



MODULENT

MODULENT (PTY) LTD

POLICY ON THE PROTECTION OF PERSONAL INFORMATION

ACT 4 OF 2013

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1. INTRODUCTION

- 1.1. The Responsible Party, being Modulent (Proprietary) Limited, with registration number: 2014/215001/07 ("Modulent"), is a private company incorporated and registered in accordance with the laws of the Republic of South Africa.
- 1.2. As part of its business functions, Modulent collects and processes Personal Information.
- 1.3. The Protection of Personal Information Act 4 of 2013 ("POPIA") is the central piece of legislation that regulates the lawful collection, storage, use, handling, processing, transfer, retention, archiving and disposal of a person's Personal Information.
- 1.4. Modulent is responsible to collect, store, use, handle, process, transfer, retain, archive and otherwise manage Personal Information in a lawful, legitimate and responsible manner and in accordance with the provisions set out in POPIA.
- 1.5. This POPIA Policy document sets out, in general, how and why Modulent collects and processes Personal Information, as well as the policies and procedures in place to ensure Modulent's compliance with POPIA. This POPIA Policy document is available on request from Modulent's Information Officer, as well as on Modulent's website.
- 1.6. In compliance with POPIA, Modulent is committed to processing the Personal Information of Data Subjects lawfully and in a reasonable manner. Modulent will take reasonable and appropriate measures to accurately record a Data Subject's Personal Information as provided by them or their representatives and make reasonable efforts to ensure that Personal Information is complete, accurate and not misleading.
- 1.7. All employees, independent contractors and representatives of Modulent are required to adhere to this POPIA Policy. Any external service provider responsible for providing and managing information technology to Modulent must adhere to the same information security principles contained in this POPIA Policy, or as are sufficient to comply with the POPIA, so as to ensure security measures are in place in respect of processing of Personal Information.

2. DEFINITIONS

- 2.1. In this Policy, the following words shall, unless otherwise stated or inconsistent with the context in which they appear, bear the following meanings and other words derived from the same origins as such words (that is, cognate words) shall bear corresponding meanings:
 - 2.1.1 **"Data Subject"** means the person to whom Personal Information relates;
 - 2.1.2 **"de-identify"** in relation to Personal Information of a Data Subject, means to delete any information that -
 - (i) identifies the Data Subject;
 - (ii) can be used or manipulated by a reasonably foreseeable method to identify the Data Subject; or
 - (iii) can be linked by a reasonably foreseeable method to other information that identifies the Data Subject,



- 2.1.3 "direct marketing"** means to approach a Data Subject, either in person, or by mail, or electronic communication, for the direct or indirect purpose of –
- (i) promoting or offering to supply, in the ordinary course of business, any goods or services to the Data Subject;
or
 - (ii) requesting the Data Subject to make a donation of any kind for any reason;
- 2.1.4 "Information Officer"** of, or in relation to, a private body means the head of a private body as contemplated in section 1 of PAIA, alternatively a person elected by Modulent from time to time;
- 2.1.5 "Information Regulator"** means the independent regulatory body having jurisdiction throughout South Africa, and having been established in terms of section 39 of POPIA to perform certain functions under both POPIA and PAIA;
- 2.1.6 "operator"** means a person who processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that party;
- 2.1.7 "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 –
- (i) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;
 - (ii) information relating to the education or the medical, financial, criminal or employment history of the person;
 - (iii) any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - (iv) the biometric information of the person;
 - (v) the personal opinions, views or preferences of the person;
 - (vi) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;



- (vii) the views or opinions of another individual about the person; and
- (viii) the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 2.1.8 **"Policy"** means the policy recorded herein, being Modulent's POPIA Policy;
- 2.1.9 **"processing"** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
- (i) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval ;
- (ii) alteration, consultation or use;
- (iii) dissemination by means of transmission, distribution or making available in any other form; or
- (iv) merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 2.1.10 **"Promotion of Access to Information Act" and "PAIA"** mean the Promotion of Access to Information Act 2 of 2000, together with Regulation 187 of 15 February 2002 as amended to 1 June 2007;
- 2.1.11 **"Protection of Personal Information Act" and "POPIA"** mean the Protection of Personal Information Act 4 of 2013, together with any and all Regulations that may in the future be promulgated thereunder;
- 2.1.12 **"public record"** means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body;
- 2.1.13 **"record"** means any recorded information –
- (i) regardless of form or medium, including any of the following:
- a. writing on any material;
- b. information produced, recorded or stored by means of any tape recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;



- c. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
- d. book, map, plan, graph or drawing;
- e. photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

(ii) in the possession or under the control of a Responsible Party;

(iii) whether or not it was created by a Responsible Party;
And

(iv) regardless of when it came into existence;

2.1.14 "Regulator"

means the Information Regulator established in terms of section 39 of POPIA;

2.1.15 "Responsible Party"

means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information, in this POPIA Policy, means Modulent, and all its employees and contractors acting in their capacity as such;

2.1.16 "restriction"

means to withhold from circulation, use or publication any Personal Information that forms part of a filing system, but not to delete or destroy such information;

2.1.17 "Special Personal Information"

means Personal Information as referred to in section 26 of POPIA concerning –

- (i) 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;
- (ii) the criminal behaviour of a Data Subject to the extent that such information relates to –
 - a. the alleged commission by a Data Subject of any offence; or
 - b. any proceedings in respect of any offence allegedly committed by a Data Subject or the disposal of such proceedings;

For purposes of this POPIA Policy and the Modulent POPIA Consent Form, Personal Information and special Personal Information are treated synonymously;



- 2.1.18 **"unique identifier"** means any identifier that is assigned to a Data Subject and is used by a Responsible Party for the purposes of the operations of that Responsible Party and that uniquely identifies that Data Subject in relation to that Responsible Party; and
- 2.1.19 **"Modulent"** means Modulent (Proprietary) Limited, with registration number: 2014/215001/07, being a private company incorporated and registered in accordance with the laws of the Republic of South Africa.

3. WHY MODULENT COLLECTS PERSONAL INFORMATION

- 3.1 Due to the nature of Modulent's business, we are necessarily involved in the collection, processing and disclosure of Personal Information of candidates, prospective candidates, clients and other persons who interact or attempt to transact with Modulent. Any person whose information Modulent collects and processes is known as a "Data Subject" in this POPIA Policy.
- 3.2 Modulent may collect and process Personal Information for any legitimate purpose, including but not limited to enabling Modulent to –
- 3.2.1 represent you to its clients for the purpose of finding and securing employment ;
- 3.2.2 perform relevant checks (reference checks, criminal record, qualifications, credit history and the like;
- 3.2.3 contact, engage with and confirm any references provided or obtained;
- 3.2.4 conduct its business operations, as well as ensure the good upkeep, development and safeguarding of its business;
- 3.2.5 ensure that it offers sound and professional services; and
- 3.2.6 protect and promote the legitimate interests of Modulent, yourself and/or any third parties, all of which are collectively termed the "Modulent Purpose".

4. WITHHOLDING OR WITHDRAWING CONSENT TO COLLECT AND PROCESS PERSONAL INFORMATION

- 4.1 Providing Personal Information is generally voluntary. Therefore, you are within your rights to withhold consent to Modulent collecting and processing your Personal Information.
- 4.2 In the event that you withhold or withdraw consent, or object to the processing of Personal Information, Modulent reserves the right to decline to transact or deal with any person who fails to provide Personal Information which Modulent has requested and which Modulent deems necessary, in its sole discretion.

5. HOW MODULENT COLLECTS PERSONAL INFORMATION

- 5.1 Personal information is usually collected directly from a Data Subject or their representatives. Modulent may collect Personal Information through electronic communications, meetings, telephone calls and in general dealings with Data Subjects or their representatives.



- 5.2 Modulent may refer to a Data Subject's website and/or any social media and online profiles to collect Personal Information from these and other public platforms.
- 5.3 Modulent may collect Personal Information about Data Subjects from third parties where necessary. In this regard, Modulent may run checks on, inter alia, identity, criminal record and credit history (refer to clause 10 below for additional information).
- 5.4 Modulent may monitor activity on any of our IT and electronic networks, social media platforms and our website, and gather information about who is visiting and using our website and how, in order to fulfil the Modulent Purpose.

6. STORAGE OF PERSONAL INFORMATION

- 6.1 All Personal Information, whether hard copy or a soft copy, which a Data Subject provides to Modulent will be held and stored safely and securely and for the Modulent Purpose. Modulent will take reasonable and appropriate measures to keep personal information secure, although we cannot guarantee its absolute security
- 6.2 Modulent may store Personal Information physically and/or electronically (which may include cloud-based storage).
- 6.3 The Information as contained in soft copies, will be stored electronically in a centralised data base.
- 6.4 Where appropriate, hard copies of Personal Information will be stored and retained safely and securely.

7. RETENTION, ARCHIVING AND DESTRUCTION OF PERSONAL INFORMATION

- 7.1 The POPIA principle that Personal Information is not retained for longer than is necessary for achieving the purpose for which it was collected and subsequently processed, is one by which Modulent abides.
- 7.2 The exceptions to the above principle specifically provided in POPIA are where –
- 7.2.1 the retention of the record is required or authorised by law;
- 7.2.2 Modulent reasonably requires the record for lawful purposes related to its functions or activities;
- 7.2.3 the retention of the record is required in terms of an agreement between Modulent and the Data Subject; and/or
- 7.2.4 the record is retained for historical purposes, with Modulent having established appropriate safeguards against the record being used for any other purpose.
- 7.3 All Personal Information shall be retained for a period of 8 (eight) years, unless consent is revoked earlier, or consent is provided in writing for further retention.
- 7.4 When Modulent is no longer authorised to retain a Data Subject's Personal Information, it shall destroy or delete such Personal Information or records of Personal Information, or de-identify them in a manner that prevents their reconstruction in an intelligible form.



8. DISCLOSURE AND TRANSFER OF PERSONAL INFORMATION TO THIRD PARTIES

- 8.1 To carry out the Modulent Purpose, Modulent's owners, managers, employees and contractors will need to review, consider, verify and discuss the Personal Information collected.
- 8.2 To carry out the Modulent Purpose, Modulent may transfer and/or disclose Personal Information to third parties, which may include potential employers and/or approved third party product and service providers and related companies or agents, as well as third party contractors, subcontractors, and/or their subsidiaries and affiliates. Examples of third-party contractors Modulent uses are providers of IT services, website management, data backup, security, and cloud storage.
- 8.3 Where required by law, some or all of the Personal Information collected by Modulent may be disclosed to any governmental authority or regulatory body.
- 8.4 Modulent may also disclose a Data Subject's Personal Information to third parties where necessary to carry out the services or activities requested of Modulent, or to protect Modulent or the Data Subject's legitimate interests, including where the transfer and/or disclosure is necessary for Modulent to perform in terms of a contract or for the implementation of pre-contractual measures taken in response to a request from the Data Subject.
- 8.5 Such disclosure shall always be subject to a written agreement and/or undertaking concluded between Modulent and such third party, obligating the third party to comply with strict confidentiality, with all the information security conditions and provisions as contained in this POPIA Policy and/or as contained in POPIA itself, unless Modulent informs the Data Subject otherwise before such transfer and/or disclosure.

9. TRANSFER OF PERSONAL INFORMATION OUTSIDE OF SOUTH AFRICA

Modulent will not disclose and/or transfer Personal Information to a party in a foreign country, unless:

- 9.1 the Data Subject consents to the disclosure and/or transfer; or
- 9.2 the disclosure and/or transfer is necessary for Modulent to perform in terms of a contract or for the implementation of precontractual measures taken in response to a request from the Data Subject; or
- 9.3 the foreign country has a law that provides protection which equates to that of POPIA; or
- 9.4 there is an agreement and/or written undertaking between Modulent and the relevant foreign party that provides protection which equates to that of POPIA.

10. SPECIAL PERSONAL INFORMATION

- 10.1 In certain circumstances, Modulent may collect certain special Personal Information about a Data Subject in order fulfil the Modulent Purpose.
- 10.2 The processing of Special Personal Information requires higher levels of protection. Accordingly, Modulent has implemented appropriate safeguards, which we are required by law to maintain, to process Special Personal Information.



- 10.3 In terms of section 27(1)(a) of POPIA, Modulent will only process Special Personal Information about you when we have obtained your consent to do so. On rare occasions, there may be other reasons for processing your special Personal Information, such as where the information has been deliberately made public by you.

11. YOUR RIGHT TO OBJECT TO THE PROCESSING OF YOUR PERSONAL INFORMATION

- 11.1 You have the right to have your Personal Information processed in accordance with the conditions of lawful processing of Personal Information as set out in POPIA.
- 11.2 In terms of Section 11(3) of POPIA and in the prescribed manner, you have the right, unless legislation provides for such processing, to object at any time to Modulent processing your Personal Information, on reasonable grounds and relating to your particular situation, where the processing is:
- 11.2.1 not covered by consent;
- 11.2.2 not necessary for carrying out a contract between Modulent and the Data Subject;
- 11.2.3 not necessary to discharge a legal obligation or protect Modulent's or the Data Subject's legitimate interests.
- 11.3 On receipt of your notice of objection together with the reasons therefor, Modulent shall place any further processing of your Personal Information on hold until the reason for the objection has been addressed and either –
- 11.3.1 the objection is resolved and withdrawn, or
- 11.3.2 the objection is upheld and accepted by Modulent.
- 11.4 In the event that the objection is upheld, no further processing of your Personal Information shall be done by Modulent.
- 11.5 In addition to the right to notify us of your objection to the processing of your Personal Information, you have the right to submit a complaint directly to the Information Regulator in terms of Section 74 of POPIA, alleging interference with the protection of your Personal Information, at:

JD House, 27 Stiemens Street
Braamfontein
Johannesburg, 2001

PO Box 31533
Braamfontein, Johannesburg, 2017

Tel: 010 023 5207

Email: complaints.IR@justice.gov.za / infoereg@justice.gov.za

12. YOUR RIGHT TO WITHDRAW YOUR CONSENT TO THE PROCESSING OF YOUR INFORMATION BY MODULENT (PTY) LTD

In terms of Section 11(2) of POPIA, you have the right to withdraw your consent to Modulent processing your Personal Information. However, Modulent may continue to process the



Personal Information to the extent necessary to implement a contract with the Data Subject, or to protect the legitimate interests of the Data Subject, or to protect Modulent's legitimate interest, or to comply with any legal obligation.

13. YOUR RIGHT TO ACCESS YOUR PERSONAL INFORMATION

- 13.1 You have the right, at any time, to request Modulent to provide you with:
- 13.1.1 the details of any of your Personal Information that Modulent holds, including any record relating to your Personal Information; and/or
- 13.1.2 the details of the manner in which Modulent has used and processed your Personal Information.
- 13.2 Such request shall be made in writing and submitted to Modulent's Information Officer.
- 13.3 The requester shall make the request in terms of Section 53 of PAIA and specifically, as set out in Form C of the PAIA Regulations of 2002 as amended.

14. YOUR RIGHT TO REQUEST CORRECTION, DESTRUCTION OR DELETION

- 14.1 You have the right to request Modulent, where necessary, to correct and/or delete your Personal Information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.
- 14.2 You also have the right to request Modulent to destroy or to delete a record of your Personal Information that Modulent is retaining.
- 14.3 Such request shall be made in writing and submitted to Modulent's Information Officer. On receiving either of the requests as set out above, Modulent shall follow the process as out in Section 24 of POPIA, and shall alter, substantiate or destroy its records, as appropriate, as soon as reasonably practicable.

15. ACCURACY OF INFORMATION AND ONUS

POPIA requires that all your Personal Information and related details as supplied are complete, accurate and up to date. Whilst Modulent will always use its best endeavours to ensure that your Personal Information is reliable, it is your responsibility to advise Modulent of any changes to your Personal Information, as and when these changes may occur.

16. ACCEPTANCE

A Data Subject consents to the collection, processing, disclosure, storage and general treatment of Personal Information described in this POPIA Policy, and as may be necessary to fulfil the Modulent Purpose,
by:

- 16.1 signing Modulent's consent form;
- 16.2 agreeing to Modulent's terms of engagement;
- 16.3 agreeing to Modulent's standard terms and conditions (STCs);



- 16.4 using Modulent's services, transacting, or otherwise dealing with Modulent after being advised of Modulent's terms of engagement, STCs or this POPIA Policy; or
- 16.5 by providing Modulent, or permitting Modulent to be provided with, their Personal Information in order for Modulent to carry out any service or legitimate activity.

17. INFORMATION OFFICER

- 17.1 Modulent's Information Officer is:

Name: **James Delaport**

Email: **james.delaport@modulent.co.za**

Telephone: **+27 79 494 1246**

for the attention of the Modulent's Information Officer : James Delaport,
james.delaport@modulent.co.za

- 17.2 For queries relating to the processing of Personal Information, Data Subjects are requested to contact the Information Officer.

18. REVISION HISTORY

Modulent may update this POPIA Policy at any time by publishing an updated version on its website. When Modulent makes changes to this POPIA Policy, it will amend the revision date. The updated policy will apply from the effective date. Modulent encourage you to review this policy regularly to remain up to date and informed.

VERSION	REVISION DATE	EFFECTIVE DATE
Version 2	October 2022	01 October 2022

