



PROTECTION OF PERSONAL INFORMATION ACT POLICY and PROCEDURE MANUAL

Persaf Holdings (Pty) Ltd

Persaf Holdings (Pty) Ltd is a holding company and operates in the HR, Staffing, Training and Development, Property Development as well as IT Industries and provides shared services across the Group of Companies.

Definition:

Persaf Holdings (Pty) Ltd means Persaf Holdings (Pty) Ltd and a) any subsidiary or a holding company or a subsidiary of the holding company duly registered and incorporated with limited liability according to the company laws of South Africa. The terms “subsidiary” and “holding company” shall have the meaning assigned thereto in Chapter 1 of the Companies Act, 2008, and (b) any entity that controls, is controlled by or is under common control with any of the companies within the group including the following but not limited to:

Afrizan People Intelligence (Pty) Ltd
Afrizan Academy (Pty) Ltd
Afrizan Cadet Academy (Pty) Ltd
The Afrizan Honey Employee Share Scheme
Virtually Tutored (Pty) Ltd
Ryzan Technologies (Pty) Ltd

Street address: Freestone Office Park, 135 Patricia Road, Sandown,
Johannesburg
Postal address: P O Box 652136, Benmore, Johannesburg, 2010
Phone No: 011 884 8010

Email address of Information Officer: Rosemary Smith

Date Compiled: 1st June 2021

Introduction:

We are committed to compliance with The Protection of Personal Information (POPI) Act and will always:

1. Sufficiently inform Data Subjects (candidates/applicants/work-seekers hereafter referred to as “Candidate/s”), the specific purpose for which we will collect and process their personal information;
2. Protect Personal Information from threats, whether internal or external, deliberate

or accidental, to ensure business continuation, minimise business damage and maximise business opportunities.

This Policy establishes measures, processes and standards for the protection and lawful processing of personal information.

The **Information Officer**, Rosemary Smith, is responsible for:

- Monitoring this policy;
- Ensuring that this policy is supported by appropriate processes and procedures;
- Ensuring that this policy and subsequent updates are communicated to relevant managers, representatives, staff and associates, where applicable.

All employees are responsible for adhering to this policy and for reporting any security breaches or incidents to the Information Officer.

Service Providers that provide IT and/or Off-site Data Storage services, to our organisation must satisfy us that they provide adequate protection of data held by them on our behalf.

Policy Principles

Accountability for Data to be collected

- We shall take reasonable steps to safeguard all Data and Personal Information collected from Applicants, Candidates, Clients, Students, Tutors, Parents and Suppliers for the purpose of Fixed Term, Permanent or Temporary recruitment.

Processing Limitation/Purpose for Data Collection

- We will collect personal information directly from candidates.
- Personal Information from Social Networks and Job-seeker portals will be collected with express consent of the Candidate/s.
- Once in our possession we will only process or further process candidate information with their consent, except where we are required to do so by law. In the latter case we will always inform the candidate.

Specific Purpose

- Personal information collected from candidates will be used to secure Fixed Term, Permanent or Temporary employment on behalf of Candidates.

Limitation on Further Processing

- Personal information may not be further processed in a way that is incompatible with the initial purpose for which it was collected and will only be done with the express consent of the Candidate

Information Quality

- We shall ensure that candidate information is complete, up to date and accurate before we use it. We will request candidates, at least once annually, to update their information and confirm that we may continue to store/retain same. If we are unable to contact a candidate their information will be deleted from our records.

Transparency/Openness

- Where personal information is collected from a source other than directly from a candidate (EG social media, job portals) we will make candidates aware:
 - That their information is being collected and the specific reason;
 - Who is collecting their information by giving them our details;

Data Security

- We will implement sufficient measures to guard against the risk of unlawful access, loss, damage or destruction of personal information that is held;
 - Physically;
 - in our electronic data base;
 - by a Data Storage Service Provide;
 - in any electronic devices (that will be Password protected).
- Data encryption of storage devices will be installed.
- We are committed to ensuring that information is only used for legitimate purposes with candidate consent and only by authorised employees of our agency.

Participation of Individuals/Complaints

- Candidates are entitled access to, and to correct any information held by us.
- Complaints should be submitted in writing to the Information Officer for Resolution.
- Requests to Access, Correct or Delete information must be made on the attached Annexures 1 and 2 and submitted to the Information Officer.

Operational Considerations

Monitoring

The Board/Management and Information Officer are responsible for ensuring adherence to Standard Operating Procedures.

All employees and individuals directly associated with recruiting activities will be trained in the regulatory requirements governing the protection of Personal Information.

We will conduct periodic reviews and audits, where appropriate, to ensure compliance with this policy and guidelines.

Policy Compliance

Any breach of this policy could result in disciplinary action and termination of employment.

Manual: Compliance Framework for Processing Personal Information

STEP 1: Receive or Collect Personal Information

- 1.1 **Client** information falls under the definition of Personal Information and should not be used without their consent.

Use Template 1 to confirm that you will use their information in the execution of assignments.

- 1.2 **Candidate** information can be received or collected through the following means/channels:

- Unsolicited CV by e-mail or other means;
- Responses to job advertisements;
- Online registrations, applications on Website;
- Referrals;
- Social Networking Sites;
- Job Portals.

Obtain the Candidates Consent to process their information (i.e. retain in your database) by ensuring completion of Template 2, 3 & 5.

STEP 2: Candidate Assessment

Regardless of the way you receive or collect candidate information, you must make an assessment regarding suitability of the candidate for:

- i) your client requirements,
- ii) candidate marketing or
- iii) database retention for future matching.

STEP 3: Decision regarding Candidate suitability; Further Processing

Decide whether the Candidate:

- a. **Matches** the client's requirements;

If so, capture the candidate into your database.

Submit to your Client after ensuring that you have their signed consent for Further Processing, as per Template 6 or Template 6b.

Use Templates 7 or 7b when submitting to your Client to remind them of their POPI Act obligations.

- b. **If the Candidate does not match** clients requirements, but you wish to retain in your database for future matching, capture their information into your database, ensuring that you have their consent. Templates 2, 3, 5.

- c. **If a match is found** obtain the Candidate's consent for further processing as per Templates 6, 6b.

- d. **If the Candidate does not match** clients requirements and you do not wish to retain in your database, send a Regret as per Template 4, delete all information from the database and destroy physical copies.

STEP 4: Ancillary Processing

Please ensure that you have signed authority to obtain:-

- a. ITC, Qualification, ID, Driver's Licence and Criminal Checks;
- b. References.

STEP 5: Submission to Client

- a. You will require Candidates' Consent to submit their information to a specific client, for a specific vacancy; Use Template 6 or 6b.
- b. When submitting Candidates to Clients Use Template 7 or 7b which includes reminders to Clients of their POPI Act obligations.

STEP 6: Result of submission to Client

- a. **Candidate not successful** – Send letter of regret and delete. Template 4. If you wish to retain for future matching make sure you have their consent as per Templates 2, 3, 5.
- b. Candidate successful and employed by client. (Candidate Information to be retained for three years as per Employment Services Act).

STEP 7: Retention

- a. Candidates whose information is stored in the data base must be contacted annually to update that information and confirm consent for retention. If the Candidate cannot be contacted their information must be deleted.

STEP 8: Candidate wishes to Objection to Processing or Retention

Candidates are entitled to object to processing or retention and they may do so using Annexures 1 or 2 or they can be directed to the website where they can obtain Annexure 1 (Web) or Annexure 2 (Web).

The employee will be held personally responsible for any transgression of such Policy and that any deviation from the laid down Policy constitutes a dismissible offence.

Template 1: Clause for use of Client Information:

<Position Title>

We thank you for awarding us the above Job Specification to which we will allocate the resources necessary to identify suitable candidates.

Unless you advise us the contrary we shall disclose to Candidates such information, including Job Specifications, as is necessary in the execution of this assignment.

Template 2: Clause for inclusion in Application/Registration forms:

(Included in the Information Declaration Form)

I hereby authorise Persaf Holdings (Pty) Ltd to process any personal information provided by me in the course of my application for employment. I confirm that Persaf Holdings (Pty) Ltd may retain my personal information for future matching on the understanding that my details may only be released to specific clients with my prior consent.

Template 3: Agency Website registration

(Add the following Clause to your On-line candidate registration/application function)

By clicking **Submit** you confirm that:

1. We may retain your personal information in our database for future matching.
2. We may contact you when suitable opportunities arise.
3. The information you have provided to us is true, correct and up to date.

Template 4: Regret and Delete

(When you **do not** wish to retain the candidate in your database)

Dear <Candidate Name>,

Thank you for submitting your CV. We have assessed your application but regret that you were not successful (or, we do not have any positions that match your profile).

We advise that, to comply with the Protection of Personal Information Act, your details will be deleted from our records.

We wish you all of the best in your search for a rewarding position.

Kind regards

Template 5: Regret and Retain

(When you wish to retain the candidate in your database)

Dear <Candidate Name>,

Thank you for submitting your CV. We have assessed your application but regret that you were not successful (or, we do not have any positions that match your profile).

We will, however, retain your CV in our database for future matching and contact you should a suitable position become available.

If you do not wish us to retain your details, please advise us and your CV will be deleted from our records.

We wish you all of the best in your search for a rewarding position.

Kind regards

Template 6: Candidate Permission to Represent (*Face-to-face version*)

<Insert Client Company Name + Business Unit/Division>

<Insert Position Title>

I hereby authorise <Agency Name> to submit my CV to the above client for the specified position. I confirm that <Agency Name> is the first agency to bring this position to my attention and that no other applications for this position have been submitted by me:

- a. directly to the company;
- b. through any other recruitment agency (nor have I given such consent to any other agency);
- c. directly via the company's website/career portal.

Accordingly, <Agency Name> is appointed as my sole representative to introduce me to the above company for the specified position. I therefore acknowledge that all communication relating to this application will be done via <Agency Name>.

It is accepted that, in accordance with APSO principles, <Agency Name> will not submit my CV to any other company or for any other position without my prior consent.

Given my above sole representation mandate I acknowledge that, should I accept an offer for the above position through another agency, I may be liable to <Agency Name> for damages.

Signed at _____ on _____ day of _____ 20____

Name and Surname

Signature

Template 6b: Candidate Permission to Represent (*email version*)

Subject Line: **Confirmation of your Consent to release your CV**

We hereby confirm our telephone conversation in which you gave your consent for us to release your personal details to –

<Insert Company Name + Business Unit/Division> for the position of
<Insert Position>

We also record your confirmation that we are the first agency to bring this position to your attention and that no other applications for this position have been submitted by you:

- a. directly to the company;
- b. through any other recruitment agency (nor have you given consent to any other agency);
- c. directly via the company's website/career portal.

Accordingly, we are your sole representative in your application for the specified position. Any communication relating to this application must be done via us.

In accordance with APSO principles, we will not submit your CV to any other company or for any other position without your prior consent.

If you are not in agreement with the above, please advise us immediately.

Kind regards

Template 7: Submit CV to Client for specific vacancy (*email version*)

Subject Line: **<Position Title> <Candidate Name>**

Dear <Client Name>

We have pleasure in submitting the above candidate's CV for your consideration for the position shown. This personal information is submitted to you with the express consent of the candidate and their assurance that they have not made any application by any other means.

If you do not wish to pursue this application, please advise us and thereafter delete the CV submitted from any Email and / or Social Media Platform and / or Applicant Tracking System so as to comply with the POPI Act.

You may only use this information in accordance with the POPI Act and **any further processing** requires the consent of the candidate which must be obtained through us. You are also responsible for the security of this data.

Your response to this application will be appreciated so that we can inform the candidate and ensure compliance with the POPI Act.

Kind regards

Template 7b: Submit CV to Client to Market Candidate (*email version*)

Subject Line: <Candidate Name>

Dear <Client Name>

We have pleasure in submitting the above candidate's CV for your consideration for a role in your company. We confirm that this personal information has been submitted to you with the express consent of the candidate.

If you do not wish to pursue this application, please advise us and thereafter delete the CV submitted from any Email and / or Social Media Platform and / or Applicant Tracking System so as to comply with the POPI Act.

You may only use this information in accordance with the POPI Act and **any further processing** requires the consent of the candidate which must be obtained through us. You are also responsible for the security of this data.

Your response to this application will be appreciated so that we can inform the candidate and ensure compliance with the POPI Act.

Kind regards

Template 8: Database Clause for inclusion in Terms & Conditions.

Once you request us to work on a vacancy, we will assume that you have exhausted all of the resources available to you, including your own database and network, to identify suitable candidates. On this basis, we will commit the resources necessary for us to identify suitable candidates and obtain their specific consent to represent them to you. We will also ensure they have not made applications via any other channels. Candidates submitted to you will therefore be on condition that you may not claim they are already known to you. Should you directly contact and subsequently employ the candidate, we reserve the right to claim a placement fee on the 'effective cause' principle.

Template 8b: POPI Compliance Clause for inclusion in T's & C's.

We undertake to make every effort to comply with the requirements of the POPI Act by taking appropriate technical and organisational measures to prevent unlawful access to, processing of and loss or damage to personal information in our possession.

We have implemented measures to identify all reasonably foreseeable internal and external risks to establish and maintain appropriate data quality, security and processing standards. Candidate information submitted to you is done so on the strict understanding that you will comply with your POPI obligations regarding safety and security thereof and that you will **not further process** the information without the consent of the candidate which must be obtained through us.

Template 9: Database Clause for inclusion in Candidate CV's.

We have pleasure in submitting the above candidate's CV for consideration for the position shown. Please note that we are the Candidate's sole representative as their CV has been submitted to you with their written consent which included their assurance that they have not

submitted their details to you by any other means, nor have they given their consent to any other party to do so.

Consequently, this submission is made on the condition that you may not claim that the candidate is already known to you. Should you directly contact and subsequently employ the candidate we reserve the right to claim a placement fee on the 'effective cause' principle.

Template 10: Undertaking by Consultants to adhere to POPI Policy

I hereby confirm that I have received training in regard to the requirements of the Protection of Personal Information Act (POPI) Policy and the internal technical and organizational processes that have been implemented to ensure compliance therewith. I further confirm that I understand the serious consequences that can arise from not adhering to the requirements set out in the entities Policy document.

I therefore accept that I may be held personally responsible for any transgression by me of such Policy and that any deviation from the laid down Policy constitutes a dismissible offence.

Annexure 1: Objection to processing of Personal Information

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]

Notes:

- 1. Affidavits or other documentary evidence 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.*

DETAILS OF DATA SUBJECT

Name(s) and surname of data subject:
Unique Identifier/ Identity Number
Residential, postal or business address:
Contact number(s):
E-mail address:

DETAILS OF RESPONSIBLE PARTY

Name /Registered name of responsible party:
Residential, postal or business address:
Contact number(s):
E-mail address:

REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f)

Please provide detailed reasons for the objection below:

Signed at this day of20.....

.....
Signature of data subject/designated person

Annexure 2: Request to Access/Correct/Delete Personal Information

REQUEST FOR ACCESS TO/CORRECTION/DELETION OF PERSONAL INFORMATION OR DESTROYING/DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE POPI ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS, 2018 [Regulation 3]

Notes:

1. Affidavits or other documentary evidence 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.

Mark the appropriate request box with an X

- Access to/Correction or deletion of 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.

DETAILS OF DATA SUBJECT

Name(s) and surname of data subject:

Unique Identifier/ Identity Number:

Residential, postal or business address:

Contact number(s):

E-mail address:

DETAILS OF RESPONSIBLE PARTY

Name /Registered name of responsible party:

Residential, postal or business address:

Contact number(s):

E-mail address:

INFORMATION TO BE ACCESSED/CORRECTED/DELETED/DESTROYED (Circle applicable request)

Give description of Information:

Give detailed reasons for the request:

Signed at this day of20.....

.....
Signature of data subject/ designated person