



## PRIVACY NOTICE

### **1 Introduction**

#### 1.1

This is the Privacy Notice of EMPOWERisk (Pty) Ltd and its available at [www.empowerisk.co.za](http://www.empowerisk.co.za) (Website), which applies to the personal information of EMPOWERisk's customers, suppliers, business partners and employees.

#### 1.2

EMPOWERisk respects privacy rights and endeavour to comply with all laws in respect of the handling of personal information, including collection, use, storage, sharing and disposal.

#### 1.3

This Privacy Notice helps you understand how EMPOWERisk handles personal information when you use the Website or interact with us in other ways such as at our offices or over the telephone or email.

#### 1.4

This Privacy Notice does not apply to any third-party websites which may be accessible through links on the EMPOWERisk Website. EMPOWERisk makes no representations or warranties about the privacy practices of any third party and does not accept any responsibility for the privacy practices of, or content displayed on third party websites. Third party website providers are responsible for informing you about their own privacy practices.

### **2 Changes to Privacy Notice**

EMPOWERisk may change or update this Privacy Notice from time to time. Any updated versions of this Privacy Notice will be posted on the Website and will be effective from the date of posting. Where practical, and at EMPOWERisk's discretion, notice of the change will be displayed on the Website.

### **3 What personal information does EMPOWERisk handle?**

#### 3.1

When used in this Notice, the term "personal information" has the meaning given to it in the Protection of Personal Information Act, 2013 (POPIA). Personal information is any information that can be used to personally identify a natural or juristic person. Special personal information is any information that is considered by law to be particularly sensitive information. This includes information related to your health, sex life, race, ethnic origin, religious or philosophical beliefs, trade union membership, political persuasion, criminal behaviour and biometric information. More restrictions apply to the handling of special

personal information and the information of children because they are particularly sensitive.

### 3.2

We may collect, use, store and otherwise handle by any means (also known as “processing”) the following personal information, whether that information is provided by you or by a third party:

1. **Your biographical information** ► including your name, gender, date of birth, language, nationality;
2. **Your contact information** ► including your telephone number(s), address, email address, country of residence, your contact information if you are an emergency contact person or next of kin;
3. **Your identification information** ► including your national identity details, passport information or company registration number;
4. **Financial, legal and qualification information** ► including your bank account information and Value Added Tax number where you are a supplier to EMPOWERisk, credit card information and bank statements (in the case of queries), power of attorney relating to you, financial and qualification background checks conducted when you apply to us for employment;
5. **Supplier information** ► including black economic empowerment certificate, tender information, references;
6. **Communications** ► including correspondence with you;
7. **Website information** ► including information collected through cookies when you use our Website to which our cookies policy applies, or other information you provide to us when using our Website, special personal information including photographs; and
8. In addition, we may collect any **other information** relating to you which we lawfully receive, and which may be relevant to your dealings with EMPOWERisk. If the information that EMPOWERisk collects personally identifies you, or you are reasonably identifiable from it, EMPOWERisk will treat it as personal information.

## 4 Personal Information of third parties

### 4.1

You should not disclose the personal information of third parties to EMPOWERisk unless:

1. there is a reason why EMPOWERisk needs to have that information;
2. you are permitted by the third party to disclose their personal information to EMPOWERisk or you must be their parent or guardian; and
3. you have brought this privacy policy to the attention of the third party.

### 4.2

When you give us the personal information of a third party, please provide a copy of this Privacy Notice to that person so that they can also be made aware of the conditions under which their personal information is handled by us.

### 4.3

EMPOWERisk has no reasonable way of checking that you have complied with the requirements relating to the disclosure of third party's personal information and therefore must assume that you have done so.

## **5 How does EMPOWERisk collect your personal information?**

EMPOWERisk collects your personal information directly from you in the following ways, namely when you:

1. access to and use of the Website or any of our mobile platforms;
2. visit EMPOWERisk's offices or other premises;
3. register an account with us;
4. use any of our other services;
5. address a query to us;
6. interact with us on social media; or through direct messaging systems;
7. apply to EMPOWERisk for employment;
8. communicate with EMPOWERisk in any way; and
9. have a business relationship with EMPOWERisk.

## **6 What happens if you do not permit EMPOWERisk to collect your personal information?**

If you do not provide EMPOWERisk with your personal information where EMPOWERisk requires it, you may not be able to do business with EMPOWERisk, apply to EMPOWERisk for employment, enter EMPOWERisk's premises or access certain portions of the Website or EMPOWERisk's mobile platform and this may restrict your dealings with EMPOWERisk.

## **7 For what purposes does EMPOWERisk handle your personal information?**

### 7.1

The law permits us to handle personal information where there is a lawful purpose and justification for doing so. Justifications include where we have your consent, where it is necessary to perform or conclude a contract with you, where it is in our or your legitimate interests or where the law requires us to do so. The purposes for which we handle personal information are set out below.

### 7.2

We are only permitted to handle your special personal information and the personal information of children under limited circumstances. We will only do so with consent or where we are otherwise permitted by the law.

### 7.3

EMPOWERisk will only handle your personal information for the purposes for which we have obtained it and on a grounds of justification stated in POPIA. The purposes include:

1. **To manage our relationship with you** ► to ensure compliance with laws and to be able conduct our business with you, engage with you or market and provide our services to you, authenticate your identity, to enable us to communicate with you and provide information to you and keep our records updated. **Justification:** (i) To comply

with the law including the following laws and their regulations: Broad Based Black Economic Empowerment Act, 2003; Occupational Health and Safety Act, 1993; Value Added Tax Act, 1991; Consumer Protection Act, 2008; Electronic Communications and Transactions Act, 2002; (ii) To conclude or perform in terms of a contract with you; (iii) Your consent where we ask for it and no other ground of justification applies.

2. **To manage recruitment** ► including eligibility for work, processing job applications, vetting, hires, managing visa and immigration requirements. **Justification:** Your consent.
3. **To comply with policies including monitoring** ► including in relation to claims, or legal processes or requirements and conducting investigations and incident response. We may conduct limited monitoring in accordance with the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 or our IT policy, or your consent. **Justification** (i) Our legitimate interest; (ii) Your consent where we ask for it and no other ground of justification applies.
4. **For security purposes** ► for providing IT support, security and your authentication (e.g. to check for unauthorised use of those systems and to comply with record keeping and other legal obligations) and to enable you to access our premises. **Justification:** Our and your legitimate interest, compliance with laws governing cross border travel.
5. **To maintain a safe working environment** ► we may collect and use personal information to provide a safe and healthy working environment for our suppliers whilst on our premises. Where appropriate, we may share this information with governmental and law enforcement agencies. This may include special personal information such as:
  - (a) Health information, to make provision for disabilities, allergies, illnesses and injuries, including the provision of such information to third parties such as insurers or medical professionals where appropriate; or
  - (b) Details of criminal offences, so that we can prevent and detect crime. **Justification:** (i) Our legitimate interest; (ii) To comply with the law including the Occupational Health and Safety Act, 1993; (iii) To conclude or perform in terms of a contract with you.

**To monitor equal opportunities for prospective employees and our suppliers** ► managing race, gender, and disability information as part of our equal opportunities monitoring processes. **Justification:** i) To comply with the Broad Based Black Economic Empowerment Act, 2003; (ii) Our legitimate interest.

6.

Where we cannot rely on an alternative legal justification for our handling of your personal information above, we will rely on your consent. Where we do so, you are free to withdraw your consent at any time by contacting us. However, where you withdraw your consent, the consequences in section 6 may apply.

7.

Generally, where you are our supplier, we handle your personal information on the basis that it is necessary to do so in connection with our contract with you. We may also handle your personal information to further our legitimate interests, such as to optimise the working environment, and our other business interests or in terms of the law. In all instances we will have a lawful justification to handle your personal information.

## **8 To whom does EMPOWERisk disclose your personal information?**

### 8.1

EMPOWERisk may disclose your personal information to:

1. our employees, affiliates, contractors or third-party service providers on a need to know basis;
2. our business partners which provide services to you or with which you may interact as part of your dealings with us;
3. persons to which we transfer our rights and obligations under our contracts with you;
4. our insurers and our professional advisors, including our accountants, lawyers, business advisors and consultants;
5. employment agencies, past employers or companies that contracted you to us, credit bureaux, anti-fraud agencies, sanctions and politically exposed person screening lists;
6. our suppliers;
7. law enforcement or regulatory bodies; and
8. any other juristic or natural person for any authorised purpose with your consent.

### 8.2

We will never sell personal information.

## **9 Does EMPOWERisk disclose your personal information to anyone outside South Africa?**

### 9.1

Where the personal information is transferred outside of South Africa, it will be transferred to a country with suitable protections on personal information or will be transferred subject to an agreement or rules that protect the personal information.

## **10 Direct marketing**

### 10.1

If you are a customer of EMPOWERisk we may send you marketing communications from time to time that may be of interest to you. Each time you receive such a communication from us, there will be a simple and convenient method of opting out of receiving future marketing communications from us.

### 10.2

If you are not a customer of EMPOWERisk we may request your permission to send you marketing communications from time to time that may be of interest to you. If you decline the request, EMPOWERisk will not send you marketing communications.

## **11 Security and storage**

### 11.1

We may hold personal information in either electronic or hard copy form. In both cases we will take reasonable and appropriate steps to ensure that the personal information is protected from misuse and loss and from unauthorised access, modification, or disclosure.

### 11.2

We keep personal information for as long as we need to achieve the purpose for which it was collected and any other permitted linked purpose (for example your personal information which is relevant to a transaction may be retained until the time limit for claims in respect of the transaction has expired or to comply with regulatory requirements regarding the retention of such information). If personal information is handled for 11.2 purposes, we will retain it until the purpose with the latest period expires but we will stop using it for the purpose with a shorter period once that period expires.

### 11.3

Personal information is destroyed or irreversibly anonymised when no longer needed or when we are no longer required by law to retain it (whichever is the later).

### 11.4

We restrict access to the personal information to those authorised persons who need to use it for the relevant purpose(s).

## **12 How can you exercise your rights?**

### 12.1

You have the right to contact us at any time requesting:

1. confirmation that we have your personal information;
2. access to the records containing your personal information or a description of the personal information that we hold about you; and
3. the identity or categories of third parties who have had, or currently have, access to your personal information.

### 12.2

You also have the right to object to our handling of your personal information on reasonable grounds where our justification for doing so is our or your legitimate interests.

### 12.3

When making a request we require adequate proof of identity which will include providing a certified copy of your identity or registration document/s.

### 12.4

We will try to provide you with suitable means of accessing information, where you are entitled to it, by for example, posting or emailing it to you.

## 12.5

There may be instances where we cannot grant you access to your personal information. For example, if your access would interfere with the privacy of others or would result in a breach of confidentiality, we may need to refuse access. If we refuse access, we will give written reasons for our refusal.

## 12.6

If you believe that any personal information that we hold about you is inaccurate, irrelevant, outdated, incomplete or misleading, you may request us to correct it. If you believe that any personal information that we hold about you is excessive or has been unlawfully obtained or that we are no longer authorised to retain the information, you may request that we destroy or delete it. We will consider if the information requires correction, deletion or destruction and if we do not agree that there are grounds for action, you may request that we add a note to the personal information stating that you disagree with it.

## 12.7

We may charge a reasonable fee to cover our administrative and other reasonable costs in providing the information to you. We will not charge you for simply making the request or for us making any corrections to the personal information.

You also have the right to complain to the Information Regulator where you believe that we are not handling your personal information in accordance with the law. Complaints may be sent to the following email address: [complaints.ir@justice.gov.za](mailto:complaints.ir@justice.gov.za)

## **13 Unlawful access to your personal information**

If you believe that your personal information has been unlawfully accessed or acquired, you may contact EMPOWERisk's Information Officer using the contact information below and provide details of the incident so that EMPOWERisk can investigate it.

## **14 Changes to personal information**

We are required to take steps to ensure that the personal information we hold is accurate, complete, relevant, not misleading and up to date. Should your personal information (or the personal information you provide) change, you must inform us and provide us with all changes as soon as reasonably possible to enable us to update the personal information.

## **15 Contact information**

If you have any questions about this Privacy Policy, or you wish to update your personal information or exercise any of your data subject rights you may contact EMPOWERisk's Information Officer at: [gareth@empowerisk.co.za](mailto:gareth@empowerisk.co.za)

When contacting us, please provide your name and other identifying information that you know we have in connection with you and a means through which we may reply to you (preferably an email address) so that we can deal with your communication efficiently.

September 2021