

# **POPIA Privacy Policy Statement**

of

## **Deimen Web Development CC**

### **ACCOUNTABILITY**

It is hereby confirmed that all the conditions set out in Sections 8 to 25 of the POPI Act, 4 of 2013 and all the measures that give effect to such conditions, are complied with at the time of the determination of the purpose and means of the processing and during the processing of all personal information.

More particularly, the following procedures apply:

### **PROCESSING LIMITATION**

#### **Lawfulness of processing**

All personal information is processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject.

#### **Minimality**

Personal information is only processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

#### **Consent, justification and objection**

Personal information is only processed if-

- the data subject, or a competent person where the data subject is a child, consents to the processing;
- processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
- processing complies with an obligation imposed by law on us;
- processing protects a legitimate interest of the data subject;
- processing is necessary for pursuing our legitimate interests or of a third party to whom the information is supplied.

#### **Collection directly from data subject**

Personal information will be collected directly from each data subject, unless:

- the information is contained in or derived from a public record or has deliberately been made public by the data subject;

- 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;
- collection of the information from another source would not prejudice a legitimate interest of the data subject;
- collection of the information from another source is necessary-
  - 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);
  - for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;
  - in the interests of national security; or
  - to maintain any legitimate interests or the legitimate interests of a third party to whom the information is supplied;
- compliance would prejudice a lawful purpose of the collection; or
- compliance is not reasonably practicable in the circumstances of the particular case.

## **PURPOSE SPECIFICATION**

### **Collection for specific purpose**

Personal information will only be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party.

### **Retention and restriction of records**

Records of personal information will not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless retention of the record is required or authorised by law, or we reasonably require the record for lawful purposes related to our functions or activities or retention of the record is required by a contract between the parties thereto or the data subject or a competent person where the data subject is a child has consented to the retention of the record.

All personal information records will be destroyed or deleted or de-identified as soon as reasonably practicable after authorisation to retain the record has ended.

The aforesaid destruction or deletion of a record of personal information will be done in a manner that prevents its reconstruction in an intelligible form.

The processing of personal information will be restricted if-

- its accuracy is contested by the data subject, for a period necessary to verify the accuracy of the information;

- the personal information is no longer required for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof;
- the processing is unlawful and the data subject opposes its destruction or deletion and requests the restriction of its use instead; or
- the data subject requests to transmit the personal data into another automated processing system.

Personal information referred to above will, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or with the consent of a competent person in respect of a child, or for the protection of the rights of another natural or legal person or if such processing is in the public interest.

### **FURTHER PROCESSING LIMITATION**

#### **Further processing to be compatible with purpose of collection**

Further processing of personal information will be done in accordance or compatible with the specific purpose for which it was collected.

In order to assess whether further processing is compatible with the purpose of collection, account will be taken of the following:

- the relationship between the purpose of the intended further processing and the purpose for which the information has been collected;
- the nature of the information concerned;
- the consequences of the intended further processing for the data subject;
- the manner in which the information has been collected; and
- any contractual rights and obligations between the parties.

### **INFORMATION QUALITY**

Reasonably practicable steps will be taken to ensure that the personal information is complete, accurate, not misleading and updated where necessary and regard is had to the purpose for which personal information is collected or further processed.

### **OPENNESS**

#### **Documentation**

Documentation of all processing operations referred to in section 51 of the Promotion of Access to Information Act, 2 of 2000 is maintained and updated.

#### **Notification to data subject when collecting personal information**

When personal information is collected, all reasonably practicable steps are taken to ensure that the data subject is aware of-

- the information being collected and where the information is not collected from the data subject, the source from which it is collected;
- our name and address;
- the purpose for which the information is being collected;
- whether or not the supply of the information by that data subject is voluntary or mandatory;
- the consequences of failure to provide the information;
- any particular law authorising or requiring the collection of the information;
- the fact that, where applicable, the intention exists to transfer the information to a third country or international organisation and the level of protection afforded to the information by that third country or international organisation;
- any further information such as the-
  - recipient or category of recipients of the information;
  - nature or category of the information;
  - existence of the right of access to and the right to rectify the information collected;
  - existence of the right to object to the processing of personal information; and
  - right to lodge a complaint with the Information Regulator and the contact details of the Information 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.

The steps referred to referred to above, will be taken-

- if the personal information is collected directly from the data subject, before the information is collected, unless the data subject is already aware of the information referred to in that subsection; or
- in any other case, before the information is collected or as soon as reasonably practicable after it has been collected.

## **SECURITY SAFEGUARDS**

### **Security measures on integrity and confidentiality of personal information**

All of personal information in our possession or under our control including the integrity and confidentiality thereof is secured, by appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information; and unlawful access to or processing of personal information.

Reasonable measures are taken to-

- identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
- establish and maintain appropriate safeguards against the risks identified;
- regularly verify that the safeguards are effectively implemented; and
- ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

### **Information processed by operator or person acting under authority**

An operator or anyone processing personal information on our behalf is required to process such information only with our knowledge or authorisation and will be required to treat personal information which comes to their knowledge as confidential and may not disclose it, unless required by law or in the course of the proper performance of their duties.

### **Security measures regarding information processed by operator**

in the event of an operator being involved in any data processing, a written contract will be concluded with the operator that ensures that the operator processes personal information in terms of that written contract and establishes and maintains the required security measures.

in terms of the written contract, the operator must notify the other parties to the written contract 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.

### **Notification of security compromises**

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, the Regulator and the data subject will be notified as soon as practically possible.

The notification to a data subject must be in writing and will be communicated to the data subject in at least one of the following ways:

- mailed to the data subject's last known physical or postal address;
- sent by e-mail to the data subject's last known e-mail address;
- placed in a prominent position on the website of the responsible party;

- published in the news media; or
- as may be directed by the Regulator.

## **DATA SUBJECT PARTICIPATION**

### **Access to personal information**

A data subject, having provided adequate proof of identity, has the right to request confirmation, free of charge, of whether or not personal information about the data subject is held.

A data subject, having provided adequate proof of identity, has the right to request the record or a description of the personal information about the data subject held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information-

- within a reasonable time;
- at a prescribed fee, if any;
- in a reasonable manner and format; and
- in a form that is generally understandable.

It must be noted that the right to refuse to disclose any information requested by any party if the grounds for refusal of access to records set out in the applicable sections of Chapter 4 of Part 3 of the Promotion of Access to Information Act apply.

### **Correction of personal information**

A data subject may, in the prescribed manner, request the correction or deletion of personal information about the data subject that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully or may request the destruction or deletion of any record of personal information about the data subject for which authorisation to retain such personal information no longer exists.

On receipt of a request referred to above and as soon as reasonably practicable-

- the information will be corrected; or
- the information will be destroyed or deleted; and
- the data subject will be provided with credible evidence in support of the information.

Where agreement cannot be reached, and if the data subject so requests, such steps as are reasonable in the circumstances will be taken 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.

If steps have been taken to correct any personal information and the changed information has an impact on decisions that have been or will be taken in respect of the data subject in question, then, if reasonably practicable, each person or body or responsible party to whom the personal information has been disclosed will be informed of those steps.

The data subject, who has made a request to correct or delete personal information will be informed of the action taken as a result of the request.

**Manner of access**

The provisions of section 53 of the Promotion of Access to Information Act applies to requests made any access to personal information. These provisions are all available in the S 51 PAIA Manual.

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