



DATA PRIVACY POLICY

The DG Murray Trust PRIVACY POLICY

Approved on 27 June 2021 (Effective from 01 July 2021)

Updated: 6 October 2023



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1. INTRODUCTION AND PURPOSE

- 1.1. This policy sets out the data protection principles and procedures pertaining to the DG Murray Trust, a trust registered in the Republic of South Africa under Master's Reference Number IT141/1979, whose registered office is at Douglas Murray House, 1 Wodin Road, Claremont, Cape Town ("**Policy**").
- 1.2. In particular, this Policy summarises how we process personal information belonging to, amongst others, its website users, staff, business contacts, beneficiaries, funders, donors, and suppliers ("**data subjects**").
- 1.3. We take the privacy of personal information very seriously. We are committed to processing personal information in accordance with data protection legislation, including the Protection of Personal Information Act (No. 4 of 2013) ("**POPI**") and, where applicable, the General Data Protection Regulation (EU 2016/679), the retained EU law version of the General Data Protection Regulation (EU) 2016/679 as it forms part of the law of England and Wales, Scotland, and Northern Ireland (together, "**GDPR**"), and any other applicable data protection legislation and/or regulation in force from time to time (collectively, the "**Data Protection Laws**").
- 1.4. This Policy is made available on our website and is otherwise available on request.

2. DEFINITIONS

- 2.1. In this Policy, the following words mean:
 - 2.1.1. **child.** 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.
 - 2.1.2. **competent person.** Any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.
 - 2.1.3. **consent.** Any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
 - 2.1.4. **de-identify.** In relation to the personal information of a data subject, to delete any information that:

- 2.1.4.1. identifies the data subject;
- 2.1.4.2. can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
- 2.1.4.3. can be linked by a reasonably foreseeable method to other information that identifies the data subject,

and "**de-identified**" has a corresponding meaning.

- 2.1.5. **Information Officer.** As contemplated in POPI.
- 2.1.6. **operator.** A person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
- 2.1.7. **personal information.** Any information relating to a data subject which can be identified, directly or indirectly, by reference to an identifier such as a name, identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that data subject.
- 2.1.8. **personal information breach.** A breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to personal information transmitted, stored, or otherwise processed.
- 2.1.9. **process.** Any operation or set of operations performed on personal information or sets of personal information, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 2.1.10. **Regulator.** The Information Regulator established in terms of section 39 of POPI.
- 2.1.11. **responsible party.** A public or private body or any other person who, alone or in conjunction with others, determines the purpose of and means for processing personal information.

2.1.12. **special personal information.** As contemplated in section 26 of POPI, which includes religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; and/or the criminal behaviour of a data subject to the extent that such information relates to:

2.1.12.1. the alleged commission by a data subject of any offence; or

2.1.12.2. any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

2.2. In this Policy:

2.2.1. the words "**include**", "**including**" and "**in particular**" are by way of example only and shall not limit the generality of any preceding words;

2.2.2. if any provision becomes illegal, invalid or unenforceable, such provision shall be severed, to the extent of its illegality, invalidity or unenforceability, from the balance of this agreement; and

2.2.3. the words "**other**" and "**otherwise**" shall be interpreted as widely as possible and will not be limited by any preceding words.

2.3. This Policy has been drafted using the terminology contemplated in POPI. Where this Policy is interpreted in the context of GDPR, the terms:

2.3.1. "**Information Officer**" shall be read as "**Data Protection Officer**";

2.3.2. "**responsible party**" shall be read as "**data controller**";

2.3.3. "**personal information**" shall be read as "**personal data**";

2.3.4. "**Regulator**" shall be read as "**Supervisory Authority**"; and

2.3.5. "**special personal information**" shall be read as "**special category personal information**",

as those terms are defined in GDPR.



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3. **SCOPE**

The procedures and principles set out in this Policy must be followed at all times by our employees, agents, contractors, affiliates, website users, volunteers, project participants, and other parties working on our behalf, including third-party operators processing personal information on our behalf or on our instruction.

4. **INFORMATION OFFICER**

4.1. Our Information Officer is:

SANDRA V NGWENA

sandra@dgmt.co.za

021 670 9840

4.2. The Information Officer is responsible for administering this Policy to ensure our compliance, and for developing and implementing any applicable related policies, procedures, and/or guidelines.

4.3. If you are processing any personal information on behalf of us or on our instruction, any questions relating to this Policy or to Data Protection Laws should be referred to the Information Officer. In particular, the Information Officer should always be consulted in the following cases:

4.3.1. if there is any uncertainty relating to the lawful basis on which personal information may be collected, held, and/or processed;

4.3.2. if consent is being relied upon in order to collect, hold, and/or process personal information;

4.3.3. if there is any uncertainty relating to the retention period for any particular type(s) of personal information;

4.3.4. if any new or amended privacy notices or similar privacy-related documentation are required;

4.3.5. if any assistance is required in dealing with the exercise of a data subject's rights (including, but not limited to, the handling of a subject's request/s);

- 4.3.6. if a personal information breach (whether suspected or actual) has occurred;
- 4.3.7. if there is any uncertainty relating to security measures (whether technical or organisational) required to protect personal information;
- 4.3.8. if personal information is to be shared with third parties (whether such third parties are acting jointly as responsible parties or operators);
- 4.3.9. if personal information is to be transferred outside of the country in which it is originally processed and there are questions relating to the legal basis on which to do so;
- 4.3.10. when any significant new processing activity is to be carried out, or significant changes are to be made to existing processing activities;
- 4.3.11. when personal information is to be used for purposes different to those for which it was originally collected;
- 4.3.12. if any automated processing, including profiling or automated decision-making, is to be carried out; or
- 4.3.13. if any assistance is required in complying with the law applicable to direct marketing.

5. THE RIGHTS OF DATA SUBJECTS

Data subjects have the right to have their personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3 of POPI. We are committed to upholding the rights of data subjects, which rights include the right(s):

- 5.1. to be notified;
- 5.2. of access;
- 5.3. to rectification;
- 5.4. to correction, destruction or erasure;
- 5.5. to object to or restrict processing;
- 5.6. to data portability;
- 5.7. with respect to automated decision-making and profiling;
- 5.8. to complain to the Regulator; and



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5.9. to institute civil proceedings in relation to its personal information.

6. DATA PROTECTION PRINCIPLES

6.1. We are committed to promoting and upholding the conditions for the lawful processing of personal information as set out in POPI, being:

- 6.1.1. accountability, as contemplated in section 8;
- 6.1.2. processing limitation, as contemplated in sections 9 – 12;
- 6.1.3. purpose specification, as contemplated in sections 13 – 14;
- 6.1.4. further processing limitation, as contemplated in section 15;
- 6.1.5. information quality, as contemplated in section 16;
- 6.1.6. openness, as contemplated in sections 17 – 18;
- 6.1.7. security safeguards, as contemplated in sections 19 – 22; and
- 6.1.8. data subject participation, as contemplated in sections 23 – 25,

of POPI.

6.2. Accordingly, we are committed to processing personal information only in a manner that:

- 6.2.1. is lawful and transparent;
- 6.2.2. is specified, explicit, and legitimate, and for a particular purpose;
- 6.2.3. is relevant, and limited to what is necessary in relation to the purposes for which it is processed;
- 6.2.4. is accurate;
- 6.2.5. permits identification of data subjects for no longer than is necessary or insofar as permitted by Data Protection Law; and
- 6.2.6. ensures appropriate security of the personal information, including protection against unauthorised or unlawful processing and against accidental loss, destruction, or damage, using appropriate technical or organisational measures.



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7. THIRD-PARTY DISCLAIMER

Third-Party Links

- 7.1. We may provide you with access to links to other external websites or applications owned or operated by third parties, including links for login functionality (each, a "**Third-Party Link**"). Third-Party Links are not recommendations, endorsements or affiliations.
- 7.2. **We do not have control over any third-party websites or applications, and it does not accept any responsibility for them or for any loss or damage that may occur from their use.**
- 7.3. You may discontinue the use of any Third-Party Link previously used at any time.
- 7.4. By using a Third-Party Link, you warrant in our favour, that you are duly authorised to do so.

Terms & User Responsibility

- 7.5. The terms, conditions, policies and rules of such third parties in relation to the use of their platforms, including privacy policies ("**Third-Party Terms**") are separate from our terms, conditions, policies and rules.
- 7.6. You may be subject to Third-Party Terms when accessing our website through a Third-Party Link.
- 7.7. You are responsible for reviewing all relevant Third-Party Terms before using any Third-Party Link and complying with such Third-Party Terms.

Privacy & Data Processing

- 7.8. For the avoidance of doubt, we are not responsible for the processing of any personal information by any third-party.

Indemnification & Limitation of Liability

- 7.9. By using any Third-Party Link, you agree:
 - 7.9.1. to hold us (including our trustees, directors, employees, shareholders, agents and affiliates) harmless against any claims, damages, liabilities,



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and expenses (including reasonable attorney's fees) arising out of or in connection with your use of a Third-Party Link, including:

7.9.1.1. a breach of Third-Party Terms;

7.9.1.2. unauthorised access to or use of your account/login with the Third-Party through the Third-Party Link; and

7.9.1.3. any actions or omissions by you that result in losses or damages to us or a third-party; and

7.9.2. that we shall not be responsible for any issues, disputes or liabilities arising between you and a third-party, including damages for loss of profits, goodwill, use, data, or other intangible losses, resulting from your use of a Third-Party Link.

8. PROCESSING OF PERSONAL INFORMATION

8.1. We shall only process personal information if at least one of the following applies:

8.1.1. the data subject (or a competent person, where the data subject is a child) consents to the processing;

8.1.2. processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;

8.1.3. processing complies with an obligation imposed by law on the responsible party;

8.1.4. processing protects a legitimate interest of the data subject;

8.1.5. processing is necessary for the proper performance of a public law duty by a public body; and/or

8.1.6. processing is necessary for pursuing the legitimate interests of the responsible party or of a third-party to whom the information is supplied.

8.2. No person must share any personal information (including any special personal information and/or personal information belonging to a child) with us unless they have the requisite consent from the relevant data subject to do so. Where a person transmits any personal information to us (or via our website) which belongs to a third-party, that

person warrants that they have obtained the requisite consent for us to process such information and is responsible for notifying us immediately if such consent is withdrawn.

9. PROCESSING OF SPECIAL PERSONAL INFORMATION

We shall only process special personal information in accordance with the provisions of Part B of POPI. The processing of special personal information shall be lawful if at least one of the following applies:

- 9.1. processing is carried out with the consent of a data subject;
- 9.2. processing is necessary for the establishment, exercise or defence of a right or obligation in law;
- 9.3. processing is necessary to comply with an obligation of international public law;
- 9.4. processing is for historical, statistical or research purposes to the extent that:
 - 9.4.1. the purpose serves a public interest and the processing is necessary for the purpose concerned; or
 - 9.4.2. it appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the data subject to a disproportionate extent;
- 9.5. information has deliberately been made public by the data subject; or
- 9.6. where applicable, the provisions of sections 28 to 33 of POPI, as the case may be, are complied with.

10. PROCESSING OF PERSONAL INFORMATION RELATING TO CHILDREN

We shall only process personal information relating to a child in accordance with the provisions of Part C of POPI. The processing of personal information relating to a child shall be lawful if at least one of the following applies:

- 10.1. the processing is carried out with the prior consent of a competent person;
- 10.2. the processing is necessary for the establishment, exercise or defence of a right or obligation in law;



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10.3. the processing is for historical, statistical or research purposes to the extent that:

10.3.1. the purpose serves a public interest and the processing is necessary for the purpose concerned; or

10.3.2. it appears to be impossible or would involve a disproportionate effort to ask for consent, and sufficient guarantees are provided for to ensure that the processing does not adversely affect the individual privacy of the child to a disproportionate extent; and/or

10.4. the relevant personal information has deliberately been made public by the child with the consent of a competent person.

11. **SPECIFIED, EXPLICIT, AND LEGITIMATE PURPOSES**

We only collect, process, and hold personal information where there is a specified, explicit and legitimate purpose.

12. **ADEQUATE, RELEVANT, AND LIMITED DATA PROCESSING**

12.1. We will only collect and process personal information for and to the extent necessary.

12.2. Examples of some of the personal information that we process and the reasons for processing include:

12.2.1. **Employees / Prospective Employees:**

Type of information:

- Name
- Contact details (including email address and contact number)
- Physical address
- Identity number
- Income tax number
- Photographs

Purpose for which information is required:

- Background checks and screening
- Payroll and HR Management

- Maintaining records
- Staff communications
- Security and access control
- Performance evaluation and feedback
- Compliance with legal requirements
- Ensuring compliance with contractual obligations

12.2.2. **Suppliers/Contractors:**

Type of information:

- Name
- Contact details (including email address and contact number)
- VAT number
- Bank details (for payments)

Purpose for which information is required:

- Processing payments
- Maintaining records
- Ensuring compliance with contractual obligations
- Communication and coordination
- Performance evaluation
- Risk management and security

12.2.3. **Funders:**

Type of information:

- Name
- Contact details (including email address and contact number)

Purpose for which information is required:

- Maintaining records
- Ensuring compliance with contractual obligations
- Communication and coordination
- Risk management and security
- Funding strategy and analysis

- Recognition
- Relationship management
- Processing grant applications

12.2.4. **Beneficiaries/Project Participants:**

Type of information:

- Name
- Contact details (including email address and contact number)
- Identity number
- Such other information as required for the relevant project, which may include special personal information and/or personal information relating to a child

Purpose for which information is required:

- Maintaining records
- Ensuring compliance with contractual obligations
- Communication and coordination
- Risk management and security
- Recognition
- Relationship management
- Processing grant applications
- Needs assessment and impact evaluation
- Reporting and compliance
- Program enrolment and participation
- Project management

12.2.5. **Website Users:**

Type of information:

- Name
- Contact details (including email address and contact number)
- Such other information as may be submitted by a user voluntarily, which may include special personal information

Purpose for which information is required:



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- Maintaining records
- Ensuring compliance with contractual obligations
- Communication and coordination
- Risk management and security
- Processing applications
- Providing services
- Needs assessment and impact evaluation
- Reporting and compliance
- Program enrolment and participation
- Project management

12.3. Employees, agents, contractors, and other parties processing personal information on our behalf and/or via our website shall:

12.3.1. collect personal information only to the extent required for the performance of their duties, and only in accordance with this Policy; and

12.3.2. process personal information only when the performance of their duties requires it.

13. **ACCURACY OF PERSONAL INFORMATION**

13.1. We endeavour to ensure that personal information collected, processed, and held by us is kept accurate and up to date.

13.2. If any personal information is found to be inaccurate or out-of-date, you must notify us and we will take all reasonable steps to amend or erase that data, as appropriate.

14. **STORAGE AND RETENTION**

14.1. Personal information is stored by us in the following ways and in the following locations:

14.1.1. our own servers, located in the Republic of South Africa;



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- 14.1.2. third-party servers, operated by, amongst others:
 - 14.1.2.1. *Dropbox*, located in the United States and, in certain instances, in Australia, Germany, Japan and the United Kingdom;
 - 14.1.2.2. *Mailchimp*, located in located the United States;
 - 14.1.2.3. *Active Campaigns*, located in the Republic of South Africa;
 - 14.1.2.4. *WhatsApp*, located in the United States of America and in certain instances globally;
 - 14.1.2.5. *Microsoft SharePoint*, located in the European Union;
 - 14.1.2.6. *Google Drive*, located in the United States of America;
 - 14.1.2.7. *Salesforce*, located in the United States, Germany, Japan, the United Kingdom and France;
 - 14.1.2.8. *Fluxx Database*, located in Canada, Ireland and Australia;
 - 14.1.2.9. *DigitalOcean*, located in the United States, the Netherlands, Singapore, the United Kingdom, Germany, Canada and India;
 - 14.1.2.10. *Logistics Management System*, located in the Republic of South Africa; and
 - 14.1.2.11. *Webmaster*, and located in the Republic of South Africa.
 - 14.1.3. computers permanently located at our business premises;
 - 14.1.4. laptop computers and other mobile devices provided by us to our employees, agents, and contractors;
 - 14.1.5. computers and mobile devices owned by employees, agents, and contractors; and
 - 14.1.6. physical records stored at our premises, or the premises of our partners/affiliates.
- 14.2. We shall not keep personal information for any longer than is necessary considering



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the purpose for which that personal information was originally collected, held, and processed.

- 14.3. When personal information is no longer required, it will either be de-identified, or all reasonable steps will be taken to erase or otherwise dispose of it without delay.

15. **SECURE PROCESSING**

- 15.1. We shall ensure that all personal information collected, held, and processed by it is kept secure and protected against unauthorised or unlawful processing and against accidental loss, destruction, or damage.

- 15.2. All technical and organisational measures taken to protect personal information shall be regularly reviewed and evaluated to ensure their ongoing effectiveness and the continued security of personal information.

- 15.3. We will adhere to the following guidelines to protect against the confidentiality, integrity, and availability of all personal information:

15.3.1. only those with a genuine need to access and use personal information and who are authorised to do so may access and use it;

15.3.2. personal information must be accurate and suitable for the purpose for which it is collected, held, and processed; and

15.3.3. authorised users must always be able to access the personal information as required for the authorised purpose or purposes.

16. **ACCOUNTABILITY AND RECORD-KEEPING**

- 16.1. A data protection impact assessment shall be conducted if any processing of personal information presents a significant risk to the rights and freedoms of data subjects.

- 16.2. Our data protection compliance shall be regularly reviewed and evaluated by the Information Officer.

- 16.3. We will keep adequate internal records in respect of the processing of personal information.



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17. DATA SUBJECT ACCESS

- 17.1. Data subjects may, at any time, request the Information Officer to supply details as to the personal information which we hold about that data subject, what we are doing with that personal information, and why.
- 17.2. We do not charge a fee for the handling of normal requests. However, we reserve the right to charge reasonable fees for additional copies of information that has already been supplied to a data subject, and for requests that are manifestly unfounded or excessive, particularly where such requests are repetitive.

18. RECTIFICATION OF PERSONAL INFORMATION

- 18.1. Data subjects have the right to require us to rectify any of their personal information that is inaccurate or incomplete. We shall comply with such requests timeously.
- 18.2. In the event that any affected personal information has been disclosed to third parties, those parties shall be informed of any rectification that must be made to that personal information.

19. ERASURE OF PERSONAL INFORMATION

- 19.1. Data subjects have the right to request that we erase the personal information it holds about them in certain circumstances, for example, where the data subject withdraws its consent for the processing of its personal information.
- 19.2. Unless we have reasonable grounds to refuse to erase personal information, all requests for erasure shall be complied with timeously, and the data subject informed of the erasure.
- 19.3. In the event that any personal information that is to be erased in response to a data subject's request has been disclosed to third parties, those parties shall be informed of the erasure (unless it is impossible or would require disproportionate effort to do so).

20. RESTRICTION OF PERSONAL INFORMATION PROCESSING

- 20.1. A data subject may request that we cease processing the personal information we hold about them. If a data subject makes such a request, we shall retain only the amount of personal information concerning that data subject (if any) that is necessary to ensure that the personal information in question is not processed further.



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20.2. In the event that any affected personal information has been disclosed to third parties, those parties shall be informed of the applicable restrictions on processing it (unless it is impossible or would require disproportionate effort to do so).

20.3. Data subjects may contact the Information Officer (per the contact details set out in clause 4) to exercise their rights in terms of this clause.

21. **DATA PORTABILITY**

Data subjects have the right to receive a copy of their personal information in our possession in a structured, commonly used and machine-readable format, and to request its transmission to another entity.

22. **OBJECTIONS TO PROCESSING PERSONAL INFORMATION**

22.1. Data subjects have the right to object to our processing of their personal information based on legitimate interests, for direct marketing (including profiling), and processing for research and statistics purposes.

22.2. Where a data subject objects to our processing their personal information based on its legitimate interests, we shall cease such processing immediately, unless it can be demonstrated that our legitimate grounds for such processing override the data subject's interests, rights, and freedoms, or that the processing is necessary for the conduct of legal claims.

22.3. Where a data subject objects to us processing their personal information for direct marketing purposes, we shall cease such processing promptly.

22.4. Where a data subject objects to us processing their personal information for research and statistics purposes, the data subject must demonstrate grounds relating to his or her particular situation. We are not required to comply if the research is necessary for the performance of a task carried out for reasons of public interest.

23. **DIRECT MARKETING**

23.1. We shall obtain a data subject's prior consent for direct marketing (including email and text messaging) and shall not approach a data subject more than once for the purpose of obtaining their consent to direct marketing.

23.2. If a data subject objects to direct marketing, we shall comply with the request promptly.



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23.3. We will not approach a data subject for purposes of direct marketing if that data subject has previously withheld consent.

24. TECHNICAL AND ORGANISATIONAL SECURITY MEASURES

24.1. Where possible, the following technical and organisational measures shall be implemented to protect the security of personal information:

- 24.1.1. appropriate firewalls anti-virus protections shall be implemented and regular malware scans shall be conducted;
- 24.1.2. emails containing personal information must be marked "confidential";
- 24.1.3. personal information should only be transmitted over secure networks;
- 24.1.4. personal information shall not be transmitted over a wireless network if there is a reasonable wired alternative;
- 24.1.5. all personal information transferred physically should be transferred in a suitable container and marked "confidential";
- 24.1.6. all hard copies of personal information, along with any electronic copies stored on physical media shall be stored securely and appropriate access control measures shall be implemented;
- 24.1.7. no personal information shall be shared informally, and if access is required in respect of any personal information, such access should be requested in writing;
- 24.1.8. no personal information shall be transferred to any employees, agents, contractors, or other parties, whether such parties are working on our behalf or on our instruction or not, without prior authorisation;
- 24.1.9. personal information shall be handled with care at all times and should not be left unattended;
- 24.1.10. all electronic copies of personal information shall be stored securely using passwords and where appropriate, encrypted;
- 24.1.11. all passwords used to protect personal information shall be changed regularly;



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- 24.1.12. no passwords shall be written down or shared. If a password is forgotten, it must be reset using the applicable method; and
 - 24.1.13. no unauthorised software may be installed on any computer or device owned by us, without prior written approval from the Information Officer.
 - 24.1.14. all employees and other parties working on our behalf or on our instruction shall be bound to comply with the Data Protection Laws and this Policy;
 - 24.1.15. all employees and other parties handling personal information on our behalf or on our instruction shall exercise care and caution when discussing any work relating to personal information;
 - 24.1.16. the methods of collecting, holding, and processing personal information shall be regularly evaluated and reviewed by the Information Officer; and
 - 24.1.17. all agents, contractors, or other parties handling personal information on our behalf or on our instruction shall ensure that all persons who have access to such personal information are held to the same degree of care as contemplated in this Policy.
- 24.2. **Where any agent, contractor or other party handling personal information on our behalf or on our instruction fails in their obligations under the Data Protection Laws and/or this Policy, that party shall indemnify and hold us harmless against any costs, liability, damages, loss, claims or proceedings which may arise out of that failure.**

25. TRANSFERRING PERSONAL DATA ACROSS BORDERS

We may, from time to time, transfer personal information to countries outside of the country in which the personal information was collected, but only where one of the following principles applies:

- 25.1. the third-party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provides an adequate level of protection that:
 - 25.1.1. effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of



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personal information relating to a data subject who is a natural person and, where applicable, a juristic person; and

- 25.1.2. includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- 25.2. the data subject consents to the transfer;
- 25.3. the transfer is necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- 25.4. the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the responsible party and a third-party; or
- 25.5. the transfer is for the benefit of the data subject, and:
 - 25.5.1. it is not reasonably practicable to obtain the consent of the data subject to that transfer;
 - 25.5.2. if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

26. **PERSONAL INFORMATION BREACH NOTIFICATION**

- 26.1. All personal information breaches must be reported immediately to the Information Officer.
- 26.2. If an employee, agent, contractor, or other party working on our behalf or on our instruction becomes aware of or suspects that a personal information breach has occurred, they shall notify the Information Officer immediately, and shall not attempt to investigate it themselves. All evidence relating to the personal information breach in question should be carefully retained.
- 26.3. Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, we shall, as soon as reasonably possible, notify, in writing:
 - 26.3.1. the Regulator (within 72 hours, where GDPR is applicable); and



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- 26.3.2. the data subject, unless the identity of such data subject cannot be established.
- 26.4. The notification referred to in clause 26.3 shall include, at a minimum, the following information:
 - 26.4.1. a description of the possible consequences of the security compromise;
 - 26.4.2. a description of the measures that the responsible party intends to take or has taken to address the security compromise;
 - 26.4.3. a recommendation with regard to the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and
 - 26.4.4. if known to the responsible party, the identity of the unauthorised person who may have accessed or acquired the personal information.
- 26.5. We may only delay notification of the data subject if a public body responsible for the prevention, detection or investigation of offences or the Regulator determines that notification will impede a criminal investigation by the public body concerned.