



POPI POLICY

Melloune Technology POPI POLICY
PRIVACY POLICY in terms of the
PROTECTION OF PERSONAL INFORMATION ACT, No. 4 2013 (SOUTH AFRICA)

Organisation	Melloune Technologies Reg: 2010/066215/23
Scope of Policy	This policy applies to the business of Melloune Technology wherever it is conducted. It applies to all its staff and sub-contractors.
Policy Operational Date	01 January 2019
Policy Prepared by	Samson Possa
Approved by	Ben Possa
Date Approved	01 March 2019
Next Policy Review Date	30 November 2020

INTRODUCTION

PURPOSE OF POLICY	<p>The purpose of this policy is to enable Melloune Technologies to:</p> <ul style="list-style-type: none"> • Comply with the law in respect of the data it holds about individuals; • Follow good practice; • Protect Melloune Technologies’ staff and other individuals • Protect the organisation and its clients from the consequences of a breach of its responsibilities.
Personal Information	<p>This policy applies to information relating to identifiable individuals, in terms of the Protection of Personal Information Act No4, 2013 (hereinafter POPI Act).</p>
Policy statement	<p>Melloune Technology will:</p> <ul style="list-style-type: none"> • comply with both the law and good practice • respect individuals’ rights • be open and honest with individuals whose data is held • provide training and support for staff who handle personal data, so that they can act confidently and consistently <p>Melloune Technology recognises that its first priority under the POPI Act is to avoid causing harm to individuals. In the main this means:</p> <ul style="list-style-type: none"> • keeping information securely in the right hands, and • retention of good quality information. • Not hosting client’s personal data in any of our technology infrastructure. <p>Secondly, the Act aims to ensure that the legitimate concerns of individuals about the ways in which their data may be used are taken</p>

	into account. In addition to being open and transparent, Melloune Technology will seek to give individuals as much choice as is possible and reasonable over what data is held and how it is used.
Key risks	<p>Melloune Technology has identified the following potential key risks, which this policy is designed to address:</p> <ul style="list-style-type: none"> • Breach of confidentiality (information being given out inappropriately) • Insufficient clarity about the range of use to which data will be put — leading to Data Subjects being insufficiently informed • Failure to offer choice about data use when appropriate • Breach of security by allowing unauthorised access • Harm to individuals if personal data is not up to date • Data Operator contracts
INFORMATION OFFICER RESPONSIBILITIES	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 1, and Chapter 5, Part B.
Information Officer Responsibilities	<p>The Information Officer has the following responsibilities:</p> <ul style="list-style-type: none"> • Developing, publishing and maintaining a POPI Policy which addresses all relevant provisions of the POPI Act, including but not limited to the following: <ul style="list-style-type: none"> ○ Reviewing the POPI Act and periodic updates as published ○ Ensuring that POPI Act induction training takes place for all staff ○ Ensuring that periodic communication awareness on POPI Act responsibilities takes place ○ Ensuring that Privacy Notices for internal and external purposes are developed and published ○ Handling data subject access requests ○ Approving unusual or controversial disclosures of personal data ○ Approving contracts with Data Operators ○ Ensuring that appropriate policies and controls are in place for ensuring the Information Quality of personal information ○ Ensuring that appropriate Security Safeguards in line with the POPI Act for personal information are in place ○ Handling all aspects of relationship with the Regulator as foreseen in the POPI Act ○ Provide direction to any Deputy Information Officer if and when appointed
Appointment	The appointment of the Melloune Technology Information Officer will be authorised by the Designated Head. Consideration will be given on an annual basis of the re-appointment

	or replacement of the Information Officer and the need for any Deputy to assist the Information Officer.
PROCESSING LIMITATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 2.
Processing Limitation	Melloune Technology undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, sections 9 to 12, subject to the following stipulation (Forms of Consent).
Forms of consent	Melloune Technology undertakes to gain written consent where appropriate; alternatively a recording must be kept of verbal consent.
Nature of Personal Information	Melloune Technology has used the POPI-Personal Information Diagnostic tool to identify all instances of personal information in the organisation.
PURPOSE SPECIFICATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 3.
Purpose specification	Melloune Technology undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, sections 13 and 14, subject to the following stipulation (Retention periods).
Retention periods	<p>Melloune Technology will establish retention periods for at least the following categories of data:</p> <ul style="list-style-type: none"> • Directors • Staff • Customers • Suppliers <p>Detailed coverage of the relevant retention periods has been documented in the Personal Information Diagnostic tool.</p>
FUTHER PROCESSING LIMITATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 4.
Further processing limitation	Melloune Technology undertakes to comply with the POPI Act, Conditions 2 in terms of processing limitation, section 15.
INFORMATION QUALITY	
Scope	The scope of this aspect of the policy is defined by the provisions of

	<p>the POPI Act, Condition 5. Melloune Technology will comply with all of the aspects of Condition 5, section 16.</p>
Accuracy	<p>Melloune Technology will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:</p> <ul style="list-style-type: none"> • ICT systems will be designed, where possible, to encourage and facilitate the entry of accurate data. • Data on any internal staff individual will be held in as few places as necessary, and all staff will be discouraged from establishing unnecessary additional data sets. • Effective procedures are in place so that all relevant systems are updated when information about any individual changes. • Staff who keep more detailed information about individuals will be given additional guidance on accuracy in record keeping.
Updating	<p>Melloune Technology will review all personal information on an annual basis in November of each year.</p>
Archiving	<p>Archived electronic records of Melloune Technology are stored securely off site. Paper record archiving takes place through the use of Shredit. A certificate of destruction will be obtained for each batch of archived documents destroyed.</p>
OPENNESS	
Scope	<p>The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 6.</p>
Openness	<p>In line with Conditions 6 and 8 of the Act, Melloune Technology is committed to ensuring that in principle Data Subjects are aware that their data is being processed and</p> <ul style="list-style-type: none"> • for what purpose it is being processed; • what types of disclosure are likely; and • how to exercise their rights in relation to the data.
Procedure	<p>Data Subjects will generally be informed in the following ways:</p> <ul style="list-style-type: none"> • Staff: through this policy • Customers and other interested parties: through Works Privacy Notice and meetings <p>Whenever data is collected, the number of mandatory fields will be kept to a minimum and Data Subjects will be informed which fields are mandatory and why.</p>

SECURITY SAFEGUARDS	
Scope	<p>The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 7, section 19 to 22.</p> <p>This section of the policy only addresses security issues relating to personal information. It does not cover security of the building, business continuity or any other aspect of security.</p>
Specific risks	<p>Melloune Technologies has identified the following risks:</p> <ul style="list-style-type: none"> • Staff with access to personal information could misuse it. • Staff may be tricked into giving away information, either about customers / member or colleagues, especially over the phone, through “social engineering”.
Setting security levels	<p>Access to information on the main Melloune Technology computer system will be controlled by function.</p> <p>Melloune Technology has used the POPI-Personal Information Diagnostic tool to identify security levels required for each record held which contains Personal Information.</p>
Security measures	<p>Melloune Technology will ensure that all necessary controls are in place in terms of access to personal information.</p>
Business continuity	<p>Melloune Technology will ensure that adequate steps are taken to provide business continuity in the event of an emergency.</p>
Related policy	<p>Please see the Melloune Technology Information Security Policy for further guidance.</p>
DATA SUBJECT PARTICIPATION	
Scope	<p>The scope of this aspect of the policy is defined by the provisions of the POPI Act, Condition 8, sections 23 to 25.</p>
Responsibility	<p>Any subject access requests will be handled by the POPI Act Information Officer in terms of Condition 8.</p>
Procedure for making request	<p>Subject access requests must be in writing. All staff are required to pass on anything which might be a subject access request to the POPI Act Information Officer without delay.</p> <p>Requests for access to personal information will be handled in compliance with the POPI Act and in compliance with the Promotion of Access to Information Act (PAIA), as defined in the Melloune Technologies PAIA Manual.</p>
Provision for verifying identity	<p>Where the individual making a subject access request is not personally known to the POPI Act Information Officer their identity</p>

	will be verified before handing over any information.
Charging	Fees, if any, for access to personal information will be handled in compliance with the PAIA Act.
Procedure for granting access	Procedures for access to personal information will be handled in compliance with the PAIA Act, as defined in the Melloune Technology PAIA Manual.
PROCESSING OF SPECIAL PERSONAL INFORMATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Part B, sections 26 to 33.
Processing of Special Personal Information	<p>Melloune Technology has the policy of adhering to the process of Special Personal Information which relates to 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.</p> <p>Special personal information includes criminal behaviour relating to alleged offences or proceedings dealing with alleged offences. Unless a general authorisation, alternatively a specific authorisation relating to the different types of special personal information applies, a responsible party is prohibited from processing special personal information.</p>
PROCESSING OF PERSONAL INFORMATION OF CHILDREN	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Part C, sections 34 and 35.
Processing of Personal Information of Children	<p>Melloune Technology has the policy of adhering to the process of Special Personal Information of children. This applies to under-18 individuals, so an age check is required for all personal information records.</p> <p>General authorisation concerning personal information of children only applies where under-18 are involved.</p> <p>Melloune Technology has used the POPI-Personal Information Diagnostic tool to identify any records held which contain Personal Information of children.</p>
PRIOR AUTHORISATION	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Chapter 6.
Prior Authorisation	Melloune Technology has the policy of adhering to the process of Prior Authorisation in terms of sections 57 to 59.

Direct Marketing, Directories and Automated Decision Making	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Chapter 8.
Direct Marketing, Directories and Automated Decision Making	Melloune Technology undertakes to comply with the POPI Act Chapter 8, sections 69 to 71.
Opting in	Whenever data is first collected which might be used for any marketing purpose, this purpose will be made clear, and the Data Subject will be given a clear opportunity to opt in.
Sharing lists	Melloune Technology has the policy of sharing lists (or carrying out joint or reciprocal mailings) only on an occasional and tightly-controlled basis. Details will only be used for any of these purposes where the Data Subject has been informed of this possibility, along with an option to opt out, and has not exercised this option. Melloune Technology undertakes to obtain external lists only where it can be guaranteed that the list is up to date and those on the list have been given an opportunity to opt out.
Electronic contact	Whenever e-mail addresses are collected, any future use for marketing will be identified, and the provision of the address made optional.
TRANS-BORDER INFORMATION FLOWS	
Scope	The scope of this aspect of the policy is defined by the provisions of the POPI Act, Chapter 9.
Trans border information flows	Melloune Technology will ensure that the POPI Act Chapter 9, section 72 is fully complied with. Melloune Technology has used the POPI-Personal Information Diagnostic tool to identify Trans border flows which contain Personal Information. Compliance with section 72 will be achieved through the use of the necessary contractual commitments from the relevant third parties.
STAFF TRAINING & ACCEPTANCE OF RESPONSIBILITIES	
Scope	The scope of this aspect of the policy is written in support of the provisions of the POPI Act, Chapter 5, Part B.
Documentation	Information for staff is contained in this policy document and other materials made available by the Information Officer.
Induction	The Melloune Technology Information Officer will ensure that all staff who have access to any kind of personal information will have their responsibilities outlined during their induction procedures.

Continuing training	Melloune Technology will provide opportunities for staff to explore POPI Act issues through training, team meetings, and supervisions.
Procedure for staff signifying acceptance of policy	Melloune Technology will ensure that all staff sign acceptance of this policy once they have had a chance to understand the policy and their responsibilities in terms of the policy and the POPI Act.
POLICY REVIEW	
Responsibility	The Melloune Technology Information Officer is responsible for an annual review to be completed prior to the policy anniversary date.
Procedure	The Melloune Technology Information Officer will ensure relevant stakeholders are consulted as part of the annual review to be completed prior to the policy anniversary date.

APPENDIX A: MELLOUNE TECHNOLOGY CUSTOMER PRIVACY NOTICE

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Introduction

We respect the privacy of all our clients information made available to us. As a result we would like to inform everyone regarding the way we would use their Personal Information and that of their clients. We recommend that this Customer Privacy Notice is read and Consent so that our clients can understand our approach towards the use of Personal Information. By submitting your clients' Personal Information to us, you will be treated as having given your permission – where necessary and

appropriate – for disclosures referred to in this policy. By allowing us to work on your client’s personal information, you acknowledge that you have reviewed the terms of this Customer Privacy Notice and Consent to Use of Personal Information (the “Customer Privacy Notice and Consent”) and agree that we may collect, use and transfer Personal Information in accordance therewith.

This Customer Privacy Notice and Consent forms part of our Terms and Conditions of Use and such shall be governed by and construed in accordance with the laws of South Africa. This Notice explains how we obtain, use and disclose personal information, as is required by the Protection of Personal Information Act, 2013 (POPI Act). At Melloune Technology we are committed to protecting customer’s privacy and to ensure that Personal Information is collected and used properly, lawfully and openly.

Who we are

Melloune Technologies is an established Information and Communications Technology service provider offering ICT services to various businesses.

The information we work with

As part of our service offering to our clients, we do work with information which contain personal information like subscriber personal data for processing as per client requirements. The type of information we work with will depend on the purpose for which it is used.

The information we receive and process through our technology systems may also be supplemented by information from other systems in order to generate the required outcome as requested by the client scope of work.

How we use personal information

We will use personal and non-personal information only for the purposes for which it is intended and agreed with the client and such information is hosted onsite on client infrastructure for the following reasons e.g.

- Service usage and uptake
- System performance and monitoring

Disclosure of personal information

We may disclose Personal Information to other relevant systems that are managed by other suppliers who are involved in the delivery of products or services on behalf of the client only when instructed by client with a written notice. We will abide by any inter-systems agreements that are sanctioned by the client to ensure that we all comply with the privacy terms.

As required by the client, we may share Personal Information with, and obtain Personal Information from:

- Third parties for the purposes listed above;
- Other systems within our client's various systems in order to enhance the services and products offered;

As required by the client, we may also disclose Personal Information

- Where we have a duty or a right to disclose in terms of law or industry codes;
- Where we believe it is necessary to protect our rights.

Information Security

We are legally obliged to provide adequate protection for the Personal Information we hold and to stop unauthorised access and use of personal information. We will, on an on-going basis, continue to review our security controls and related processes to ensure that Personal Information is secure.

Our security policies and procedures cover:

- Acceptable usage of personal information;
- Access to personal information;
- Computer and network security;
- Governance and regulatory issues;
- Investigating and reacting to security incidents.
- Monitoring access and usage of personal information;
- Physical security;
- Retention and disposal of information;
- Secure communications;
- Security in contracting out activities or functions;

When we contract with third parties, we impose appropriate security, privacy and confidentiality obligations on them to ensure that Personal Information that we remain responsible for, is kept secure.

We will ensure that anyone to whom we pass Personal Information agrees to treat that information with the same level of protection as we are obliged to.

Access to Personal Information

Our clients have the right to request, in writing, a copy of the Personal Information we hold about them and their clients. To do this, simply contact us at the info@melloune-tech.co.z as listed on our contract with you and specify what information you would like. We will take all reasonable steps to confirm the identity before providing details of personal information.

Please note that any such access request may be subject to a payment of a legally allowable fee, as laid down in our POPI Act Policy.

Definition of Personal Information

According to the POPI Act “Personal Information” means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. The POPI Act, which has more specific examples if you need them, can be found at the outh African government website.

Changes to this notice

Please note that we may amend this notice from time to time and we will make sure that our clients receive an amended notice as soon as it is approved.

How to contact us

If you have any queries about this notice or believe we have not adhered to it, or need further information about our privacy practices or wish to give or withdraw consent, exercise preferences or access or correct your personal information, please contact us at the info@melloune-tech.co.za listed in the contract or SLA.

Policy Approval			
Policy Prepared by:	Samson Possa	Date: / / 2019	Signature:
Policy Approved by:	Ben Possa	Date: / / 2019	Signature: