



UMOYA
ENERGY
Empowered by Nature

UMOYA Energy (RF) (Pty) Ltd Protection of Personal Information (POPI) Policy

POLICY CONTROL	
POLICY APPLICABLE TO	<input type="checkbox"/> EIMS <input checked="" type="checkbox"/> PROJECT CO.
VERSION	1
EXCO REVIEW	2021
APPROVAL BY	<input type="checkbox"/> EIMS <input checked="" type="checkbox"/> PROJECT CO.
IMPLEMENTATION DATE	1 July 2021

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1. Definitions

The following terms are used in this Policy, and are defined as follows:

- 1.1 **“consent”** – any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- 1.2 **“data subject”** – a person to whom the personal information relates. This will include employees, board members, service providers, consultants and temporary employees, as well as any persons, entities or organisations which communicate and/or conclude any agreement with Umoya Energy;
- 1.3 **“direct marketing”** – to approach a data subject directly by mail or personally for the direct or indirect purpose of promoting goods or services or requesting the data subject to make a donation.
- 1.4 **“person”** – a natural or juristic person.
- 1.5 **“personal information”** – any information in any form (including electronic and paper-based files) relating to an identifiable, living, natural person and, where applicable, an identifiable, existing juristic person. This can include, but is not limited to information relating to name, race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of a person. It also includes information relating to the education, medical, financial, employment history, identifying number, symbol, e-mail/physical address, telephone number, location information, online identifier, biometric information, opinions, views, preferences, correspondence of a private nature;
- 1.6 **“processing”** – any activity, automated or manual, concerning personal information. Such activity may include, but is not limited to, collection, receipt, recording, organisation, storage, collation, retrieval, alteration, updating, modification, consultation, use, distribution, dissemination by means of transmission, or making available in any other form, merging, linking, restriction, degradation, erasure or destruction of personal information;
- 1.7 **“special personal information”** – this is very sensitive personal information that requires stringent protection. Special personal information includes, but is not limited to, religious beliefs, philosophical beliefs, political affiliations, race and ethnic origin, trade union membership, health or sex life, biometric information and criminal behaviour. For the purposes of this policy, the term “personal information” or “information” includes a reference to *special personal information*.

2. Introduction

The Protection of Personal Information Act 4 of 2013 ("POPI Act") gives effect to the constitutional right to privacy, regulates the manner in which personal information may be processed and provides rights and remedies to protect personal information.

The primary purpose of the POPI Act is to regulate the collection and processing of personal information in order to prevent unauthorised access and usage of such information.

- 2.1 The secondary purpose of this Policy is to establish the requirements and conditions for the collection, distribution and retention of personal information, in line with the prescripts of the POPI Act and the Promotion of Access to Information Act 2 of 2000 ("PAIA").
- 2.2 In pursuance of these purposes, this Policy sets out how Umoya Energy will deal with personal information. This Policy, and any changes made thereto from time to time, will be accessible on the Umoya Energy website www.umoyaenergy.co.za and by request from the Umoya Energy Information Officer, whose details are provided below.
- 2.3 This Policy must be adhered to by all individuals who are associated with Umoya Energy including employees, board members, service providers, consultants and temporary employees.

3. Collection of Personal Information

- 3.1 Umoya Energy collects and receives personal information directly and indirectly from *data subjects* through various sources.
- 3.2 Information is collected by Umoya Energy in various ways, including but not limited to, the following:
 - 3.2.1 directly from the *data subject*;
 - 3.2.2 from an agent, relative, employer, employee, work colleague or other person or entity who Umoya Energy communicates with;
 - 3.2.3 from other stakeholders with whom Umoya Energy collaborates;
 - 3.2.4 from UMOYA ENERGY own records.

4. Purpose Specification

- 4.1 The POPI Act specifically requires that Umoya Energy must:
 - 4.1.1. inform the *data subject* why it is necessary to collect and process their personal information;
 - 4.1.2. specify that purpose at the time that the information is collected; and
 - 4.1.3. confirm that it will only use the information for the purpose for which consent was given, and that any further use of the information will be compatible with the initial purpose of collection
- 4.2 Umoya Energy collects personal information and processes it for the following purposes:
 - 4.2.1 assessing, processing and entering into agreements;
 - 4.2.2 assessing, processing and entering into employment agreements;

- 4.2.3 confirming and verifying a person's identity;
- 4.2.4 providing personalized communication;
- 4.2.5 audit and record-keeping purposes;
- 4.2.6 compiling statistics and research reports, surveys and communication in order to improve Umoya Energy offering to the public;
- 4.2.7 in connection with legal proceedings or where it may be necessary in order to protect Umoya Energy rights;
- 4.2.8 in connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law; and/or
- 4.2.9 for a purpose that is ancillary to the above and for any other purpose for which consent is provided by the data subject;

5. Processing Limitation And Sharing Of Personal Data

Umoya Energy will not process the personal information without the consent of the *data subject* unless:

- 5.1 it is necessary to do so for the conclusion or performance of a contract to which the *data subject* is party;
- 5.2 the collection or processing complies with an obligation imposed on Umoya Energy by law;
- 5.3 the collection or processing protects a legitimate interest of the *data subject*;
- 5.4 the collection or processing is in the public interest;
- 5.5 the collection or processing is necessary for pursuing the Umoya Energy legitimate interests or the legitimate interests of a third party to whom the information is supplied.

6. Consent

- 6.1 As a general principle, Umoya Energy will not collect or process personal information without the consent of the *data subject*.
- 6.2 The *data subject* is entitled to refuse to consent to the collection or processing of their personal information. Depending on the circumstances, a refusal to consent may impact on the *data subject's* participation in the activities and opportunities coordinated by Umoya Energy. In such event, Umoya Energy will inform the *data subject* of the consequences of their refusal to consent to the collection and processing of their personal information.
- 6.3 The process for the collection and processing of personal information will involve the following:
 - 6.4.1 Umoya Energy will inform the *data subject* that personal information is required, and the purpose for which it is being collected and will be processed;
 - 6.4.2 Thereafter the *data subject* will be prompted to consent thereto;
 - 6.4.3 Once consent has been granted, the information will be collected and may only be processed for the purpose for which the consent was obtained.
- 6.4 In the event that Umoya Energy seeks to process the information for a different purpose to that which consent has been granted, additional consent will be sought for the further processing.
- 6.5 The data subject may withdraw or revoke his/her/their consent at any time. The withdrawal of consent:
 - 6.5.1 must be communicated to the Information Officer in writing with reasonable notice;
 - 6.5.2 is subject to the terms and conditions of any applicable agreement or contract;

- 6.5.3 is not retroactive and will not affect the processing of personal information that has already been made.
- 6.6 Should the withdrawal of consent result -:
 - 6.6.1 in the interference of legal obligations, then the withdrawal will only be effective if Umoya Energy agrees to it in writing;
 - 6.6.2 in Umoya Energy being unable to provide the requested information, services, financial or other benefits, Umoya Energy will inform the data subject of those consequences.

7. Retention of Personal Information

- 7.1 Where Umoya Energy collects and processes personal information for a specific purpose, it will not keep it for longer than is necessary to fulfil that purpose, unless:
 - 7.2 further retention is required by law;
 - 7.3 Umoya Energy reasonably requires it;
 - 7.4 retention is required by a contract between the parties; and/or
 - 7.5 the *data subject* consents to further retention.
- 7.6 Once the purpose for collection and processing have been fulfilled, the personal information may be destroyed in accordance with the POPI Act.
- 7.7 In order to protect information from accidental or malicious destruction, when Umoya Energy FARM deletes information from its servers it may not immediately delete residual copies from its servers or remove information from its backup systems. Copies of correspondence that may contain personal information is stored in archives for record-keeping and back-up purposes only.
- 7.8 Where the law requires Umoya Energy to keep personal information post its use for a specified period of time, all personal information will be kept securely for the duration specified by law.

8. Safeguards, Security and Incident Management

- 8.1 Umoya Energy strives to ensure the security, integrity and privacy of personal information submitted.
- 8.2 While no data transmission over the Internet can be guaranteed to be totally secure, Umoya Energy will endeavour to take all reasonable steps to protect personal information submitted to it or via its online services.
- 8.3 The following methods of protection are in place to ensure that personal information disclosed to Umoya Energy is protected:
 - 8.4 Umoya Energy internal server hard drives are protected by firewalls;
 - 8.5 Password protection is active on computers that may contain personal information thereby limiting access to authorised Umoya Energy personnel only;
 - 8.6 Physical security measures are in place such as the limitation of access to the building (and the completion of a visitor registration form when entering Umoya Energy premises). Employees are given access cards/codes and no-one is allowed to enter the premises without authorisation;
 - 8.7 Each manager is responsible for ensuring that the employees under his or her authority take note of the policies on the implementation and maintenance of document management;
 - 8.8 Personal information can only be accessed by employees and management of Umoya Energy who deal with the particular record;
 - 8.9 Umoya Energy employees are obliged to respect the confidentiality of any personal information held;
 - 8.10 Umoya Energy has off site back-up and archiving facilities. Third parties who provide these services are obligated to respect the confidentiality of any personal information; and

- 8.11 Technological measures are in place to monitor the transmission and inspection of electronic data, including IT audit trails and encryption.
- 8.12 Umoya Energy has other policies and procedures in place that detail the protocols around security breaches, data recovery and incident management.
- 8.13 Umoya Energy Information Officer, whose contact details are provided below, is responsible for encouraging compliance with the POPI Act.
- 8.14 Umoya Energy will review and update its security measures in accordance with future legislation and technological advances.

9. Accountability

- 9.1 The management and Information Officer are responsible for administering and overseeing the implementation of this Policy and any applicable supporting guidelines and procedures.
- 9.2 Umoya Energy remains responsible for all personal information collected and stored. This includes all and any information collected directly from a *data subject* and from any other source or authorised third parties.

10. Data Subject's Access To And Correction Of Personal Information

- 10.1 *Data subjects* may, at any time:
 - 10.1.1 enquire whether Umoya Energy holds their personal information;
 - 10.1.2 request to view their personal information;
 - 10.1.3 enquire how Umoya Energy collected and to whom their personal information has been disclosed or processed;
 - 10.1.4 request the deletion of their personal information;
 - 10.1.5 request that amendments to their personal information be effected.
- 10.2 Such enquiries or requests must be directed to the Information Officer, and responses thereto will be provided within a reasonable time.
- 10.3 The provisions of sections 18 and 53 of PAIA apply to the manner of access to personal information at the request of a data subject.
- 10.4 A request for information may be refused where the grounds for refusal set out in Chapter 4, Part 2 & 3 of PAIA apply.
- 10.5 Data subjects may be prompted periodically by the Information Officer to update their personal information. Failure to reply to such prompts will result in the assumption that all information that is on Umoya Energy systems is accurate.

11. Processing of Special Personal Information

- 11.1 The general rule is that Umoya Energy will not process special personal information. The exceptions to this general rule are:
 - 11.1.1 where the data subject has given consent;
 - 11.1.2 the processing thereof is necessary to establish, exercise or defend a right in law;
 - 11.1.3 the processing is necessary to comply with an obligation of international public law;
 - 11.1.4 the processing is for historical, statistical or research purposes;
 - 11.1.5 that information has deliberately been made public by the data subject;

- 11.1.6 where the special personal information is processed in accordance with the relevant provisions of POPI.
- 11.1.7 where Umoya Energy has obtained authorisation from the Regulator to process such information in the public interest and safeguards have been put in place to protect the personal information.
- 11.2 Umoya Energy may process a data subject's religious or philosophical beliefs if the processing is necessary to protect the spiritual welfare of the data subject, unless a data subject has indicated that they object to this processing.
- 11.3 Information relating to a data subject's race and ethnic origin may be processed to identify a data subject and only when this is essential for that purpose.
- 11.4 Umoya Energy as an employer may process information relating to a data subject's health and sex life if such processing is necessary for the implementation of the provisions of laws, pension regulations or collective agreements which create rights dependent on the health or sex life of the data subject. Such processing will be done subject to an obligation of confidentiality or the information will be treated as confidential unless Umoya Energy is required by law to communicate this information to other parties who are authorised to process such information.
- 11.5 Umoya Energy may process information concerning a data subject's criminal behaviour or biometric information that has been obtained in accordance with the law. However, the Umoya Energy will obtain the Regulator's prior authorisation to process information on criminal behaviour or unlawful conduct on behalf of third parties.

12. Umoya Energy Exempted From Conditions For Processing

- 12.1 Data subjects must note that Umoya Energy is exempted from some of the conditions for processing personal information for the purpose of discharging a relevant function which is performed with a view to protecting members of the public against:
- 12.2 Financial loss due to dishonesty, malpractice, serious improper conduct, unfitness, incompetence of persons involved in the provision of banking, insurance, investment, other financial services or management of bodies corporate;
- 12.3 dishonesty, malpractice, serious improper conduct, unfitness, incompetence or persons carrying out a profession or activity.

13. Direct Marketing

Umoya Energy will not process the information of a data subject for purposes of direct marketing as defined in POPI unless the data subject has given consent or the data subject is already a Umoya Energy customer.

14. Violations

A *data subject* who has a complaint against Umoya Energy, either about its conduct in relation to the personal information or this Policy, may refer a complaint to the Information Regulator in terms of sections 63(3) and 74 of the POPI Act.

15. Effective Date

This Policy is effective as of 1 July 2021

16. The Information Officer

The details of the Information Officer are as follows:

- Name: Clive Norman Elliott
- Telephone number: +27 21 670 1456
- Email: privacy@umoyaenergy.co.za
- Postal address: P.O Box 23101, Claremont, 7735
- Physical address: 2nd Floor, Fernwood House, The Oval, 1 Oakdale Road, Newlands, 7700
- Website: www.umoyaenergy.co.za

All questions, queries, requests relating to personal information must be directed the Information Officer using the contact information listed above.

17. Amendments To This Policy

- 17.1 Umoya Energy will amend this policy periodically, to ensure compliance with all legislation that impacts the matters dealt with herein.
- 17.2 *Data subjects* are advised to check Umoya Energy website periodically to ascertain whether any changes have been made. Umoya Energy will communicate any material changes to the policy to the *data subjects* directly.

FORM 1 – OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

**FORM 1
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]

Note:

1. Affidavits or other documentary evidence as applicable 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.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

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

FORM 2 - REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request 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 box with an "x".

Request for:

Correction or deletion of the 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.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTRUCTED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.

Signed at this day of20.....

.....
Signature of data subject/ designated person
(Please provide detailed reasons for the request)

FORM 4 – APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING

FORM 4

APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 6]

TO: _____

_____ (Name of data subject)

FROM: _____

Contact number(s): _____
Fax number: _____
E-mail address: _____ (Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

.....
..... Signature of designated person

Date: _____

PART B

I, _____ (full names of data subject) hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES:

SPECIFY METHOD OF COMMUNICATION: FAX:

E - MAIL:

SMS:

OTHERS – SPECIFY:

Signed at this day of20.....

..... Signature of data subject

FORM 11
REQUEST FOR AN ASSESSMENT
SECTION 89(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 11]

Reference Number: _____

PART I	REQUEST FOR AN ASSESSMENT IN TERMS OF SECTION 89(1) AND (2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)
<p>A request is hereby made in terms of section 89 of the Protection of Personal Information Act 4 of 2013 that the Information Regulator must assess whether the processing of personal information complies with the provisions of the Act:</p>	
<p>1. CONTACT DETAILS</p>	
<p>REQUESTER:</p>	
<p>Name(s)</p>	<p>and surname: Address:</p>
<p>Contact number/s:</p>	
<p>E-mail address:</p>	
<p>RESPONSIBLE PARTY:</p>	
<p>Name(s)</p>	<p>and surname: Address:</p>
<p>..... Contact number/s:</p>	
<p>E-mail address:</p>	
<p>2. INFORMATION PROCESSING TO BE ASSESSED</p>	
<p>.....</p>	
<p>3. PERSONS AFFECTED BY THE RELEVANT INFORMATION PROCESSING PRACTICE/S</p>	
<p>.....</p>	

5. SPECIFIC ASPECTS OF THE PROCESSING OF INFORMATION THAT THE ASSESSMENT SHOULD ADDRESS

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6. PERIOD

I first become aware that the processing of information should be assessed on:

the day of 20.....

Explain the reasons for the delay (if any) in requesting the assessment:

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7. DATA SUBJECT PARTICIPATION:

Does the requester:

Have the right to access personal information held by the responsible party in terms of section 23 of the Protection of Personal Information Act 4 of 2013:

**PART II NOTICE OF A DECISION ON AN ASSESSMENT
(Section 89(1) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013))**

1. NOTICE OF A DECISION ON AN ASSESSMENT

The Regulator has decided to conduct an assessment in terms of section 89(1) of the Protection of Personal Information Act 4 of 2013.

2. INFORMATION PROCESSING TO BE ASSESSED

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3. PERSONS AFFECTED BY THE RELEVANT INFORMATION PROCESSING PRACTICE/S

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4. THE REASON WHY AN ASSESSMENT IS TO BE CONDUCTED/ NOT TO BE CONDUCTED

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Regulator (Represented by)