

CORTEX CREATIVE CENTRE (PTY) LTD (HEREAFTER REFERRED TO AS “THE COMPANY”)

POLICY AND CONSENT ON PROTECTION OF PERSONAL INFORMATION

1. OBJECTIVE

- 1.1 The objective of this policy is to ensure that the Company (the “Responsible Party”) complies with its obligations regarding the protection of Personal Information obtained from its Clients (the “Data Subject”).
- 1.2 The purpose, collection, processing, use, handle, transfer, retainment, archiving, storage and otherwise management of Personal Information is governed by the Protection of Personal Information Act 4 of 2013 as amended (hereinafter referred to as “**POPIA**”)
- 1.3 Policies and procedures must therefore be developed to deal with the protection of Personal Information in a manner that will secure the integrity and confidentiality of Personal Information of the Client in the Company’s possession or under the Company’s control in a lawful, legitimate and responsible manner and in accordance with the provisions set out in POPIA in order to ensure that the Personal Information received is safeguarded and the risk of the Company and the Client is minimised.

2. DEFINITIONS

Refer to Annexure C

3. IN ACCORDANCE WITH SECTION 18 OF POPIA, THE COMPANY PROVIDES THE FOLLOWING INFORMATION:

3.1 Company detail:

- 3.2.1 The Responsible Party, being Cortex Creative Centre (Pty) Ltd, is a limited company with registration number 2010/020005/07 and physical address 3A Eden Crossing, Cnr Dick Kemp St and Herman Rd, Meadowdale, Germiston
- 3.2.2 The Company collects and processes Personal Information as part of its business functions.
- 3.2.3 The Client’s express and informed permission is required to collect and to process Personal Information as set out in this policy. By requesting a product or service to be rendered by the Company, the Client agrees to the collection and processing of its Personal Information for contractual purposes, as well as for the purpose of the fulfilment of a service request.

3.2 Type of Personal Information collected:

- Identity or passport number
- Date of birth and age
- Phone numbers - including cell phone number
- Email address
- Online or instant messaging identifiers

- Physical address
- Company details, address, contact information, trade references and Director's Personal Information
- Financial information and tax records
- Credit records

3.3 Nature/category of Information:

3.3.1 The Company needs to collect and process Personal Information for contractual purposes.

3.4 Purpose for the Collection: (section 10, 11, 12 and 13)

3.4.1 The Company is required to collect Personal Information to enable itself to:

3.4.1.1 fulfil all legal obligations imposed in terms of any and all applicable legislation, including but not limited to:

- Electronic Communications Act, 2005
- Electronic Communications and Transactions Act, 2002
- National Credit Act, 2005
- Value-Added Tax Act, 1991
- Basic Conditions of Employment Act, 1997
- Debt Collectors Act, 1998
- Labour Relations Act, 1995
- Occupational Health and Safety Act, 1993
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Unemployment Insurance Act, 2001
- Unemployment Insurance Contributions Act, 2002
- Close Corporations Act , 1984
- Companies Act, 2008
- Consumer Protection Act, 2008

3.4.1.2 to fulfil a contractual obligation/relationship entered into between the Company and Client;

3.4.1.3 to perform its usual business operations; and

3.4.1.4 to promote and/or safeguard the legitimate interests of the Company and/or Client, including third parties.

3.4.2 Personal Information provided by the Client will only be used for the purposes as set out above.

3.5 Collection directly from data subject: (section 12)

3.5.1 The Personal Information is collected directly from the Client, unless in compliance with section 12(2) of the POPIA and processed accordingly.

3.6 Voluntary/Mandatory:

3.6.1 The Client is required to provide the Personal Information voluntarily and understands that same is mandatory for purposes of the conclusion and performance of the contract and to comply with lawful obligations.

3.7 Storage of Personal Information:

3.7.1 All Personal Information provided by the Client, this includes Personal Information in hard or soft copy, will be held and stored securely and for the purpose for which it was collected.

3.7.2 Audits of the secure storage facilities for the Personal Information will be conducted on a regular basis.

3.7.3 All Personal Information collected will be stored on password protected computers which can only be accessed by authorised employees of the Company.

3.7.4 A centralised database will be used for the electronic storing of all soft copies of Personal Information received from the Client.

3.7.5 Hard copies of Personal Information will be stored in a locked and access-controlled environment. The Company's archived Client Personal Information is stored on site which is also governed by POPIA.

3.7.6 All electronic files or data are backed up by the Company's IT department, which is also responsible for system security that protects third party access and physical threats.

3.8 Recipients of Personal Information: (section 19, 20 and 21)

3.8.1 The Personal Information will be processed, transferred and/or disclosed only by authorised persons of the Company and for the purpose the Personal Information was collected.

3.8.2 Should the Company use an Operator as defined in POPIA or any other person (on behalf of the Company or the Operator) to process Personal Information of the Client, the Company will obtain the Client's prior written consent and the Company will subject to a written agreement between the Company and the Operator or any other person ensure the Operator or any other person is made aware that processing of Personal Information will only be processed:

3.8.2.1 with the written consent of the Company; and

3.8.2.2 the Operator or any other person will inform the Company immediately where there are any reasonably grounds to believe the Personal Information has been accessed or acquired by any unauthorised person; and

3.8.2.3 obligating the Operator or any other person to comply with strict confidentiality, with all the information security conditions and provisions as contained in the policy and as contained in POPIA itself, unless required by law or in the course of proper performance of its duties.

3.9 Withholding consent to collect and to process Personal Information:

3.9.1 Consent for the collection and processing of Personal Information may be withheld by the Client at any stage.

3.9.2 The Company may not engage or enter into an agreement with a Client who withheld consent to provide Personal Information.

3.10 Transfer of Personal Information Outside of South Africa: (section 72)

- 3.10.1 The Company will not transfer Personal information of the Client to a third party who is in a foreign country.
- 3.10.2 If the Company needs to transfer Personal to a third party who is in a foreign country, for example, in the process of outsourcing a business function to an offshore company, the Company undertakes to transfer the Personal Information only to a country that has privacy laws similar to POPIA and in addition, where the party to whom the transfer is to be made, is bound contractually to no lesser terms and obligations than those imposed by POPIA.

3.11 Retention and restriction of record (Section 14)

- 3.11.1 The Company will only retain the Personal Information for the period necessary to achieve the purpose for which the Personal Information was collected and processed for unless:
 - 3.11.1.1 the retention of the record is required or authorised by law;
 - 3.11.1.2 the Company reasonably requires the record for lawful purposes related to its functions or activities;
 - 3.11.1.3 retention of the record is required in accordance with the contract between the Client and the Company;
 - 3.11.1.4 where the Client or competent person (where the Client is a child) has consented to the retention of record.
 - 3.11.1.5 the record is retained for historical, statistical and research purposes and the Company established appropriate safeguards against the record being used for any other purposes.
- 3.11.2 The Company will destroy or delete any record of Personal information or de-identify it as soon as reasonably practicable after the Company is no longer authorised to retain the record in a manner that prevents its reconstruction in an intelligible form.
- 3.11.3 The Company will restrict processing of Personal Information with immediate effect in the event:
 - 3.11.3.1 the Client contests the accuracy, for a period enabling the Company to verify the accuracy of the information;
 - 3.11.3.2 the Company no longer requires the Personal Information for achieving the purpose for which the Personal Information was collected or processed, but it has to be maintained for purpose of proof;
 - 3.11.3.3 processing is unlawful and the Client opposes its destruction or deletion and request restriction of its use instead;
 - 3.11.3.4 the Client requests to transmit the personal data into another automated processing system.
- 3.11.4 The Personal Information above may, except for storage, only be processed for purpose of proof, or with consent from the Client or competent person or for the protection of another natural or legal person or in the public interest.
- 3.11.5 The Company will inform the Client in writing before lifting any restriction on processing.
- 3.11.6 Should further processing be required, it will be dealt with in accordance with section 13, section 15 and section 18 of the POPIA.

3.12 Prior Authorisation (section 57 and 58)

- 3.12.1 The Company will obtain prior written consent from the Information Regulator prior to processing of:
 - 3.12.1.1 Any unique identifiers of the Client;
 - 3.12.1.2 On criminal behaviour, unlawful or objectionable conduct on behalf of third parties;
 - 3.12.1.3 Personal Information for purposes of credit reporting;

3.12.1.4 Transfer of special Personal Information or Personal Information of children to a third party in a foreign country that does provide an adequate level of protection for the processing of person information.

3.13 Access to Personal Information: (section 23)

3.13.1 The Client has the right to request the Company to provide the Client with:

3.13.1.1 Confirmation, free of charge, whether the Company holds any Personal Information of the Client; and

3.13.1.2 The record or description of the Personal Information held by the Company including Personal Information regarding the identity of all third parties who had access to the Personal information within a reasonable time, at a prescribed fee (if applicable), in a reasonable manner and format and in a form that is generally understandable. The Company will provide the Client with a written estimate of the fee before the services and payment will be required to be made before the services are rendered.

3.13.2 The Client is informed of its right to request correction of Personal Information in terms of section 24 of POPIA as set out in clause 3.14 below.

3.13.3 The Company must refuse disclosure of Personal Information in respect of Chapter 4 of Part 3 of the PAIA and section 61 of PAIA (Access to health or other records) (**see Annexure A**).

3.13.4 The Client may request access to Personal Information in accordance with section 53 (**see Annexure A**) of the PAIA, as set out in **Form C of the PAIA Regulations of 2002 as amended**, which Form C is available on request from the Information Officer of the Company and at the link below:

https://www.justice.gov.za/legislation/regulations/r2002/2002_187_access%20to%20info.pdf

3.13.5 The Client will be required to provide such request in written format to the Information Officer of the Company and provide adequate proof of identity.

3.14 Right to request correction, destruction or deletion: (section 24)

3.14.1 The Client may request the Company to:

3.14.1.1 correct or delete Personal Information in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or

3.14.1.2 destroy or delete a record of Personal Information that the Company is no longer authorised to retain in clause 3.11 (section 14).

3.14.2 The Company will on receipt of the Client's notice, in the prescribed form, correct, destroy, delete or provided the Client to its satisfaction with credible evidence in support of the Personal Information. The Client may request for a notification to be attached to the Personal Information that the correction was requested but not made, in the event the Client and the Company cannot reach an agreement.

3.14.3 The Company will inform all parties to whom the Personal Information was disclosed to of the steps taken that resulted in a change in Personal Information and has an impact on decisions that have been or will be taken in respect of the Client.

3.14.4 The Client will be required to complete **Form 2 of Regulation 2 of the POPIA** and submit to the Company, which Form 2 is available on request from the Information Officer of the Company and at the link below:

<https://www.justice.gov.za/inforeg/docs/20181214-gg42110-rg10897-gon1383-POPIregister.pdf>

The Company will inform the Client of actions taken as a result of the request.

- 3.14.5 In addition to the above, the Client has the right to submit a complaint directly to the Information Regulator in terms of Section 74 of POPIA, alleging interference with the protection of its Personal Information. **Regulation 7: Submission of complaint to Regulator by any person– section 74(1) of the Act – Part I Form 5 & Submission of complaint to Regulator by responsible party or data subject – section 74(2) of the Act – Part II Form 5** is available on request from the Information Officer of the Company and at the link below:

<https://www.justice.gov.za/inforeg/docs/20181214-gg42110-rg10897-gon1383-POPIregister.pdf>

3.15 Procedure when Personal Information has been accessed or acquired by an unauthorised person (section 22)

- 3.15.1 The Company will notify the Information Regulator and the Client as soon as reasonably possible after the discovery that any unauthorised access was made. The Company will take into account the necessary 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. The notification to the Client will be in accordance with section 22(4) and (5) of the POPIA (see Annexure B).

- 3.15.2 The Company may only delay the notification in the event a public body is responsible for the prevention, detection or investigation of offences or the Information Regulator determines that notification will impede a criminal investigation by the public body.

Company Form of notification to Regulator:

Section 74 of POPIA, alleging interference with the protection of its Personal Information. **Regulation 7: Submission of complaint to Regulator by any person– section 74(1) of the Act – Part I Form 5 & Submission of complaint to Regulator by responsible party or data subject – section 74(2) of the Act – Part II Form 5** is available on request from the Information Officer of the Company and at the link below:

<https://www.justice.gov.za/inforeg/docs/20181214-gg42110-rg10897-gon1383-POPIregister.pdf>

3.16 Right to withdraw consent given by the Client to process Personal Information:

- 3.16.1 Section 11(2) of POPIA gives the Client the right to withdraw consent for processing Personal Information, provided that the lawfulness of the processing of the Personal Information before such withdrawal or the processing of Personal Information – if the processing is necessary to carry out actions for the conclusion or performance of a contract to which you are a party - will not be affected.

3.17 Right to object: (section 11(3))

- 3.17.1 In terms of Section 11(3) of POPIA and in the prescribed manner, the Client have the right to object at any time to the Company processing the Client's Personal Information:

- 3.17.1.1 on reasonable grounds and relating to the Client's particular situation relating to protection of a legitimate interest of the Client, proper performance of a public law duty by a public body or pursuing the legitimate interest of the Company or a third party to whom the Personal Information is supplied, unless legislation provides for such processing. The Client will be required to complete **Form 1 of**

Regulation 2 of the POPIA and submit to the Company, which Form is available on request from the Information Officer of the Company and at the link below:

<https://www.justice.gov.za/inforeg/docs/20181214-gg42110-rg10897-gon1383-POPIregister.pdf>

3.17.1.2 for the purpose of direct marketing (excluding direct marketing by means of unsolicited electronic communications – section 69) (the prescribed form is to be confirmed).

3.18 Direct Marketing, Advertising and Promotional activities (section 69, 70 and 71)

3.18.1 The Company undertakes not to process your Personal Information for the purpose of direct marketing (by electronic communication including automatic calling machines, facsimile machines, SMS's or email) to the Client unless the Company obtained the Client's consent to process, which was not previously withheld. The consent will be obtained by the Company by submitting a written consent to the Client in accordance with **Regulations 6 Form 4 of the POPIA**, which Form is available on request from the Information Officer of the Company and at the link below:

<https://www.justice.gov.za/inforeg/docs/20181214-gg42110-rg10897-gon1383-POPIregister.pdf>

3.18.2 Notwithstanding the above, the Company undertakes to only process the Personal Information if it obtained the contact details of the Client in the context of the sale of a product or service, for the purpose of direct marketing for the Company's own similar products or services; and provided the Client the reasonable opportunity to object (free of charge and free of unnecessary formality) to use the Client's electronic details at the time when the Personal Information was collected; and on occasion of each communication with the Client for the purpose of marketing, in the event the Client did not previously refuse such use.

3.18.3 The Company undertakes that all communications sent to the Client will include the identity and contact details of the Company and the opportunity to "opt out".

3.18.4 The Information Officer (section 55 & Regulation 4) and Information Regulator

The Information Officer:

3.18.4.1 The Company's Information Officer is Anucka Dos Ramos whose details are available below and will take effect once registered with the Information Regulator.

3.18.4.2 The Information Officer have developed, implemented, maintained and have and will monitor conditions of the lawful processing of Personal Information and other provisions of POPIA in accordance with the Company's Personal Information Impact Assessment to ensure adequate measures and standards are in place.

3.18.4.3 The Company's Manual in accordance with section 51 of the PAIA is available on request from the Information Officer or available on our Company website: www.cortex11.co.z and at the offices of the Company for public inspection normal business hours. The Company can upon request, provide copies of the Manual at a cost of R 1.10 per page.

3.18.4.4 This policy has been put in place throughout the Company and each employee has been provided with the required training on this policy as well as POPIA to ensure internal measures are developed together with adequate systems to process requests for Personal Information or access.

3.18.4.5 The Information Officer will deal with all requests made to the Company in accordance with the POPIA and work with the Information Regulator in respect of investigations conducted in accordance

with Chapter 6 in relation to the Company and ensure compliance by the Company with the provisions of the POPIA and as may be prescribed.

3.18.4.6 All Deputy Information Officers, if required, will be appointed in accordance with section 56 of the PAIA in the prescribed manner of section 17 of the PAIA.

3.18.4.7 Details of The Company's Information Officer to be contacted for any request in accordance with this policy:

Name:

Telephone number:

E-mail address:

3.19.1.8 Details of the Information Regulator:

Chief Executive Officer: Mr. Marks Thibela

Telephone Number: +27 (0) 10 023 5207

+27 (0) 82 746 4173

E-Mail Address: Inforeg@Justice.Gov.Za

Address: 33 Hoofd Street, Forum III, 3rd Floor Braampark

P.O Box 31533

Braamfontein, Johannesburg, 2017

4. INFORMATION ACCURACY AND ONUS

POPIA requires that Personal Information provided by the Client are supplied complete, current and accurately. It remains the Client's responsibility to notify the Company of any change in Personal Information even though the Company will aim to ensure the Client's Personal Information is reliable.

5. DECLARATION AND INFORMED CONSENT

5.1 The authorised representative of the Client / the Client:

5.1.1 consent to providing the Personal Information required, to the Company, on the understanding that the Company is responsible to abide by the principles set out in POPIA, and in this policy.

5.1.2 declare that all Personal Information being supplied to the Company is accurate, up to date, not misleading, and that it is complete in all material respects.

5.1.3 undertake to advise the Company immediately of any changes to my Personal Information, should any of the details change.

5.1.4 by providing the Company with Personal Information, the Client and give the Company permission to process and further process the Personal Information, as and when required in accordance with this policy, that the Client supply to the Company, understanding the purposes for which the Personal Information is required and for which it will be use.