

# BRANDBOOM

PROTECTION OF INFORMATION  
POLICY

# TABLE OF CONTENTS

1. PURPOSE.....	Page 1
2. DEFINITIONS.....	Pages 2 & 3
3. SCOPE.....	Page 4
4. SPECIAL PERSONAL INFORMATION.....	Page 5
5. PERSONAL DATA BREACH INCIDENTS....	Page 6
6. AUDIT AND ACCOUNTABILITY.....	Page 6

## **1. PURPOSE**

Brandboom, herein referred to as “BB”, strives to comply with all applicable laws and regulations related to the Protection of Personal Information.

At BB, the collection and processing of your personal information is important to us. We are committed to handling your personal information in the correct manner, for the right reasons. This Policy sets forth the basic principles by which BB processes personal data of our data subjects, consumers, patients, suppliers, business partners and employees and indicates the responsibilities of BB and its employees while processing such personal data.

BB is a responsible party who strives to ensure that our data subjects are fully protected from any form of security breaches and/or identity theft. In developing this policy, we have introduced standards, guidelines and procedures to efficiently manage and control the collection and protection of personal information and this policy applies to all client’s personal data, all other business data, and applies to every server, database and IT system that handles such data. Every user that interacts with BB is also subject to this policy.

BB, as a responsible party, is domiciled in the Republic of South Africa and makes use of both automated and non-automated means to gather, process and distribute information and through the establishment of this Policy, BB is aligning its business practices with the spirit of the POPIA Act.

## 2. DEFINITIONS

The POPIA Act contains a full description of all definitions relating to the protection of personal information described in the Act.

To avoid prolixity, we do not repeat all the definitions contained in the Act, but merely emphasise certain definitions that we often refer to in this Policy.

“Data Base” - refers to an organised collection of personal information of patients which data is collected for a multitude of purposes;

“Data Subject” - means the person to whom personal information relates;

“Electronic Communication” – any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;

“Filing System” – means any structured set of personal information, whether centralised, decentralised or dispersed on a functional geographical basis which is accessible according to specific criteria;

“Information Officer” – related to the information officer of BB as contemplated in Section 1 of POPIA Act;

“Person” – means a natural person or a juristic person;

“Personal Information” - means information relating to an identifiable living natural person and where it is applicable, an identifiable, existing juristic person, including but not limited to:-

Race, sex, gender, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, culture, language and birth of the person;

Education, or medical, financial, criminal or employment history of that person, any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;

Biometric information of a person, personal opinions, views or preferences of the person;

Correspondence sent by the person that is implicitly/explicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence.

“Processing” – means any operation of activity concerning personal information;

“Record” – means any recorded information, regardless of when it came into existence;

“Responsible Party” – means a public or private body, or any other person which determines the purpose of and means of processing personal information.

### 3. SCOPE

The right to privacy is enshrined in Section 14 of the Constitution of the Republic of South Africa and includes the right to protection against the unlawful collection, retention, dissemination and use of personal information.

The “POPIA Act” applies to the processing of personal information entered into a record by or for a responsible party by making use of automated or non-automated means provided when the recorded personal information is processed by non-automated means, it forms part of a filing system or is intended to form part thereof.

Where the responsible party is domiciled in the Republic or not domiciled in the Republic, but makes use of automated and non-automated means within the Republic, unless those serve only as a means to transport non-personal information throughout the Republic.

All processing of personal information is covered by POPIA. However POPIA does not apply to personal information processing:

- Which is purely personal;
- By or on behalf of a public body where it involves national security or where it's purpose is to prevent or protect against unlawful activities;
- Public information.

#### **4. SPECIAL PERSONAL INFORMATION**

POPIA prohibits the processing of “special personal information” concerning:-

Religious or philosophical beliefs, race or ethnic origin, political persuasion, health or sex life or biometric information of a data subject; or

Criminal behaviour of a data subject;

As a rule, consent needs to be obtained from an individual to process special personal information, although POPIA provides for certain exceptions to this rule;

POPIA also states that you cannot process personal information about a child unless it is a legal requirement, or you have the consent of a competent person (such as parent or guardian).

#### **5. DATA TRANSFER AND OUTSOURCING**

To the extent necessary, BB will only transfer personal information to a third party where:-

- It is required by law
- The third party upholds principles or reasonable processing of the information that are substantially like the principles contained in POPIA;
- The transfer is for the benefit of the data subject;

## **6. PERSONAL DATA BREACH INCIDENTS**

Where there are reasonable grounds to believe that a data subject's personal information has been accessed or acquired by an unauthorised person, the responsible party, or any third party processing personal information under the authority of the responsible party, must immediately notify the Information Regulator and the Data Subject thereof, unless the identity of the data subject cannot be established;

Notification to the data subject must be:-

- Made as soon as reasonably possible after the discovery of the breach;
- Sufficiently detailed; and
- In writing and communicated to the data subject by mail;
- The notification must include such detail to allow the data subject to take protective measures.

## **7. SERVICE PROVIDERS**

BB is committed to the protection of the personal information of its data subjects.

In this regard BB will ensure that all our service providers adhere to the same standards pertaining to the protection of personal information and are contractually bound by the provisions of the POPIA Act.



## **8. AUDIT AND ACCOUNTABILITY**

BB has appointed an information officer who is responsible for ensuring that the principles contained in POPIA are complied with.

All staff members are to adhere to this Policy and the legal requirements to protect the personal information of data subjects in the performance of their duties.

All staff members are required to sign acceptance and understanding of this Policy and will receive the necessary guidance to ensure adherence thereto.

## **9. VALIDITY AND POLICY MANAGEMENT**

This policy is valid as of 1 July 2021;

The information Officer is responsible for the effective implementation of this Policy and must ensure, if necessary, that the Policy is updated annually.

### **CONTACT DETAILS:**

#### **INFORMATION OFFICER:**

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