

## **POLICY: PROTECTION OF PERSONAL INFORMATION ACT (POPIA)**

### **BACKGROUND**

The objective of this policy is to explain how Reverside obtains, uses and discloses the employee's personal information, as required by the Protection of Personal Information Act.

Acceptance of these terms and conditions is a requirement of employment at Reverside. It should be noted that failure to comply with the guidelines of the POPIA by an employee falls under Misconduct in the Disciplinary Code.

### **SCOPE OF POLICY**

This policy applies to any irregularity, or suspected irregularity, involving employees as well as shareholders, consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with Reverside. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to Reverside.

### **THE POPIA**

The employee gives consent to Reverside to process and use his/her personal information for all purposes related to his/her employment.

To the extent where the employee has access to or is required to process personal information of other employees or clients of Reverside in the course of the employee's employment, the employee will act in accordance with the provisions of the POPIA, and notify the Director: Human Resources of any unauthorized access to or processing of such personal information or any other confidential information of Reverside.

In addition:

- All employees are obligated to notify the Human Resources Department of any personal information change or if certain information is no longer valid in order to ensure that all the records are kept up to date;
- Reverside may provide appropriate access to the employee's information relating to employment with Reverside to contracted third parties who require this information to provide services in terms of a contract they have with Reverside.
- Reverside may also disclose the employee's personal information for administration of his/her:
  - Medical aid plan
  - Group Fund insurance

The employee agrees that Reverside may retain his/her personal information until such time as the employee requests Reverside to destroy the information (unless Reverside is obliged by law to retain it, regardless of the request).

Please note:

The employer may amend this notice from time to time;

The employee has the right to object to processing of his/her personal information subject to a valid reason provided;

If the employee believes that Reverside has utilized his/her personal information contrary to applicable law, the employee must first attempt to resolve any concerns with Reverside. If the employee is still not satisfied with such process, the employee will have the right to lodge a complaint with the Information Regulator, once established.

The employee has the right to request a copy of the personal information Reverside has on file pertaining to the employee (alternatively the information can be found on the Employee Self-Service Portal, where each employee has been provided with a unique password and credential). In order for this to be conducted, the following process will have to be followed:

1. Completion of a "Data Subject Request" form obtainable from the Human Resources Department.
2. Please take note any such access request may be subjected to payment of a legally allowable fee.

3. Reverside will take the reasonable steps to confirm the employee's identity before providing details of the employee's personal information.

Reverside is required to collect and retain information in terms of the following legislation:

- Basic Conditions of Employment Act
- The Employment Equity Act
- The Financial Intelligence Act
- The Pension Fund Act, amongst others

If Reverside becomes involved in a proposed or actual merger, acquisition or any form of sale of some or all assets, Reverside may use and disclose the employee's personal information to third parties in connection with the evaluation of the transaction.

The surviving company, or the acquiring company in the case of a sale of assets, would have access to the employee's personal information which would continue to be subject to this notice.

## **IRREGULARITIES**

Irregularities concerning an employee's conduct according to the POPIA should be resolved by departmental management and the Director: Human Resources before concerning the Chief Executive Officer.

If there is any question as to whether an action constitutes an irregularity, contact the Director: Human Resources for guidance. The Director: Human Resources must coordinate all investigations with all affected areas, both internal and external.

## **INVESTIGATION RESPONSIBILITIES**

The Director: Human Resources has the primary responsibility for the investigation of all suspected misconduct relating to the POPIA. If the investigation substantiates that misconduct has occurred, the Director: Human Resources together with the Chief Executive Officer will institute the appropriate disciplinary action against the employee.

## **CONFIDENTIALITY**

The responsible parties must treat all information received confidentially. Any employee who suspects irregular conduct relating to the POPIA will notify the Director: Human Resources immediately, and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected misconduct (see REPORTING PROCEDURE section below).

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect Reverside from potential civil liability.

## **AUTHORIZATION FOR INVESTIGATING SUSPECTED MISCONDUCT RELATING TO THE POPIA**

The Director: Human Resources and his/her designated responsible parties will have:

- Free and unrestricted access to all Reverside records and premises, whether owned or rented; and
- The authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of their investigation. Such activity will be thoroughly documented and recorded.

## **REPORTING PROCEDURES**

Great care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects irregular conduct relating to the POPIA will contact the Director: Human Resources immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the

suspected individual, his or her attorney or representative, or any other inquirer should be directed to the Director: Human Resources. No information concerning the status of an investigation will be given out. The proper response to any inquiries is: "I am not at liberty to discuss this matter." Under no circumstances should any reference be made to "the allegation," "the crime," or any other specific reference.

The reporting individual should take cognisance of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution;
- Do not discuss the case, facts, suspicions, or allegations with anyone who is not directly involved with the investigation or the outcome of the investigation and who have no legitimate need to know. This includes any family member and/or friend.

## **OUTCOME**

If an investigation results in a finding that irregular conduct relating to the POPIA has occurred, then the appropriate disciplinary action for Misconduct must occur. The Director: Human Resources is responsible for this procedure and, if necessary, outside counsel may be sought in order to take the necessary disciplinary action.

## **ADMINISTRATION**

The Director: Human Resources is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

## **APPROVAL**

\_\_\_\_\_  
(Chief Executive Officer)

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Date