



**Mercuri International South Africa
Compliance with
Protection of Personal Information Act, No.
4 of 2013**

As per the Government Gazette, Republic of South Africa

**And
Privacy Policy**

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ACT

To promote the protection of personal information processed by public and private bodies; to introduce certain conditions so as to establish minimum requirements for the processing of personal information; to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of this Act and the Promotion of Access to Information Act, 2000; to provide for the issuing of codes of conduct; to provide for the rights of persons regarding unsolicited electronic communications and automated decision making; to regulate the flow of personal information across the borders of the Republic; and to provide for matters connected therewith.

PREAMBLE

RECOGNISING THAT –

- Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy;
- The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information;
- The State must respect, protect, promote and fulfil the rights in the Bill of Rights;

AND BEARING IN MIND THAT –

- consonant with the constitutional values of democracy and openness, the need for economic and social progress, within the framework of the information society, requires the removal of unnecessary impediments to the free flow of information, including personal information;

AND IN ORDER TO –

- regulate, in harmony with international standards, the processing of personal information by public and private bodies in a manner that gives effect to the right to privacy subject to justifiable limitations that are aimed at protecting other rights and important interests.

1. Accountability

Mercuri International South Africa (hereafter referred to as MISA) has the responsibility of ensuring that the conditions for the POPI Act are in place before processing data. The responsible party must ensure compliance both when deciding to process data and during the processing of data.

2. Processing Limitation

MISA data processors must:-

- Process data in a way that does not risk the data subject's privacy
- Process only relevant data with a given purpose
- Obtain consent from the data subject before processing (and keep proof of consent)
- Protect the legitimate interest of the data subject
- Allow data subjects to object to processing and/or withdraw consent at any time
- Stop processing data after an objection or withdrawal of consent.

Personal information must be collected directly from the data subject except for in specific circumstances.

Data may only be collected from a third-party source if the data is public record or is deliberately made public or if you have the consent to do so or if doing so does not violate the legitimate interest of the data subject.

3. Purpose Specification

Collection of information may only be for a specific, explicitly defined and lawful purpose related to MISA's normal business activities.

Once the records are no longer required for the processing purpose, MISA shall destroy or de-identify the record as soon as is practical. The process must render the data irretrievable.

4. Further Processing Limitation

MISA must consider the relationship between further processing and the original purpose, the nature of the information, potential consequences of further processing, how the data was collected and any contractual rights.

The data may be further processed if:

- The data subject consented
- The information came from the public record
- The law requires further processing
- The processing is related to national security

5. Information Quality

MISA must take steps to ensure that the data which is collected and processed is accurate and complete.

6. Openness

MISA, based on its responsibility under the Promotion of Access to Information Act, must maintain strict documentation of all the processing activities which is undertaken.

The company undertakes to let data subjects know when information is being collected.

The subject should know, prior to the collection of the data from the subject:

- When you collect the information

- The source of the information
- The company's name and address
- The purpose of the data collection
- Whether the collection is voluntary or mandatory
- What happens if the data subject doesn't provide their data
- Laws that allow data collection
- If and when the company intends to send the data to a third country

7. Security Safeguards

MISA Africa employs appropriate, reasonable technical and organisational measures designed to prevent both unlawful access and the loss or damage of the personal information.

Risk assessment has been completed, to ensure the maintenance of safeguards, the verification of the effectiveness of the safeguards and ensuring the provision of new updates to prevent deficiencies or risks.

Any person from the company processing personal information must first gain the knowledge of authorization of MISA and consider the information to be confidential. Any other (third) parties who process information on behalf of MISA must sign a written contract and notify the responsible person at the company that there is a breach.

If the company believes that its security has been compromised, it shall notify the Regulator and the data subject as soon as reasonably possible.

Data subjects must be notified in writing by email, letter, a news article, or by publishing an alert on a prominent part of the website. The Regulator may also direct the notification efforts as they see fit.

The notification must include enough information for the data subject so that they know what measures to take to protect themselves against further breaches.

Finally, the Regulator may require the responsible party to publicize the breach if the Regulator believes doing so is reasonable.

8. Data Subject Participation

Data subjects may have access to their personal information, including learning what information the responsible party has in the form of a description of the record.

The data subject has the right to request corrections to their records when the data is out of date, incomplete, inaccurate, excessive, or obtained unlawfully. Upon receiving the request, the responsible party must complete the request within a reasonable timeframe. Responsible parties have the option to decline when it falls within their request as stated in item 4, Further Processing Limitations.

MISA is prohibited from processing special personal information (including religious beliefs, health information, biometric information, etc) or criminal behaviour.

Mercuri International South Africa will, from time to time, require delegate information including for, but not limited to, the following necessary processes:-

- Learner registration forms as specified by Services SETA
- Invitations for delegate training programs
- Virtual training/interaction with members from the company as well as delegates from the company

MISA ensures the integrity and safekeeping of personal information in our possession or under our control, and to exercise preventative measures to avoid the information being lost, damaged, or unlawfully accessed.

Physical, hard copy documents are scanned and stored in electronic format within 10 days of receipt.

Whilst hard copy documents are in our possession, they are stored in a lockup facility until they have been converted into an electronic format.

Once the documents have been scanned, they are shredded and disposed of.

Electronic documents are stored on encrypted software with antivirus protection, offsite.