

PROTECTION OF PERSONAL INFORMATION

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1. POLICY STATEMENT

- 1.1 Everyone has rights with regard to how their personal information is handled. During the course of its activities Vitaessential (Pty) Ltd (“Vitaessential”) will collect, store and process personal information about Vitaessential’s customers, suppliers and other third parties. Vitaessential recognises the need to treat it in an appropriate and lawful manner.

2. RELEVANT DEFINITIONS

2.1 The following terms bear the meaning given to them here in this policy:

2.1.1 **"Data subjects"** for the purpose of this policy include all living individuals and juristic persons about whom Vitaessential holds personal information. All data subjects have legal rights in relation to their personal information.

2.1.1.1 **"IO"** means the information officer appointed as such by Vitaessential in terms of section 56 of POPI and who will have the ultimate responsibility to ensure that Vitaessential complies with the provisions of POPI;

2.1.1.2 **"Personal information"** means information relating to an identifiable, living, natural person, and (where applicable) an identifiable, existing juristic person, including the name, race, gender, marital status, address and identifying number of a person, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.

2.1.1.3 **"POPI"** means the Protection of Personal Information Act 4 of 2013.

2.1.1.4 **"Processing"** is any activity that involves use of personal information. It includes any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

2.1.1.5 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

2.1.1.6 dissemination by means of transmission, distribution or making available in any other form; or

2.1.1.7 merging, linking, as well as restriction, degradation, erasure or destruction of information.

2.1.2 **"Processing conditions"** are the 8 (eight) conditions for the lawful processing of personal information set out in chapter 3 of POPI.

2.1.3 **"Regulator"** means the Information Regulator established in terms of section 39 of POPI.

- 2.1.4 **"Responsible parties"** are the people who or organisations which determine the purposes for which, and the manner in which, any personal information is processed. They have a responsibility to establish practices and policies in line with POPI. Vitaessential is the responsible party of all personal information used in its business.
- 2.1.5 **"Special personal information"** includes personal information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

3. ABOUT THIS POLICY

- 3.1 The types of information that Vitaessential may be required to handle include details of current, past and prospective customers, suppliers and others that Vitaessential communicates with. The information, which may be held on paper or on a computer or other media, is subject to certain legal safeguards specified in POPI and other regulations. POPI imposes restrictions on how Vitaessential may use that information.
- 3.2 This policy sets out Vitaessential's rules on personal information protection and the legal conditions that must be satisfied in relation to the obtaining, handling, processing, storage, and destruction of personal information.
- 3.3 The IO is responsible for ensuring compliance with POPI and with this policy. Any questions or concerns about the operation of this policy should be referred in the first instance to the IO.

4. PURPOSE OF THE POLICY

- 4.1 The purpose of the policy is to establish management direction and high-level objectives for regulating the manner in which personal information is processed and to provide for remedies in cases where personal information is not handled accordingly. Further purposes of the policy include:
- 4.1.1 compliance with the requirements of POPI;
 - 4.1.2 the identification and codification of documents and ensuring adequate protection and maintenance of accuracy of documents where required;
 - 4.1.3 providing a set framework and unified policy regarding the methods and procedures for the retention and destruction of documents;
 - 4.1.4 ensuring records that are no longer required or documents that are of no value are destroyed properly and in accordance with the provision herein; and

- 4.1.5 providing assistance to employees in understanding the requirements relating to the protection of personal information and the retention and destruction of documents.

5. PROCESSING CONDITIONS

- 5.1 Anyone processing personal information must comply with the following eight processing conditions:

- 5.1.1 Condition 1: Accountability;
- 5.1.2 Condition 2: Processing Limitation;
- 5.1.3 Condition 3: Purpose Specification;
- 5.1.4 Condition 4: Further Processing Limitation;
- 5.1.5 Condition 5: Information Quality;
- 5.1.6 Condition 6: Openness;
- 5.1.7 Condition 7: Security Safeguards; and
- 5.1.8 Condition 8: Data Subject Participation.

Condition 1: Accountability

- 5.2 Vitaessential must ensure that the processing conditions are complied with.
- 5.3 Vitaessential has appointed an IO to encourage and support Vitaessential's overall compliance with POPI.
- 5.4 Training or awareness sessions for employees on information security will be conducted on a regular basis.

Condition 2: Lawfulness of processing

- 5.5 Personal information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.
- 5.6 This condition applies to electronic personal information and paper-based records stored in a non-automated filing system.
- 5.7 It is advisable to obtain voluntary, informed and specific consent from data subjects, where possible, before collecting their personal information.

- 5.8 A data subject may withdraw consent at any time and such withdrawal of consent should be noted. A data subject may also object at any time on reasonable grounds, to the processing of its personal information, save if other legislation provides for such processing. Vitaessential may then no longer process the personal information.

Condition 3: Purpose specification

- 5.9 Personal information may only be processed for specific, explicitly defined and legitimate reasons relating to the functions or activities of Vitaessential, of which the individual is made aware.
- 5.10 Personal information will only be collected to the extent that it is required for the specific purpose notified to the data subject. Any personal information which is not necessary for that purpose will not be collected in the first place.
- 5.11 Once collected, personal information will only be processed for the specific purposes notified to the data subject when the personal information was first collected or for any other purposes specifically permitted by POPI. This means that personal information will not be collected for one purpose and then used for another. If it becomes necessary to change the purpose for which the personal information is processed, the data subject will be informed of the new purpose before any processing occurs.
- 5.12 Records of personal information may only be kept for as long as necessary for achieving the purpose for which the information was collected or subsequently processed, unless:
- 5.12.1 retention of the record is required or authorised by law;
 - 5.12.2 the responsible party reasonably requires the record for lawful purposes related to its functions or activities;
 - 5.12.3 retention of the record is required by a contract between the parties thereto; or
 - 5.12.4 the data subject or a competent person where the data subject is a child has consented to the retention of the record.

Personal information will therefore not be kept longer than is necessary for the purpose for which it was collected. This means that personal information must be destroyed or deleted in a manner that prevents its reconstruction in an intelligible form or be de-identified as soon as reasonably practicable after Vitaessential is no longer authorised to retain the record.

Condition 4: Further processing limitation

- 5.13 Further processing of personal information must be compatible with purpose of collection, unless the data subject has consented to such further processing.

5.14 Where personal information is transferred to a third party for further processing, the further processing must be compatible with the purpose for which it was initially collected.

5.15 If personal information is to be used for any other purpose the further consent of the data subject must be obtained. Where this is not possible, the IO should be consulted.

Condition 5: Information quality

5.16 Vitaessential must take reasonably practicable steps to ensure that personal information is complete, accurate, not misleading and updated where necessary in light of the purpose for which such information is collected.

5.17 Information which is incorrect or misleading is not accurate and steps will therefore be taken to check the accuracy of any personal information at the point of collection and at regular intervals afterwards. Inaccurate or out-of-date information will be destroyed.

Condition 6: Openness

5.18 Vitaessential must take reasonably practicable steps to ensure that the data subject is aware of :

5.18.1 the information being collected and where the information is not collected from the data subject, the source from which it is collected;

5.18.2 the name and address of Vitaessential;

5.18.3 the purpose for which the information is being collected;

5.18.4 whether or not the supply of the information by that data subject is voluntary or mandatory;

5.18.5 the consequences of failure to provide the information;

5.18.6 any particular law authorising or requiring the collection of the information;

5.18.7 where applicable, the fact that the responsible party intends to transfer the information to a country or international organisation and the level of protection afforded to the information by that country or international organisation;

5.18.8 any further information such as the recipient or category of recipients of the information, the nature or category of the information and the existence of the right of access to and the right to rectify the information collected;

5.18.9 the existence of the right to object to the processing of personal information; and

5.18.10 the right to lodge a complaint to the Regulator and the contact details of the Regulator.

which is necessary, having regard to the specific circumstances in which the information is or is not to be processed, to enable processing in respect of the data subject to be reasonable.

Condition 7: Security safeguards

- 5.19 Vitaessential will keep all personal information secure against the risk of loss, unauthorised access, interference, modification, destruction or disclosure and conduct regular risk assessments to identify and manage all reasonably foreseeable internal and external risks to personal information under its control.
- 5.20 Vitaessential takes reasonable technical and organizational measures to secure the integrity of your Personal Information and using accepted technological standards to prevent unauthorized access to or disclosure of your Personal Information, and protect your Personal Information from misuse, loss, alteration and destruction.
- 5.21 Vitaessential reviews our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.
- 5.22 We also create a back-up of your information for operational, business continuity and safety purposes and we have a back-up disaster recovery program.
- 5.23 Despite the above measures being taken when processing Personal Information and Special Personal Information, as far as the law allows, we will not be liable for any loss, claim and/or damage arising from any unauthorized access, disclosure, misuse, loss, alteration or destruction of your Personal Information and/or Special Personal Information

Condition 8: Data subject participation

Request for Information

- 5.24 Vitaessential recognises that a data subject has the right to request Vitaessential to confirm, free of charge, whether or not it holds personal information about the data subject and request Vitaessential to provide a record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information at a prescribed fee.

Request to Correct or Delete

- 5.25 The data subject may request Vitaessential's IO to:
- 5.25.1 correct or delete personal information relating to the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, misleading or obtained unlawfully; or

5.25.2 destroy or delete a record of personal information about the data subject that the responsible party is no longer authorised to retain.

5.26 Vitaessential will provide credible proof to the individual of the action that has been taken in response to the request if so requested.

6. FAIR AND LAWFUL PROCESSING

6.1 POPI is intended not to prevent the processing of personal information, but to ensure that it is done fairly and without adversely affecting the rights of the data subject.

6.2 For personal information to be processed lawfully, certain requirements have to be met. These may include, among other things, requirements that the data subject has consented to the processing, or that the processing is necessary for the legitimate interest of the responsible party or the party to whom the personal information is disclosed. In most cases when special personal information is being processed, the data subject's explicit consent to the processing of such information will be required.

7. PROCESSING IN LINE WITH DATA SUBJECTS' RIGHTS

7.1 Personal information will be processed in line with data subjects' rights. Data subjects have a right to:

7.1.1 request access to any personal information held about them by a responsible party;

7.1.2 prevent the processing of their personal information for direct-marketing purposes;

7.1.3 ask to have inaccurate personal information amended; and

7.1.4 object to any decision that significantly affects them being taken solely by a computer or other automated process.

8. MONITORING AND REVIEW OF THE POLICY

This policy is reviewed regularly by the IO to ensure it is achieving its stated objectives.