Personal Information is collected, and the source of the information;
- The purpose of collection and processing;
- Where the supply of Personal Information is voluntary or mandatory, and the consequences of a failure to provide such information;
- Whether collection is in terms of any law requiring such collection;
- Whether the Personal Information shall be shared with any third party.

8.7. Data Subject Participation

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

All such requests must be submitted in writing to the Information Officer. Unless there are grounds for refusal as set out in paragraph 6.2, above, Southmark 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

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

8.8. Security Safeguards

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

- Identify all reasonably foreseeable risks to information security;
- Establish and maintain appropriate safeguards against such risks;

8.8.1. 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;
- Southmark 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.

8.8.2. 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;
- Southmark shall implement and maintain a "Clean Screen Policy" where all employees shall be required to lock their computers or laptops when leaving their desks for any length of time and to log off at the end of the day;
- 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 shall take all necessary steps to remotely delete the information, if possible.

9. DIRECT MARKETING

All Direct Marketing communications shall contain Southmark's, and/or the Company's details, and an address or method for the customer to opt-out of receiving further marketing communication.

9.1.1. Existing Customers

Direct Marketing by electronic means to existing customers is only permitted:

- If the customer's details were obtained in the context of a sale or service; and
- For the purpose of marketing the same or similar products;

The customer must be given the opportunity to opt-out of receiving direct marketing on each occasion of direct marketing.

9.1.2. Consent

Southmark may send electronic Direct Marketing communication to Data Subjects who have consented to receiving it. Southmark may approach a Data Subject for consent only once.

