

PRIVACY POLICY
of
BMM TESTLABS SOUTH AFRICA PROPRIETARY
LIMITED

bmm testlabs

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PRIVACY POLICY

1. PURPOSE

- 1.1 The Constitution of the Republic of South Africa, 1996 recognizes that every person has the right to privacy. In order to protect this right to privacy and specifically the personal information of persons, the Protection of Personal Information Act 4 of 2013 was promulgated. The Company recognizes that it is a Responsible Party in terms of the Act and is therefore bound by the rules laid down for the processing of personal information.
- 1.2 The purpose of this Privacy Policy is to inform persons and entities dealing with the Company of the manner in which their personal information will be collected and processed and the steps the Company takes to ensure compliance with the Act.
- 1.3 The Company undertakes to use its best endeavors to comply with the Act and realizes that the protection of personal information is an on-going process. The Privacy Policy will be available on the Company's website and on request from the Company's head office. All details are set out in this policy later on.

2. DEFINITIONS

- 2.1 For purposes of this Privacy Policy, the following definitions shall apply (and cognate expressions shall have similar meanings) —
 - 2.1.1 “**Act**” or “**POPIA**” means the Protection of Personal Information Act (Act no. 4 of 2013), as amended or re-enacted from time to time including all Schedules thereto and the Regulations;
 - 2.1.2 “**Child**” means a natural person under the age of 18 years who is not legally competent, without the assistance of a Competent Person, to take any action or decision in respect of any matter concerning him- or herself.
 - 2.1.3 “**Company**” means BMM Testlabs South Africa Proprietary Limited (registration number: 2004/028438/07);
 - 2.1.4 “**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.
 - 2.1.5 “**Consent**” Any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;

- 2.1.6 “**Data Subject**” means the person to whom Personal Information relates;
- 2.1.7 “**De-identify**” means in relation to Personal Information of a Data Subject, to delete any information that identifies the Data Subject, that can be used or manipulated by a reasonably foreseeable method to identify the Data Subject, or can be linked by a reasonably foreseeable method to other information that identifies the Data Subject;
- 2.1.8 “**Deputy Information Officer**” means the person designated as such in terms of par. 3.2 below;
- 2.1.9 “**Direct Marketing**”: means to approach a Data Subject, either in person or by mail or electronic communication, for the direct or indirect purpose of promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject, or requesting the Data Subject to make a donation of any kind for any reason.
- 2.1.10 “**ECT Act**” means the Electronic Communications and Transactions Act, Act 25 of 2002;
- 2.1.11 “**electronic communication**” has the meaning set out in section 1 of the ECT Act, being. communication by means of data messages. Data messages is defined in section 1 of ECT Act as meaning data generated, sent, received or stored by electronic means and includes:
- 2.1.11.1 voice, where the voice is used in an automated transaction; and
- 2.1.11.2 a stored record;
- 2.1.12 “**Information Officer**” in relation to the Company (being a private body), means the chief executive officer of the Company in terms of section 1 of PAIA;
- 2.1.13 “**Information Regulator**” means a juristic person established in terms of section 39 of POPIA, which -
- 2.1.13.1 has jurisdiction through the Republic;
- 2.1.13.2 is independent and is subject only to the Constitution and to the law and must be impartial and perform its functions and exercise its powers without fear, favour or prejudice;

- 2.1.13.3 must exercise its powers and perform its functions in accordance with POPIA and PAIA;
- 2.1.13.4 is accountable to the National Assembly;
- 2.1.14 “**Operator**” means a person who processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct control of that party;
- 2.1.15 “**Person**” means a natural person or juristic person;
- 2.1.16 “**Personal Information**” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
- 2.1.16.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- 2.1.16.2 information relating to the education or the medical, financial, criminal or employment history of the person;
- 2.1.16.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 2.1.16.4 the biometric information of the person;
- 2.1.16.5 the personal opinions, views or preferences of the person;
- 2.1.16.6 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;
- 2.1.16.7 the views or opinions of another individual about the person;
- 2.1.16.8 the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;

- 2.1.17 **“Processing”, “Processed” or “Process”** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 2.1.17.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 2.1.17.2 dissemination by means of transmission, distribution or making available in any other form;
 - 2.1.17.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 2.1.18 **“Public Record”** means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.
- 2.1.19 **“Record”** means any recorded information:
- 2.1.19.1 regardless of form or medium including any of the following:
 - 2.1.19.1.1 writing on any material;
 - 2.1.19.1.2 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;
 - 2.1.19.1.3 label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;
 - 2.1.19.1.4 book, map, plan, graph or drawing;
 - 2.1.19.1.5 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;
 - 2.1.19.2 in the possession or under the control of a Responsible Party;
 - 2.1.19.3 whether or not it was created by a Responsible Party;
 - 2.1.19.4 regardless of when it came into existence.

- 2.1.20 “**Regulator**” means the Information Regulator established in terms of section 39 of POPIA;
- 2.1.21 “**Responsible Party**” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information;
- 2.1.22 “**Special Personal Information**” means the following Personal Information of a Data Subject, namely religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, biometric information, health, and criminal behaviour, as contemplated in section 26(a) and (b) of POPIA.

3. **THE COMPANY’S INFORMATION OFFICER**

- 3.1 The Company will ensure that at all times it has an appointed Information Officer who is registered with the Regulator.
- 3.2 The Company may also appoint one or more persons as Deputy Information Officer to whom the responsibilities in terms of POPIA as well as PAIA will be delegated by the Information Officer.
- 3.3 Any person with a query relating to the processing of Personal Information may contact the Information Officer or Deputy Information Officer. Details of these persons are contained on the last page of this Privacy Policy.

4. **GENERAL PRINCIPLES: THE RIGHTS OF DATA SUBJECTS**

- 4.1 All Data Subjects have the following specific and enforceable rights in terms of POPIA:
- 4.1.1 to be notified by the Company that Personal Information is being collected or that Personal Information has been accessed or acquired by an unauthorised person;
- 4.1.2 to establish whether the Company holds Personal Information of that Data Subject and to request access to such Personal Information;
- 4.1.3 to request, where necessary, the correction, destruction or deletion of Personal Information;

- 4.1.4 to object, on reasonable grounds relating to the particular situation, to the processing Personal Information;
- 4.1.5 to object to the processing of Personal Information at any time for purposes of direct marketing;
- 4.1.6 not to have Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications except as allowed;
- 4.1.7 not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of Personal Information intended to provide a profile of such person;
- 4.1.8 to submit a complaint to the Regulator regarding the alleged interference with the protection of the Personal Information of any Data Subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator;
- 4.1.9 to institute civil proceedings regarding the alleged interference with the protection of Personal Information;

5. **GENERAL PRINCIPLES: PROCESSING OF PERSONAL INFORMATION OF DATA SUBJECTS**

- 5.1 The Company will not process the Personal Information of any Data Subject unless:
 - 5.1.1 Consent is obtained from the Data subject;
 - 5.1.2 processing is necessary for the establishment, exercise or defense of a right or obligation in law;
 - 5.1.3 processing is necessary to comply with an obligation of international public law;
 - 5.1.4 processing is for historical, statistical or research purposes to the extent that:
 - 5.1.4.1 the purpose serves a public interest, and the processing is necessary for the purpose concerned; or
 - 5.1.4.2 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;

- 5.1.5 information has deliberately been made public by the Data Subject;
- 5.1.6 Processing is authorised by Regulator;
- 5.1.7 In the event of religious or philosophical belief, processing is carried out by the spiritual or religious organisation to which the Data Subject belongs or to which their family members belong;
- 5.1.8 In the event of race or ethnic origin, processing is carried out to identify Data Subjects or comply with specific legislation;
- 5.1.9 In the event of trade union membership, processing is carried out by the trade union to which the Data Subject belongs;
- 5.1.10 In the event of political persuasion, processing is carried out by or for an institution, founded on political principles if the information is of their members or employees;
- 5.1.11 In the event of political persuasion, processing is carried out by or for an institution, founded on political principles if the information is for the purposes of:
 - 5.1.11.1 Forming a political party;
 - 5.1.11.2 participating in the activities of, or engaging in the recruitment of members for or canvassing supporters or voters for, a political party;
 - 5.1.11.3 campaigning for a political party or cause.
- 5.1.12 In the event of health or sex life, processing is carried out by:
 - 5.1.12.1 medical professionals, healthcare institutions or facilities or social services, if such processing is necessary for the proper treatment and care of the Data Subject;
 - 5.1.12.2 insurance companies, medical schemes, medical scheme administrators and managed healthcare organisations;
 - 5.1.12.3 schools, if such processing is necessary to provide special support for pupils or making special arrangements in connection with their health or sex life;

- 5.1.12.4 any public or private body managing the care of a child if such processing is necessary for the performance of their lawful duties;
- 5.1.12.5 any public body, if such processing is necessary in connection with the implementation of prison sentences or detention measures;
- 5.1.12.6 administrative bodies, pension funds, employers or institutions working for them.
- 5.1.13 In the event of criminal behaviour or biometric information, processing is carried out by bodies charged by law with applying criminal law or by responsible parties who have obtained that information in accordance with the law;
- 5.1.14 In the event of criminal behaviour or biometric information, the processing is carried out by the employer in accordance with the rules established in compliance with labour legislation.
- 5.1.15 The Company undertakes that it will only Process the Personal Information of a Child if such Processing is:
 - 5.1.15.1 carried out with the prior consent of a Competent Person;
 - 5.1.15.2 necessary for the establishment, exercise or defence of a right or obligation in law;
 - 5.1.15.3 necessary to comply with an obligation of international public law;
 - 5.1.15.4 for historical, statistical or research purposes to the extent that:
 - 5.1.15.4.1 the purpose serves a public interest, and the processing is necessary for the purpose concerned; or
 - 5.1.15.4.2 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 child to a disproportionate extent;
 - 5.1.15.5 of Personal Information which has deliberately been made public by the Child with the consent of a Competent Person;
 - 5.1.15.6 authorised by the Regulator.

- 5.2 The Company notes that POPIA does not apply to the processing of Personal Information:
- 5.2.1 in the course of a purely personal or household activity;
 - 5.2.2 that has been de-identified to the extent that it cannot be re-identified again;
 - 5.2.3 solely for the purpose of journalistic, literary or artistic expression to the extent that such an exclusion is necessary to reconcile, as a matter of public interest, the right to privacy with the right to freedom of expression.
- 5.3 The Company will apply for and obtain prior authorisation from the Regulator if it plans to do any of the following:
- 5.3.1 process any unique identifiers of Data Subjects for a purpose other than the one for which the identifier was specifically intended at collection; and with the aim of linking the information together with information processed by other responsible parties;
 - 5.3.2 process information on criminal behaviour or on unlawful or objectionable conduct on behalf of third parties;
 - 5.3.3 process information for the purposes of credit reporting;
 - 5.3.4 transfer special Personal Information, or the Personal Information of children, to a third party in a foreign country that does not provide an adequate level of protection for the processing of Personal Information.
- 5.4 It is noted that the Company must obtain prior authorisation only once and not each time that Personal Information is received or processed, except where the processing departs from that which has been authorised.
- 5.5 The Company may not carry out information processing that has been notified to the Regulator until the Regulator has completed its investigation or until they have received notice that a more detailed investigation will not be conducted. The Regulator must inform the responsible party in writing within four weeks of the notification as to whether or not it will conduct a more detailed investigation. On conclusion of the more detailed investigation the Regulator must issue a statement concerning the lawfulness of the information processing. If the Company does not

receive the Regulator's decision within the time limits specified, it may presume a decision in its favour and continue with its processing.

6. SPECIFIC UNDERTAKINGS RELATING TO THE PROCESSING OF PERSONAL INFORMATION BY THE COMPANY

6.1 The type of Personal Information collected from a Data Subject depends on the reason that you are engaging with the Company.

6.2 For Clients of the Company the information collected may include the following and is collected for the purpose of providing products or services to the Client:

6.2.1 name;

6.2.2 identity or company registration number;

6.2.3 names, identity numbers and contact particulars of directors;

6.2.4 postal and/or street addresses;

6.2.5 contact numbers and email addresses;

6.2.6 banking and financial information;

6.2.7 broad-based black economic empowerment status;

6.2.8 VAT and/or tax details;

6.2.9 information about products or services;

6.2.10 other information not specified, reasonably required to be Processed for business operations.

6.3 For Suppliers of the Company and third parties the information collected may include the following and is collected for the purpose of ensuring that the Supplier is capable of rendering the service or product as required by the Company and having sufficient detail to effect payment of any accounts or enforce any rights against them:

6.3.1 name;

6.3.2 identity or company registration number;

6.3.3 names, identity numbers and contact particulars of directors;

- 6.3.4 postal and/or street addresses;
 - 6.3.5 contact numbers and email addresses;
 - 6.3.6 banking details;
 - 6.3.7 VAT and/or tax details;
 - 6.3.8 information about products or services;
 - 6.3.9 broad-based black economic empowerment status;
 - 6.3.10 website details;
 - 6.3.11 other information not specified, reasonably required to be Processed for business operations.
- 6.4 For prospective employees the Company may collect the following information for the purpose of determining whether the prospective employee may be a suitable candidate become employed with the Company:
- 6.4.1 full names;
 - 6.4.2 postal and/or street addresses;
 - 6.4.3 contact numbers and email addresses;
 - 6.4.4 identity number and copies of identity documents (including passports);
 - 6.4.5 ethnic group;
 - 6.4.6 age;
 - 6.4.7 gender;
 - 6.4.8 marital status;
 - 6.4.9 nationality;
 - 6.4.10 language;
 - 6.4.11 employment history and references;
 - 6.4.12 education and qualifications;

6.4.13 curriculum vitae.

6.5 For employees of the Company the following information may be collected for the purpose of ensuring compliance with the applicable licensing requirements through the industry regulator, as well as compliance with the Broad-Based Black Economic Empowerment Act, Disaster Management Act and relevant labour and tax laws:

6.5.1 name and contact details;

6.5.2 identity number and copies of identity documents (including passports);

6.5.3 ethnic group;

6.5.4 age;

6.5.5 gender;

6.5.6 marital status;

6.5.7 nationality;

6.5.8 language;

6.5.9 employment history and references;

6.5.10 curriculum vitae;

6.5.11 key employee licence;

6.5.12 key employee licence application;

6.5.13 education and qualifications;

6.5.14 banking and financial details;

6.5.15 details of payments to third parties (deductions from salary) (if any);

6.5.16 employment contract;

6.5.17 external training agreements;

6.5.18 medical aid details;

6.5.19 pension fund records;

- 6.5.20 remuneration/ salary records;
- 6.5.21 performance appraisals;
- 6.5.22 disciplinary records;
- 6.5.23 leave records;
- 6.5.24 training records;
- 6.5.25 COVID-19 employee declarations;
- 6.5.26 yellow fever vaccination card;
- 6.5.27 passport sized photograph;
- 6.5.28 biometric facial recognition for biometric system;
- 6.5.29 police clearance and illicit/ non-illicit reports from CSI Africa on fingerprints of employee;
- 6.5.30 signed position description;
- 6.5.31 termination alert form;
- 6.5.32 next of kin names and contact numbers.

6.6 In respect of Covid 19 screening the Personal Information collected is necessary to comply with the Disaster Management Act and supplementary regulations and directives. This information will be kept confidential unless disclosure is required by law, for instance should a positive case be identified. This information will be stored for a period of 7 (Seven) years in accordance with our policy relating to the retention of information in par. 6.14.2 below, and thereafter be destroyed. If you do not provide the information as required, we can limit or refuse you access to the premises.

6.7 Any closed-circuit television monitoring footage is only processed for security purposes and not shared with any person or entity outside the Company.

6.8 **Lawful processing**

The Company will only Process Personal Information in a lawful manner that does not infringe upon the privacy of the Data Subject.

6.9 **Minimality of collection of data**

The Company will only process data that it actually needs for the purposes of running the business, executing its contracts and protecting its legitimate interests.

6.10 **Collection of information**

6.10.1 The Company will ensure that Personal Information collected is adequate, relevant and not excessive, when taking into account the specific purpose for which the information of that particular Data Subject is collected.

6.10.2 The Company will always strive to collect Personal Information directly from you, the Data Subject concerned unless one of the following exclusions as laid down in POPIA applies:

6.10.2.1 The information is contained in or derived from a public record or has deliberately been made public by the Data Subject;

6.10.2.2 The Data Subject or a Competent Person where the Data Subject is a child has consented to the collection of the information from another source;

6.10.2.3 Collection of the information from another source would not prejudice a legitimate interest of the Data Subject;

6.10.2.4 Collection of the information from another source is necessary:

6.10.2.4.1 To avoid prejudice to the maintenance of the law by any public body, including the prevention, detection, investigation, prosecution and punishment of offences;

6.10.2.4.2 To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act 34 of 1997);

6.10.2.4.3 For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;

6.10.2.4.4 In the interests of national security; or

6.10.2.4.5 To maintain the legitimate interests of the Company or of a third party to whom the information is supplied;

- 6.10.2.5 Compliance would prejudice a lawful purpose of the collection; or
- 6.10.2.6 Compliance is not reasonably practicable in the circumstances of the particular case.

6.11 **Consent of Data Subject**

6.11.1 The Company undertakes to only process Personal Information of you as the Data Subject if any of the following applies, unless compliance is unnecessary in terms of the exclusions contained in POPIA:

6.11.1.1 the Data Subject or a Competent Person where the Data Subject is a child consents to the processing;

6.11.1.2 processing is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is party;

6.11.1.3 processing complies with an obligation imposed by law on the Company;

6.11.1.4 processing protects a legitimate interest of the Data Subject;

6.11.1.5 processing is necessary for the proper performance of a public law duty by a public body; or

6.11.1.6 processing is necessary for pursuing the legitimate interests of the Company or of a third party to whom the information is supplied.

6.11.2 The Company notes that it bears the burden of proof for the Data Subject's or Competent Person's consent as referred to above.

6.11.3 You may withdraw your consent, or object to the processing of Personal Information, at any time and the Company must inform you of this right, which we hereby do. The Data Subjects are also informed of the consequences should they withdraw consent, and where consent cannot be withdrawn as the Personal Information is required by law or for the proper execution of the contract or agreement.

6.12 **Objection by Data Subject to processing of Personal Information**

6.12.1 Where you object to the processing of Personal Information, and the processing is not necessary for the proper execution of a contract or not required by law, the Company will stop processing the data immediately.

6.12.2 Data Subjects must object to the processing of Personal Information by informing the Company by completing **FORM 1** (*Objection to the Processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act*) attached as **Schedule 1** hereto. On receipt of the corrected information the Company will as soon as practically possible:

6.12.2.1 cease Processing the information and destroy or delete such information as it may have in its possession, unless legislation provides for such Processing;

6.12.2.2 inform the Data Subject of the result of the request and, where applicable, provide the Data Subject to his or her reasonable satisfaction with written confirmation that it has ceased Processing the Data Subject's Personal Information;

6.12.2.3 inform each person or body or responsible party to whom the Personal Information has been disclosed of these steps.

6.13 **Processing for specific purpose**

The Company will only collect Personal Information for a specific, explicitly defined and lawful purpose which relates to a function or activity carried out by the Company. You will be informed of the purpose of the collection and processing of Personal Information when such information is received directly from you. If the information is not collected from you directly you will be informed of the purpose as soon as practicable or upon request.

6.14 **Retention of Information**

6.14.1 The Company undertakes that it will not retain information any longer than is necessary for achieving the purpose for which the information was collected or processed, unless:

6.14.1.1 retention of the record is required or authorised by law;

- 6.14.1.2 the Company reasonably requires the record for lawful purposes related to its functions or activities;
- 6.14.1.3 retention of the record is required by a contract between the parties thereto;
or
- 6.14.1.4 the Data Subject or a Competent Person where the Data Subject is a child has consented to the retention of the record.
- 6.14.2 Due to the administrative difficulties of managing different retention periods, the Company's policy is to retain all employee and supplier information for a maximum period of 7 years, unless required by law or practical considerations to retain it longer in terms of other applicable Company policies. This period will be communicated to Data Subjects.
- 6.14.3 All Personal Information belonging to Clients or users of Clients will be retained for such a period of time as may be advised by the Client and/or applicable user, whereupon it will be permanently deleted after a period of at least 90 days after a Client or user has requested deletion of the information, unless required by law or practical considerations to retain it longer. This period will be communicated to Data Subjects.
- 6.14.4 The Company will also keep secure back-ups in terms of its information security management system for a period of 10 years after the active information has been deleted from its servers, after which period the back-ups will be permanently deleted.
- 6.14.5 Should a Data Subject not consent to the abovementioned retention periods, the retention period will default back to the prescribed period as per legislation. These Data subjects will be flagged to ensure that their records are destroyed after the retention period.
- 6.14.6 Records will be permanently destroyed after the aforementioned retention periods.

6.15 **Limitations on the further processing of Information**

- 6.15.1 The Company will only process information further if it is in accordance or compatible with the purpose for which it was collected. Further processing refers

to any processing of Personal Information for reasons other than those for which it was obtained and that have already been communicated to the Data Subject.

- 6.15.2 Whether further processing is compatible with the original purpose for collection, will be determined by taking into account the following:
 - 6.15.2.1 the relationship between the purpose of the intended further processing and the purpose for which the information has been collected;
 - 6.15.2.2 the nature of the information concerned;
 - 6.15.2.3 the consequences of the intended further processing for the Data Subject;
 - 6.15.2.4 the manner in which the information has been collected; and
 - 6.15.2.5 any contractual rights and obligations between the parties.
- 6.15.3 If the further processing is not in accordance or compatible with the original purpose for collection, the Company will only process the information further if one of the following is applicable:
 - 6.15.3.1 the Data Subject or a Competent Person where the Data Subject is a child has consented to the further processing of the information;
 - 6.15.3.2 the information is available in or derived from a public record or has deliberately been made public by the Data Subject;
 - 6.15.3.3 further processing is necessary:
 - 6.15.3.3.1 to avoid prejudice to the maintenance of the law by any public body including the prevention, detection, investigation, prosecution and punishment of offences;
 - 6.15.3.3.2 to comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue as defined in section 1 of the South African Revenue Service Act, 1997 (Act 34 of 1997);
 - 6.15.3.3.3 for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; or
 - 6.15.3.3.4 in the interests of national security;

- 6.15.3.4 the further processing of the information is necessary to prevent or mitigate a serious and imminent threat to:
 - 6.15.3.4.1 public health or public safety; or
 - 6.15.3.4.2 the life or health of the Data Subject or another individual;
- 6.15.3.5 the information is used for historical, statistical or research purposes and the responsible party ensures that the further processing is carried out solely for such purposes and will not be published in an identifiable form; or
- 6.15.3.6 the further processing of the information is in accordance with an exemption granted by the Regulator in terms of POPIA.

6.16 **Quality of Information**

- 6.16.1 The Company will take reasonably practical steps to ensure that the Personal Information is complete, accurate, not misleading and updated when necessary.
- 6.16.2 Data Subjects have the right to contest the accuracy of the information by informing the Company by completing **FORM 2** (*Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information in terms of Section 24(1) of the Protection of Personal Information Act*) attached as **Schedule 2** hereto. On receipt of the corrected information the Company will as soon as practically possible:
 - 6.16.2.1 correct the information or destroy or delete the information, depending on the relevant request;
 - 6.16.2.2 provide the Data Subject, to his or her reasonable satisfaction, with credible evidence in support of the information, or where agreement cannot be reached between the Company and the Data Subject, and if the Data Subject so requests, take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made;
 - 6.16.2.3 inform each person or body or responsible party to whom the Personal Information has been disclosed of these steps;

6.16.2.4 inform the Data Subject of the result of the request.

6.17 **Transborder Information Flows**

6.17.1 The Company, by virtue of its status as member of an international group of companies, does transfer Personal Information of Data Subjects to other group companies which are in foreign countries.

6.17.2 Notwithstanding the above, the Company will not transfer Personal Information about a Data Subject to a third party who is in a foreign country unless one of the following is applicable:

6.17.2.1 the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that:

6.17.2.1.1 effectively upholds principles for reasonable Processing of the information that are substantially similar to the conditions for the lawful Processing of Personal Information relating to a Data Subject who is a natural person and, where applicable, a juristic person; and

6.17.2.1.2 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;

6.17.2.2 the Data Subject Consents to the transfer;

6.17.2.3 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;

6.17.2.4 the transfer is necessary for in terms of international group company policies and for the proper operation and functioning of the group; or

6.17.2.5 the transfer is for the benefit of the Data Subject, and:

6.17.2.5.1 it is not reasonably practicable to obtain the Consent of the Data Subject to that transfer; and

6.17.2.5.2 if it were reasonably practicable to obtain such Consent, the Data Subject would be likely to give it.

6.17.3 The Company transfers Personal Information to third parties in foreign countries as follows:

Foreign country	Level of protection of Personal Information	Comments
US	Third party is subject to similar level of protection as provided by POPI	<p>The HRIS/PTO database is located in a secure cloud, with the database administrators located in a secure and access-controlled environment at BMM North America. This database includes HR and leave log records.</p> <p>The toolbox database which contains clients' product details submitted for testing is hosted in a secure environment by BMM North America.</p>

7. ACCESS TO INFORMATION BY DATA SUBJECT

- 7.1 A Data Subject has the right to be aware of their Personal Information being processed and to take part in this process by either objecting to such processing or ensuring that the information is correct by requesting the Company to remove or correct incorrect information.
- 7.2 The Company will take all reasonably practicable measures to inform Data Subjects about the Personal Information being processed.
- 7.3 Any Data Subject may, having provided adequate proof of identity, request the Company to confirm whether or not the Company holds Personal Information about them and the identity of third parties who have, or have had access to the information. **FORM C** (*Request for Access to Record of a Private Body*) attached as **Schedule 3** hereto must be used for this application. A Data Subject may need to pay a fee for these services which will always be charged in terms of the Promotion of Access to information Act. You may contact the Information Officer to obtain a list of these fees.
- 7.4 Access to information will be granted or refused, as the case may be, as requested by the Data Subject as provided for in the Promotion of Access to Information Act (PAIA) after taking into considerations all the requirements of this Act.

8. SAFETY MEASURES FOR THE PROTECTION OF PERSONAL INFORMATION

8.1 The Company has implemented a comprehensive information security policy to secure the integrity and confidentiality of Personal Information in its possession or under its control and takes continuous appropriate, reasonable technical and organisational measures to prevent:

8.1.1 loss of, damage to or unauthorised destruction of Personal Information; and

8.1.2 unlawful access to or Processing of Personal Information.

8.2 The safeguards implemented by the Company are of a reasonable standard, taking into account the best industry practice and contain at least the following:

8.2.1 physical access controls to information stored on paper and on servers;

8.2.2 anti-virus programs;

8.2.3 firewalls;

8.2.4 password access controls to digital and physical Records;

8.2.5 remote destruction;

8.2.6 Secured Development Practices Policy;

8.2.7 Access Control Policy;

8.2.8 Change Validation Policy;

8.2.9 Cryptographic Controls Policy;

8.2.10 Information Security Incident Management Policy; and

8.2.11 IT Policy.

9. MAKING USE OF AN OPERATOR OR ACTING AS AN OPERATOR

9.1 Where the Company makes use of Operators in the processing of Personal Information, the following minimum standards will be adhered to:

9.1.1 Each operator must sign a POPIA service agreement with the Company to ensure that the operator establishes and maintains the same level of security

measures that the Company does in order to ensure the safeguarding of information.

- 9.1.2 The service agreement must provide that the operator must notify the Company immediately where there are reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.

10. **INFORMATION BREACHES**

- 10.1 The Company will, where there are reasonable grounds to believe that Personal Information of a Data Subject has been accessed by an authorised person notify the Regulator and the Data Subject (unless the identity of the Data Subject cannot be established) in terms of its Information Security Incident Management Procedure.

- 10.2 The notification will be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the Company's information system.

- 10.3 The notification to a Data Subject shall be in writing and communicated to the Data Subject in at least one of the following ways:

10.3.1 Mailed to the Data Subject's last known physical or postal address;

10.3.2 sent by e-mail to the Data Subject's last known e-mail address;

10.3.3 placed in a prominent position on the website of the Company;

10.3.4 published in the news media; or

10.3.5 as may be directed by the Regulator.

- 10.4 The following information will be included in notifications:

10.4.1 a description of the possible consequences of the security compromise;

10.4.2 a description of the measures that the Company intends to take or have taken to address the security compromise;

10.4.3 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

10.4.4 if known, the identity of the unauthorised person who may have accessed or acquired the Personal Information.

11. DIRECT MARKETING

11.1 **General principles**

11.1.1 The Company takes note that the processing of Personal Information of a Data Subject for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail is prohibited unless the Data Subject:

11.1.1.1 has given his, her or its consent to the processing; or

11.1.1.2 is a Client of the Company and:

11.1.1.2.1 the Company has obtained the contact details of the Data Subject in the context of the sale of a product or service;

11.1.1.2.2 the processing is for the purpose of direct marketing of the Company's own similar products or services; and

11.1.1.2.3 the Data Subject has been given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its electronic details.

11.1.2 The Company will also adhere to the following rules relating to direct marketing to Data Subjects:

11.1.2.1 the Company may approach a Data Subject only once, and in the prescribed manner and form, for his consent to direct marketing. If the consent has been withheld previously, the Data Subject may not be approached again to request consent or to provide such direct marketing.

11.1.2.2 the request for consent will be in the format at prescribed by POPIA, substantially in accordance with **FORM 4** (*Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing in terms of Section 69(2) of the Protection of Personal Information Act*);

11.1.2.3 all direct marketing sent by electronic means will contain the identity of the sender or the person on whose behalf the communication has been sent, and an address or other contact details to which the recipient may send a request that such communication must cease.

11.1.2.4 A directory is kept of all Data Subjects who have opted-out of the direct marketing to ensure that they do not receive further marketing material.

11.2 **Direct marketing to new potential clients**

11.2.1 The Company processes Personal Information for the purpose of direct marketing by means of electronic communication through the following channels:

11.2.1.1 Text and SMS, Voice calls or messages, Emails.

11.2.2 For new potential clients the following process needs to be followed in respect of direct marketing to these Data Subjects:

11.2.3 the source from which the information is obtained will be listed the Company's internal POPIA Compliance File.

11.2.4 a message is sent to Data Subject to inform them that their information has been collected for purposes of direct marketing and requests their consent. The Data Subject must reply with a positive response otherwise the details are removed from the subscriber list. If an e-mail is sent there is the option to 'unsubscribe'.

11.2.5 All Data Subjects who do not provide a positive response and those who unsubscribe will be removed from the subscriber list and may not be contacted for the purposes of direct marketing again.

11.3 **Direct marketing to existing clients**

11.3.1 The Company processes Personal Information for the purpose of direct marketing to existing clients by means of electronic communication through the following channels:

11.3.1.1 Text and SMS, Voice calls or messages, Emails.

11.3.2 For existing Clients, the following process needs to be followed in respect of direct marketing to these Data Subjects:

11.3.2.1 once the Data Subject has become a customer of the Company, its information will be placed on a directory which is linked to the type of product or service it receives. Only similar products to those already offered to the Data Subject are marketed. The Company will ensure that different directories are kept for different customers based on the type of product or service offered to ensure compliance with this requirement.

11.3.2.2 A message is sent to Data Subject and the message will contain the option to 'unsubscribe', all Data Subjects who unsubscribe must be removed from the subscriber list and may not be contacted for the purposes of direct marketing again.

11.4 **Use of listing services or public directories**

11.4.1 The Company notes that a Data Subject who is a subscriber to a printed or electronic directory of subscribers available to the public or obtainable through directory enquiry services, in which his, her or its Personal Information is included, must be informed, free of charge and before the information is included in the directory:

11.4.1.1 about the purpose of the directory;

11.4.1.2 about any further uses to which the directory may possibly be put, based on search functions embedded in electronic versions of the directory.

11.4.2 A Data Subject must be given a reasonable opportunity to object, free of charge and in a manner free of unnecessary formality, to such use of his, her or its Personal Information or to request verification, confirmation or withdrawal of such information if the Data Subject has not initially refused such use.

11.4.3 The Company does not make their directories available to the public.

12. **TRAINING OF COMPANY STAFF**

12.1 The Company will provide regular training to all new employees and all existing employees as well as the Information Officer.

13. **INFORMATION REGULATOR**

13.1 The Company will report any breach of information to the Regulator as provided for in its PAIA Manual.

- 13.2 The Company takes note that any person may submit a complaint to the Regulator alleging interference with the protection of the Personal Information of a Data Subject or non-compliance with POPIA.
- 13.3 The Company further notes that if it is aggrieved by the finding of any adjudicator it can submit a complaint to the Regulator in the prescribed manner and form. These forms will form part of the Company's internal POPIA Compliance File under **FORM 5** (*Complaint Regarding Interference with the Protection of Personal Information/ Complaint Regarding the Determination of an Adjudicator in terms of Section 74 of the Protection of Personal Information Act*).

14. CONTACT INFORMATION

14.1 **Company contact information**

Company name	BMM Testlabs Proprietary Limited
Registration number	2003/028438/07
Information Officer	Zeena Rossouw
Contact number	+27 11 466 9419
Email address	Zeena.rossouw@bmm.com
Physical address	No. 10 Brands Hatch Close, Kyalami Business Park, Kyalami, 1685, South Africa
Postal address	Postnet Suite 188 Private Bag X11 Halfwayhouse Gauteng, SOUTH AFRICA 1685
Website	www.bmm.com

14.2 **Information Regulator contact information**

Email	infoereg@justice.gov
Address	Braampark Forum 3, 33 Hoofd Street, Braampark, Johannesburg
Address	Braampark Forum 3, 33 Hoofd Street, Braampark, Johannesburg
Fax	0865003351
Website	https://www.justice.gov.za/infoereg/

15. **EMPLOYEE DECLARATION**

15.1 An employee or temporary worker found to have violated this policy may be subject to disciplinary action up to and including termination of employment.

15.2 It is the employee's responsibility to contact management should he / she have any queries.

15.3 I, _____, (employee number/ ID number) hereby agree that I have read and understood the contents of this policy and agree to comply with the provisions of this policy.

15.4 I, agree for this signed declaration to be placed in my file for record purposes.

Employee signature as receipt hereof	
Date	
HR/Manager signature as witness hereof	
Date	

FORM 1: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

12 No. 42110

GOVERNMENT GAZETTE, 14 DECEMBER 2018

**FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....

Signature of data subject/designated person

FORM 2: REQUEST FOR CORRECTION OF PROCESSING OF PERSONAL INFORMATION

14 No. 42110

GOVERNMENT GAZETTE, 14 DECEMBER 2018

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....

Signature of data subject/ designated person

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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.....

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X.	
NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... of year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE