

# Data Protection and Information Sharing Policy



LIDDLE & ASSOCIATES INC.

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## 1. INTRODUCTION

The right to privacy is enshrined in the Constitution of the Republic of South Africa and everyone should know and understand that this includes a right to protection against the unlawful collection, retention, dissemination and use of their personal information.

Liddle & Associates Inc. is committed to effectively managing Personal Information in accordance with the provisions of the Protection of Personal Information Act, No 4 of 2013 ("POPIA" hereinafter).

Our Data Protection and Information Sharing Policy sets out the ways that Liddle & Associates Inc. implements the legal obligations and requirements placed on us in terms of the POPIA, specifically relating to confidentiality and information security standards.

## 2. SCOPE OF THE POLICY

Liddle and Associates Inc. collects and uses personal information of all individuals and corporate entities with whom we work in order to provide our services and carry out our business effectively. Liddle and Associates Inc. regards the lawful and appropriate processing of all personal information as crucial to successful service delivery and essential to maintaining confidence between Liddle and Associates Inc. and those who deal with us. We therefore fully endorse and adhere to the principles of the Protection of Personal Information Act ("POPIA").

The Policy applies to all Liddle and Associates Inc. clients, employees, directors, agents, designees and appointees. All of the provisions contained in this Policy are applicable to both on and off-site processing of personal information. This policy finds application in all situations and must be read in conjunction with POPIA as well as our Liddle and Associates Inc. PAIA Manual, as required by POPIA.

## 3. DEFINITIONS

### Personal Information

Personal Information is any information that can be used to reveal a person's identity. Personal Information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a Company), including, but not limited to, information concerning:

- race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language, and birth of a person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the personal opinions, views or preferences of the person;
- 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; and
- the views or opinions of another individual about the person;

### Special Personal Information

Special Personal Information is any information including, but not limited to, information concerning:

- religious, philosophical, or political beliefs;
- race or ethnic origin;
- trade union membership;
- health or sex life;
- biometric information (voice recordings, photographs, etc);
- criminal behaviour; and
- information concerning a child.

Consent	means the voluntary and informed expression of free will in terms of which permission is given to process personal information;
Data Subject	means the natural or juristic person to whom the personal information relates, such as an individual, client or a company;
Direct Marketing	means approaching a data subject personally for the purpose of selling them a product or service, or requesting a donation;
POPIA (The Act)	means the Protection of Personal Information Act, No 4 of 2013;
Processing	The act of processing information includes any activity or any set of operations, whether or not by automatic means, concerning personal information and includes, but is not limited to: <ul style="list-style-type: none"> <li>• the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use;</li> <li>• dissemination by means of transmission, distribution or making available in any other form;</li> <li>• merging, linking, as well as any restriction, degradation, erasure or destruction of information.</li> </ul>
Information Officer	The Information Officer is the person responsible for ensuring that Liddle & Associates Inc. complies with POPIA. Where no Information Officer is appointed, the Directors will be responsible for performing the Information Officer's duties.
Responsible Party	The Responsible Party is the entity that processes the personal information for a particular reason and determines the purpose of and means for processing the personal information.

**4. THE PROCESSING OF PERSONAL INFORMATION**

**4.1. THE PURPOSE OF PROCESSING PERSONAL INFORMATION**

Liddle and Associates Inc. uses the personal information under its care only for specific, clearly defined, and legitimate reasons and will inform data subjects of these reasons prior to collecting or recording the data subject's personal information. These reasons may generally include, but are not limited to, processing information in the following ways:

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

**4.2. THE EIGHT PROCESSING CONDITIONS**

Eight conditions come into play when processing personal information. The eight processing conditions are defined by POPIA Liddle and Associates Inc. shall abide by these principles in all its processing activities. These conditions are the following:

<b>Accountability</b>	Liddle and Associates Inc. will take all reasonable measure to ensure that all processing conditions, as set out in POPIA and contained in this policy document, are complied with when determining the purpose and means
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	<p>of processing personal information and during the processing of the personal information. Liddle and Associates Inc. shall remain liable for compliance with these conditions and will implement measures and make appropriate sanctions, which may include disciplinary action, against those individuals who, through their intentional or negligent actions and/or omissions, fail to comply with the principles and responsibilities outlined in this policy.</p>
<p><b>Processing Limitation</b></p>	<p><b>Lawful Processing of Data Subjects' Information</b></p> <p>The processing of personal information is only lawful if, given the purpose of processing, the information is adequate, relevant and not excessive. Liddle and Associates Inc. ensures that all personal information is processed fairly, lawfully and not excessive when balancing it against the specifically defined purpose of the information processing.</p> <p>Liddle and Associates Inc will at all times comply with the legal responsibility imposed on us and may only process personal information if one of the following grounds of lawful processing exists, namely:</p> <ul style="list-style-type: none"> <li>- The data subject has consented to the processing of their personal information;</li> <li>- The processing protects a legitimate interest of the data subject</li> <li>- Processing is necessary for the conclusion or performance of a contract with the data subject.</li> </ul>
	<p><b>Lawful Collecting and Sharing of Data Subjects' Information</b></p> <p>Personal Information must be collected directly from the Data Subject, unless:</p> <ul style="list-style-type: none"> <li>- Collection from the data subject is not reasonably practicable;</li> <li>- Collection from the data subject would prejudice the lawful purpose of collection;</li> <li>- Collection of personal information from another source is necessary to maintain, comply with or exercise any law or legal right;</li> <li>- Collection of personal information from another source would not prejudice the data subject;</li> <li>- Personal information has been deliberately made public by the data subject;</li> <li>- Personal information is collected from another source with the data subject's consent; and/or</li> <li>- Personal information is contained in a public record.</li> </ul> <p>Liddle and Associates Inc. will under no circumstances distribute or share personal information between separate legal entities, associated organisations (such as subsidiary companies) or with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected. Where applicable, the data subject will be informed of the possibility of their personal information being shared and will be requested to consent to sharing of such Personal Information.</p>

<b>Specification of Purpose</b>	Liddle and Associates Inc. shall only process personal information for the specific purposes as set out and defined below at paragraph 5 and shall inform the Data Subject of the reasons for processing such Personal Information prior to collecting, storing and/or sharing such Personal Information.
<b>Additional Processing</b>	<p>New processing activity must be compatible with original purpose of processing. Further processing will be regarded as compatible with the purpose of collection if:</p> <ul style="list-style-type: none"> <li>- Data subject has consented to the further processing;</li> <li>- Further processing is necessary to maintain, comply with or exercise any law or legal right;</li> <li>- 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;</li> <li>- Personal information has been deliberately made public by the data subject; and/or</li> <li>- Personal information is contained in a public record.</li> </ul>
<b>Quality Information</b>	<p>Liddle and Associates Inc. shall take reasonable steps to ensure that personal information is complete, accurate, not misleading and up to date.</p> <p>Where personal information is collected or received from third parties, Liddle and Associates Inc. will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.</p> <p>Employees should as far as reasonably practicable follow the following guidance when collecting personal information:</p> <ul style="list-style-type: none"> <li>- Personal information should be dated when received;</li> <li>- A record should be kept of where the personal information was obtained;</li> <li>- Changed to information records should be dated;</li> <li>- Irrelevant or unneeded personal information should be deleted or destroyed; and/or</li> <li>- Personal information should be stored securely, either on a secure electronic database or in a secure physical filing system.</li> </ul>
<b>Openness in Communication</b>	<p>Liddle and Associates Inc. shall take reasonable steps to ensure that the data subject is made aware of:</p> <ul style="list-style-type: none"> <li>- What personal information is collected, and the source of the information;</li> <li>- The purpose of collection and processing;</li> <li>- Where the supply of personal information is voluntary or mandatory, and the consequences of a failure to provide such information;</li> <li>- Whether collection is in terms of any law requiring such collection;</li> <li>- Whether the personal information shall be shared with any third party.</li> </ul>

	<p>Liddle and Associates Inc will further ensure that data subject can contact our offices to make an inquiry -, request access to -, or lay a complaint that concerns any of the data subjects' personal Information.</p>
<p><b>Participation of Data Subject</b></p>	<p>Each and every data subject has the right to choose how their data is processed and may request access to their personal information or that such information be deleted or amended. Liddle &amp; Associates inc. may refuse that personal information be accessed, amended, or deleted where the grounds set out in paragraph 5.4.1 exist.</p> <p>Liddle &amp; Associates Inc will disclose or amend any personal information once the identity of the requester has been verified by the information officer.</p> <p>The personal information will be disclosed within or amended within a reasonable time, after the prescribed fee (if any) has been paid by the requester.</p> <p>Liddle and Associates Inc. shall not disclose any personal information to any party unless the requester has the rights or consent to access such personal information.</p>
<p><b>Security Safeguards</b></p>	<p>Liddle and Associates Inc. shall ensure the integrity and confidentiality of all personal information in its possession, by taking reasonable steps to:</p> <ul style="list-style-type: none"> <li>- Identify all reasonably foreseeable risks to information security;</li> <li>- Establish and maintain appropriate safeguards against such risks;</li> <li>- the more sensitive the personal information, such as medical information or credit card details, the greater the security.</li> <li>- Ensure that all written and electronic records are kept safe and secure.</li> <li>- Ensure that personal information which is no longer required must be disposed of and/or deleted from the relevant database. The employee must ensure that the information has been completely deleted and is not recoverable</li> </ul> <p>Any loss or theft of, or unauthorised access to, personal information must be immediately reported to Liddle and Associates Inc.</p>

**4.3. RECIPIENTS OF PERSONAL INFORMATION**

Liddle and Associates Inc. 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. Liddle and Associates Inc. may supply the Personal Information to any party to whom Liddle and Associates Inc. may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers who render the following services:

- Administration;
- Capturing and organising of data;
- Conducting due diligence checks;
- Sending of emails and other correspondence to customers; and/or
- Storing of data.

#### 4.4. RIGHTS AS DATA SUBJECT WHEN PROCESSING PERSONAL INFORMATION

Liddle and Associates Inc. will ensure that our clients, employees, directors, agents, and appointees are made aware of their rights as Data Subjects. Including, but not limited to, the following rights:

<b>The Right to Access Personal Information</b>	<p>Liddle and Associates Inc. recognises that a data subject has the right to establish whether we hold personal information related to him, her, or it. This includes the right to request access to that personal information held by us.</p>
<b>The Right to have Personal Information Corrected or Deleted</b>	<p>The data subject has the right to request, where necessary and reasonable, that his, her or its personal information must be corrected or deleted where Liddle and Associates Inc. is no longer authorised to retain such personal information.</p>
<b>The Right to Object to the Processing of Personal Information</b>	<p>The data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information. In such circumstances, Liddle and Associates Inc. will give due consideration to the request and the requirements of POPIA. Liddle and Associates Inc. may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record-keeping requirements, also approve the destruction of the personal information.</p>
<b>The Right to Object to Direct Marketing</b>	<p>The data subject has the right to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communications.</p>
<b>The Right to Complain to the Information Regulator</b>	<p>The Data Subject has the right to submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.</p>
<b>The Right to be Informed</b>	<p>The data subject has the right to be notified that his, her or its personal information is being collected by Liddle and Associates Inc. . The data subject also has the right to be notified in any situation where the organisation has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person.</p>

#### 4.5. CATEGORIES OF DATA SUBJECT AND THEIR PERSONAL INFORMATION PROCESSED

Liddle and Associates Inc. may possess records relating to suppliers, service providers, clients, employees, directors, agents, and appointees:



Data Subject Description	Type of Personal Information Processed
<b>Natural Persons</b>	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence; etc.
<b>Juristic Persons / Legal Entities</b>	Names of contact persons; name of legal entity; physical and postal address and contact details; tax related financial information; registration information; founding documents; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; BBBEE information; etc.
<b>Employees / Directors</b>	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; etc.

## 5. THE STORAGE AND DESTRUCTION OF PERSONAL INFORMATION RECORDS

### 5.1. STORAGE AND RETENTION OF PERSONAL INFORMATION

Liddle & Associates Inc. retains personal information to the extent permitted and/or required by law. With the prior consent of the data subject, Liddle & Associates Inc. may store personal information indefinitely.

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 unless legislation provides for such processing. If the data subject withdraws consent or objects to processing then Liddle and Associates Inc. shall refrain from processing the personal information from the moment consent has been effectively withdrawn by the data subject.

### 5.2. DESTRUCTION OR DELETION OF PERSONAL INFORMATION

Documents may be destroyed after the termination of the retention period specified herein, or as determined by Liddle and Associates Inc. from time to time, or when formally requested by the data Subject.

Deletion of electronic records must be done in consultation with other employees and the IT department, to ensure that deleted information is incapable of being reconstructed and/or recovered by anyone.

Each director and employee is individually responsible for attending to the destruction of its documents and electronic records, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by Liddle and Associates Inc. pending such return.

### 5.3. ACCESS TO PERSONAL INFORMATION

All clients may request access, amendment, or deletion of their own personal information held by Liddle and Associates Inc.. Any requests should be directed, by way of email, to the Information Officer. The Information officer will request any forms and/or documents necessary to verify the Identity of the data subject and establish whether access to the personal information will be granted or refused.

#### **5.4. REMEDIES WHEN ACCESS TO PERSONAL INFORMATION IS REFUSED**

The information officer will have the final decision when granting or refusing access to personal information. Such refusal will always be on reasonable grounds and these grounds will be provided to the data subject on request. Liddle and Associates Inc. does not have internal appeal procedures and as such, the data subject 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.

##### **5.4.1. REASONABLE GROUNDS FOR REFUSAL**

Liddle and Associates Inc. may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Liddle and Associates Inc. may refuse access include, but are not limited to:

- Protecting personal information that Liddle and Associates Inc. holds about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
- Protecting commercial information that Liddle and Associates Inc. holds about a third party or Liddle and Associates Inc. (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 Liddle and Associates Inc.;
- Disclosure of the record would put Liddle and Associates Inc. at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme;
- The record contains information about research being carried out or about to be carried out on behalf of a third party or Liddle and Associates Inc; and/or
- To protect legal professional privilege and client confidentiality.

##### **5.4.2. RECORDS THAT NO LONGER EXIST OR HAVE BEEN DELETED**

If Liddle and Associates Inc. 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.

#### **6. DIRECT MARKETING AND COMMUNICATION**

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

##### **6.1. CONSENT TO DIRECT MARKETING AND COMMUNICATION**

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;

Liddle and Associates Inc. may send electronic Direct marketing communication to new or existing data subjects who have consented to receiving it. Liddle and Associates Inc. may approach a data subject for consent only once.

## 6.2. RECORD KEEPING

Liddle and Associates Inc. shall keep record of:

- Date of consent;
- Wording of the consent;
- Who obtained the consent;
- Proof of opportunity to opt-out on each marketing contact; and
- Record of opt-outs.

## 7. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES

Liddle and Associates Inc. employs up to date technology to ensure the confidentiality, integrity and availability of the personal information under its care. Measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control; and
- Secure setup of hardware and software making up the IT infrastructure.

## 8. IMPLEMENTATION OF THE GUIDELINES

This policy has been implemented throughout all the operations at Liddle & Associates inc. and all our employees have received training on data processing in line with this policy.

All our employees, whether existing or new, are made aware of their responsibilities under the terms in POPIA and this policy and are informed of any new and updated data protection and information sharing policies, legislation and guidelines which apply to Liddle & Associates Inc.

Each and every employee, whether existing or new, are required to sign a consent and confidentiality agreements, in which they agree and undertake to be personally responsible for ensuring that there are no confidentiality breaches concerning personal information. Our employees further agree that failure to comply with data protection and information sharing policies, legislation and guidelines which apply to Liddle & Associates Inc. will result in the initiation of an investigation and disciplinary procedure.

All our data subjects, whether existing or new, are made aware of their rights and responsibilities under the terms in POPIA and this policy and are informed to visit our website at [www.liddlesinc.com](http://www.liddlesinc.com) for all our most recent updates to our data protection and information sharing policies, as well as any legislation and guidelines which apply to Liddle & Associates Inc and our affiliates.

## 9. INFORMATION OFFICER

The appointed Information Officer is responsible for ensuring compliance with POPIA.

Consideration will be given on an annual basis to the re-appointment or replacement of the Information Officer.

<b>Information Officers' Contact Details</b>	ROBYN BRONWYN ZIMMERMANN 0871383275 robyn@liddlesinc.com
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