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Protection of Personal Information (POPI) Public Data Subject Policy

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## 1. Introduction

The Protection of Personal Information Act 4 of 2013 (“the Act”) promotes the protection of personal information processed by public and private bodies and contains conditions that establish minimum requirements for the processing and protection of Personal Information. The Act further promotes section 14 of the Constitution of the Republic of South Africa, 1996, which provides that everyone has the right to privacy. Enza Construction (Pty) Ltd (“Enza”) is a construction company that inter alia operates in Southern Africa and accordingly complies with the Act. Enza Construction is committed to the protection of Personal Information.

## 2. Definitions

The following definitions used in this document are extracted from the Protection of Personal Information Act 4 of 2013:

**"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;

**"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;

**"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;

**"Consent"** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;


**"Data Subject"** means the person who will provide Enza Construction or its Operator (s) with Personal Information and who consents when providing such Personal Information, to Enza Construction’s use thereof in accordance with this Informed Consent Notice.

**"Operator"** means a natural person or a juristic person who processes your/ a Data Subject’s Personal Information on behalf of Enza in terms of a contract or mandate, without coming under the direct authority of Enza Construction;

**"Person"** means a natural person or a juristic person;

**"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, wellbeing, 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 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.

**"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.

**"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 anything 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.


**"Responsible Party"** means Enza Construction (Pty) Ltd including without detracting from the generality thereof, its directors, management, executives, HR practitioners, payroll department, core benefits provider, medical aid department, retirement funding department, internal auditors, legal practitioner and compliance officers, company secretary, and all other employees and Operators who need to process Personal Information for Enza Construction (Pty) Ltd business purposes.

### 3. Scope

The purpose of this policy is to inform public Data Subjects on what Personal Information Enza Construction processes, why it processes it and how Enza Construction complies with the Act to keep Personal Information secure and confidential.

### 4. Accountability

4.1. Enza Construction has appointed deputy information officers who have been tasked with the responsibility pursuant to section 55 of the Act [Duties and Responsibilities of Information Officer].

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4.2. All employees and operators have a duty to take adequate steps to prevent unauthorized use or disclosure of Personal Information.

## 5. Purpose Specification


5.1. In accordance with the requirements of Section 11 of the Act, Enza collects and processes Personal Information belonging to Data Subjects:

- 5.1.1. in order to carry out its business operations,
- 5.1.2. where processing is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party;
- 5.1.3. processing is necessary for pursuing for the protection of the legitimate interest of the Data Subjects or of a third party to whom the information is supplied;
- 5.1.4. where processing complies with an obligation imposed by law on the Responsible Party and
- 5.1.5. where the Data Subject or a competent person where the Data Subject is a child consents to the processing.

5.2. The specific reasons Personal Information is collected and processed includes:

- 5.2.1. Recruitment and employment purposes;
- 5.2.2. Concluding contracts and business transactions;
- 5.2.3. To fulfill tender submission requirements;
- 5.2.4. Insurance purposes;
- 5.2.5. Assessing and processing queries, enquiries, complaints, and / or claims related to the business;
- 5.2.6. Conducting criminal reference checks and / or conducting credit reference searches;
- 5.2.7. Confirming, verifying and updating persons details;
- 5.2.8. Promotional, marketing and direct marketing purposes;
- 5.2.9. Financial, audit and record keeping purposes;
- 5.2.10. Any legal proceedings that may arise;
- 5.2.11. Communicating with employees, third parties, customers, suppliers and / or governmental officials and regulatory agencies;
- 5.2.12. In connection with and to comply with legal and regulatory requirements or when it is otherwise required or allowed by law such as the Labour Relations Act and Occupational Health and Safety Act;
- 5.2.13. Implementation of security measures at Enza and at Enza’s Project Sites;
- 5.2.14. Benefit related purposes (medical aid and group life cover).

5.3 The Personal Information processed by Enza Construction to fulfil the above purpose includes but not is not limited to identification number, registration numbers, e-mail address, location information, race, gender, sex, pregnancy, marital status, national, colour, age, well-being, disability, birthdates, number of dependants, trade certifications, contact numbers, bank account details, tax information, shareholder certificates, financial documents, biometric information, medical information and criminal records.

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- 5.4 Enza Construction may from time to time make use of personal opinions, views or preferences of a Data Subject for business, sponsorship, marketing, promotional, security, employment and / or contractual purposes.
- 5.5 Enza Construction may from time to time make use of private or confidential correspondence received from a Data Subject for business, investigative and / or security purposes as well as for employment or contractual purposes.
- 5.6 Enza Construction uses of Data Subject's Biometrics for security access control and related identification procedures.
- 5.7 Enza Construction will from time to time have to process Personal Information of a child who may belong to a Data Subject, for amongst other reasons employment and benefit related purposes, which use will require the competent person's consent.
- 5.8 All Personal Information processed by Enza Construction and its Operators will be housed under a record.

## 6. Security Safeguards

Enza Construction secures the integrity and confidentiality of Personal Information in its possession or under its control by taking the appropriate, reasonable, technical and organizational measures which includes but is not limited to:

- 6.1. Personal Information on Portable Devices Policy
- 6.2. Clean Desk Policy
- 6.3. Camera Surveillance
- 6.4. Enza Construction has implemented security measures to protect electronic Personal Information

## 7. Ongoing POPIA Compliance Assessment

Enza Construction shall regularly verify that its safeguards are effectively implemented and ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.