

## INFORMATION PRIVACY POLICY

### TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>2</b>
<i>Details of this policy .....</i>	2
<i>Definitions .....</i>	2
<i>Scope and application .....</i>	3
<i>Purpose of this policy .....</i>	4
<b>RIGHTS OF DATA SUBJECTS.....</b>	<b>4</b>
<b>INFORMED CONSENT .....</b>	<b>5</b>
<b>PROCESSING OF PERSONAL INFORMATION.....</b>	<b>5</b>
<i>General principles.....</i>	5
<i>Special Personal Information.....</i>	6
<i>Personal Information relating to children.....</i>	6
<b>INFORMATION TO BE PROVIDED TO THE DATA SUBJECT .....</b>	<b>7</b>
<b>SECURITY SAFEGUARDS .....</b>	<b>7</b>
<i>General principles.....</i>	7
<i>Use of Operators .....</i>	8
<b>TRANSFER OF PERSONAL INFORMATION OUTSIDE OF SOUTH AFRICA .....</b>	<b>8</b>
<b>DATA ACCURACY AND RETENTION.....</b>	<b>9</b>
<b>HANDLING OF REQUESTS FOR INFORMATION .....</b>	<b>9</b>
<i>Data Subject access requests.....</i>	9
<i>Requests for the correction or deletion of Personal Information.....</i>	10
<i>Other requests for access to information .....</i>	10
<b>IMPLEMENTATION OF THIS POLICY .....</b>	<b>11</b>
<i>Responsibilities in terms of this policy.....</i>	11
<i>Organisational measures.....</i>	11
<i>Consequences for non-compliance.....</i>	12

#### **Genesis Analytics (Pty) Ltd**

The largest economics-based consultancy in Africa

Physical 50 Sixth Road, Hyde Park, Johannesburg | Postal PO Box 413431, Craighall, 2024, South Africa  
Main +27 11 994 7000 | Facsimile +27 86 688 2247 | Registration No. 1998/001950/07

[www.genesis-analytics.com](http://www.genesis-analytics.com)

## INTRODUCTION

### Details of this policy

Information Privacy Policy	
Information Officer	Mike Olver
Designated Deputy Information Officer	Beverley Padayachee
Contact Details	<a href="mailto:popia@genesis-analytics.com">popia@genesis-analytics.com</a>
Date of Adoption	1 August 2021
Revisions	--

### Definitions

1. For the purpose of this policy, the following definitions are applicable:
  - 1.1. **Child** means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision;
  - 1.2. **Competent person** means any person who is legally competent to consent to any action or decision being taken in respect of a child;
  - 1.3. **Data subject** means a person to whom Personal Information pertains;
  - 1.4. **Genesis** means Genesis (Pty) Ltd with its head office situated at 50 6<sup>th</sup> Road, Hyde Park, Johannesburg, 2196.
  - 1.5. **Information officer** means, in respect of a private body, the head of that private body;
  - 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;
  - 1.7. **PAIA** means the Promotion of Access to Information Act 2 of 2002.
  - 1.8. **Personal Information** means information relating to an identifiable, living natural person, and where it is applicable, an existing juristic person. It includes the Personal Information as defined in POPIA.

- 1.9. POPIA** means the Protection of Personal Information Act 4 of 2013.
- 1.10. Processing** means any operation or activity, whether or not by automatic means, concerning Personal Information, including –
- 1.10.1.** the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 1.10.2.** dissemination by means of transmission, distribution or making available in any other form; or
  - 1.10.3.** merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 1.11. Record** means any recorded information, regardless of the form or medium, in the possession or under the control of the Responsible Party, whether or not it was created by the responsible party, and regardless of when it came into existence;
- 1.12. 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;
- 1.13. Special Personal Information** means:
- 1.13.1.** 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; or
  - 1.13.2.** the criminal behaviour of a data subject to the extent that such information relates to the alleged commission by a data subject or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

### ***Scope and application***

- 2.** For the purpose of this policy, Genesis is the Responsible Party.
- 3.** This policy applies to all permanent employees, fixed-term employees, independent contractors and consultants engaged by Genesis, from the date of adoption and subject to any revisions.
- 4.** Every person who works for or with Genesis has some responsibility for ensuring that data is collected, stored and handled lawfully and appropriately, and must ensure compliance with this policy.
- 5.** This policy should be read in conjunction with the provisions of POPIA and PAIA.

### **Purpose of this policy**

- 6.** Genesis recognises the need to give effect to the constitutional right to privacy, subject to justifiable limitations aimed at balancing the right to privacy against other rights and important interests.
- 7.** This policy sets out Genesis' approach to data protection and access to information in respect of the organisation. Specifically, the purpose of this policy is:
  - 7.1.** To outline the specific issues related to the processing of Personal Information by or on behalf of Genesis and to clarify the roles and responsibilities in respect thereof;
  - 7.2.** To comply with relevant legislation pertaining to information governance and follow good practice in this regard;
  - 7.3.** To protect the rights of staff, clients, partners and other affected data subjects; and
  - 7.4.** To facilitate the right of access to information as provided for in terms of the law.

---

### **RIGHTS OF DATA SUBJECTS**

- 8.** Through the implementation of this policy, Genesis seeks to give effect to the rights of data subjects. These rights include the following:
  - 8.1.** To be notified that Personal Information is being collected about the data subject;
  - 8.2.** To be notified if Personal Information about the data subject has been accessed or acquired by an unauthorised person;
  - 8.3.** To establish whether Genesis holds Personal Information about the data subject, and to request access to such information;
  - 8.4.** To request, where necessary, the correction, destruction or deletion of the data subject's Personal Information held by Genesis;
  - 8.5.** To object, on reasonable grounds, to Genesis processing the data subject's Personal Information; and
  - 8.6.** To submit a complaint to the Information Regulator.
- 9.** To the extent practicable, Genesis will assist data subjects in the exercise of these rights. In order to exercise any of these rights, kindly complete the prescribed form, published by the Information Regulator, and submit it to [popia@genesis-analytics.com](mailto:popia@genesis-analytics.com).

---

## INFORMED CONSENT

10. To the extent that consent is sought from a data subject, this will be done in a manner that ensures that the consent given is a voluntary, specific and informed expression of will.
11. The following practices will be followed in respect of consent:
  - 11.1. A clear statement of consent will be sought in plain language that is easy to understand;
  - 11.2. Positive or affirmative action will be sought from the data subject to indicate such consent;
  - 11.3. An explanation will be provided to the data subject regarding why the consent is sought and what will be done with the information being processed;
  - 11.4. Should an individual willingly or voluntarily send CV or Personal Information to Genesis, we will assume that they have given the necessary consent; and
  - 11.5. The data subject will be informed of how the consent can be withdrawn.

---

## PROCESSING OF PERSONAL INFORMATION

### *General principles*

12. Personal Information will only be collected for a specific, explicitly defined and lawful purpose related to a function or activity of Genesis, which may include one or more of the following:
  - 12.1. For the purpose of research and analysis in the provision of services;
  - 12.2. For operational purposes including the procurement of services;
  - 12.3. For current or prospective employment opportunities;
  - 12.4. For compliance with a legal obligation;
  - 12.5. For the purposes of marketing; or
  - 12.6. For any other purpose related to its functions or activities.
13. To the extent practicable, Genesis will only process Personal Information if the data subject consents to the processing.
14. Where it is not possible or practicable to obtain the consent of the data subject, Genesis may justify the processing of Personal Information on another ground, which may include one or more of the following:

- 14.1. The processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
  - 14.2. The processing protects a legitimate interest of the data subject;
  - 14.3. The processing complies with an obligation imposed by law on Genesis;
  - 14.4. The processing is necessary for pursuing the legitimate interests of Genesis or of a third party to whom the information is supplied.
15. Personal Information will only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

### ***Special Personal Information***

16. Genesis will take additional care and caution when processing Special Personal Information.
17. To the extent practicable, Genesis will only process special Personal Information if the data subject consents to the processing.
18. Genesis will comply with applicable labour laws when processing any Personal Information relating to the criminal behaviour of a data subject who is an existing or prospective employee of Genesis.

### ***Personal Information relating to children***

19. Genesis will take additional care and caution when processing Personal Information relating to a child.
20. To the extent practicable, Genesis will only process Personal Information relating to a child if the processing is carried out with the prior consent of a competent person on behalf of the child.
21. Where it is not possible or practicable to obtain the prior consent of a competent person, Genesis will only process such Personal Information if one or more of the following is applicable:
  - 21.1. The Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
  - 21.2. The Processing pertains to Personal Information that has deliberately been made public by the child with the consent of a competent person;
  - 21.3. The Processing:
    - 21.3.1. is for historical, statistical or research purposes, to the extent that the purpose serves a public interest and the processing is necessary for the purpose concerned; or
    - 21.3.2. it appears to be impossible or would involve a disproportionate effort to ask for consent, and

there are sufficient guarantees to ensure that the processing does not adversely affect the individual privacy of the child to a disproportionate extent.

---

## INFORMATION TO BE PROVIDED TO THE DATA SUBJECT

22. Where Personal Information is collected, reasonably practicable steps will be taken to ensure that the data subject is made aware of all relevant information related to the processing.
  23. The steps referred to in the above provision will not be followed if, given all relevant circumstances, Genesis is of the view that it is not necessary because one or more of the following applies:
    - 23.1. For the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated;
    - 23.2. The information will be used for historical, statistical or research purposes;
    - 23.3. The data subject, or a competent person where the data subject is a child, has provided consent for the non-compliance;
    - 23.4. Non-compliance would not prejudice the legitimate interests of the Data Subject as set out in terms of POPIA;
    - 23.5. Compliance would prejudice a lawful purpose of the collection;
    - 23.6. Compliance is not reasonably practicable in the circumstances of the particular case; or
    - 23.7. The information will not be used in a form in which the Data Subject may be identified.
- 

## SECURITY SAFEGUARDS

### *General principles*

24. Genesis will secure the integrity and confidentiality of Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent loss, damage, unauthorised destruction or unlawful access to Personal Information.
25. Genesis will take reasonable measures to:
  - 25.1. Identify all reasonably foreseeable internal and external risks to Personal Information in its possession or under its control;
  - 25.2. Establish and maintain appropriate safeguards against the risks identified;
  - 25.3. Regularly verify that the safeguards are effectively implemented; and

- 25.4.** Ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 26.** Genesis will regularly back-up the Personal Information that it stores.
- 27.** Where there are reasonable grounds to believe that the Personal Information of a data subject has been accessed or acquired by an unauthorised person, Genesis will take steps as soon as reasonably possible to notify the Information Regulator and the Data Subject, unless the identity of the Data Subject cannot be established.

### **Use of Operators**

- 28.** From time to time, Genesis may make use of operators who process Personal Information on behalf of Genesis.
- 29.** In such circumstances, Genesis will enter into a written contract with any such operator to ensure that they establish and maintain the necessary security measures.
- 30.** All operators are required to notify Genesis immediately where there are reasonable grounds to believe that the Personal Information of a data subject has been accessed or acquired by an unauthorised person.

---

## **TRANSFER OF PERSONAL INFORMATION OUTSIDE OF SOUTH AFRICA**

- 31.** To the extent practicable, Genesis will not transfer Personal Information about a Data Subject to a third party who is in a foreign country.
- 32.** Where it is necessary for Genesis to transfer Personal Information to a third party in a foreign country, Genesis will only do so if one or more of the following is applicable:
  - 32.1.** The data subject consents to the transfer;
  - 32.2.** The third party who is the recipient of the information is subject to a law or binding agreement which provides an adequate level of protection;|
  - 32.3.** The transfer is necessary for the performance of a contract between the data subject and the responsible party;
  - 32.4.** The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between Genesis and a third party; or
  - 32.5.** The transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject to the transfer.
- 33.** In the event that Genesis intends to transfer Personal Information about a child to a third party in a foreign country that does not provide an adequate level of protection for the processing of Personal Information, Genesis will obtain prior authorisation from the



Information Regulator prior to any such processing.

---

## DATA ACCURACY AND RETENTION

34. Personal Information will be held in as few places as necessary, and additional data sets will not be created unnecessarily.
  35. Reasonable steps will be taken to ensure that Personal Information is periodically updated, and that Personal Information is corrected where any inaccuracy is identified.
  36. Records of Personal Information will not be retained for longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless one of the following applies:
    - 36.1. Retention of the record is required or authorised by law;
    - 36.2. Genesis reasonably requires the record for lawful purposes related to its functions or activities;
    - 36.3. Retention of the record is required by a contract between the parties thereto;
    - 36.4. The data subject, or a competent person where the data subject is a child, has consented to the retention of the record; or
    - 36.5. The record is used for historical, statistical or research purposes by Genesis.
  37. Genesis will facilitate the destruction or deletion of a record of Personal Information or de-identify it as soon as reasonably practicable once it is no longer authorised to retain the record.
- 

## HANDLING OF REQUESTS FOR INFORMATION

### *Data Subject access requests*

38. Genesis recognises that a Data Subject has the right to:
  - 38.1. Request Genesis to confirm, free of charge, whether or not it holds Personal Information about the data subject; and
  - 38.2. Request Genesis to provide the record or a description of the Personal Information about the data subject held by Genesis within a reasonable time, at a prescribed fee, in a reasonable manner and format, and in a form that is generally understandable.
39. Any such request should be directed to the Designated Deputy Information Officer identified

in terms of this policy.

40. Genesis will always verify the identity of anyone making a data subject access request before providing any Personal Information.
41. On receipt of a data subject access request, Genesis will advise the data subject of the right to request the correction of information.
42. Genesis is entitled to refuse a request on any grounds set out in terms of Chapter 4 of Part 3 of PAIA.

### ***Requests for the correction or deletion of Personal Information***

43. Genesis recognises that a Data Subject may, in the prescribed manner, request it to:
  - 43.1. Correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
  - 43.2. Destroy or delete a record of Personal Information about the data subject that Genesis is no longer authorised to retain.
44. Any such request should be directed to the Designated Information Officer identified in terms of this policy.
45. In the event that Genesis receives such a request, Genesis will, as soon as reasonably practicable, and in compliance with POPIA, undertake one of the following steps:
  - 45.1. Correct the information;
  - 45.2. Destroy or delete the information;
  - 45.3. Provide the data subject with credible evidence in support of the information; or
  - 45.4. Where agreement cannot be reached between Genesis and the data subject, and if the data subject so requests, take reasonable steps to attach to the information in a manner that the request for correction or deletion will be read together with the Personal Information.
46. Genesis will notify the data subject of the action that has been taken as a result of the request for the correction or deletion of Personal Information.

### ***Other requests for access to information***

47. In addition to Data Subject access requests, Genesis further seeks to comply with the provisions of PAIA, and will respond to requests for any record of information, provided that:
  - 47.1. The record is required for the exercise or protection of any rights;

- 47.2. The requester complies with the procedural requirements of PAIA relating to a request for access to that record; and
- 47.3. Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of PAIA.
- 48. Such requests should be directed to the Designated Deputy Information Officer identified in terms of this policy.
- 49. Where Genesis refuses a request for access to a record, Genesis does not have an internal appeal mechanism.

---

## IMPLEMENTATION OF THIS POLICY

### *Responsibilities in terms of this policy*

- 50. The information officer has the overall responsibility for the oversight and implementation of this policy.
- 51. The Designated Deputy Information Officer and the Deputy Information Officer identified in this policy is responsible *inter alia* for:
  - 51.1. Keeping the Information Officer and all relevant persons in Genesis updated about data protection responsibilities, risks and issues;
  - 51.2. Reviewing all data protection procedures and related policies on an ongoing basis;
  - 51.3. Arranging data protection training and advice for the people covered by this policy;
  - 51.4. Handling data protection questions from staff and anyone else covered by this policy;
  - 51.5. Dealing with requests from individuals to see the data that Genesis holds about them;
  - 51.6. Checking and approving any contracts or agreements with third parties that may handle Personal Information on behalf of Genesis; and
  - 51.7. Engaging with the Information Regulator, as may be necessary or appropriate.

### *Organisational measures*

- 52. To ensure the effective implementation of this policy and good information governance practices, Genesis will undertake *inter alia* the following measures:
  - 52.1. Undertake a gap analysis and develop a Personal Information Impact Assessment to assess its compliance with POPIA;
  - 52.2. Review this policy on at least an annual basis, and consider the implementation of

good information governance practices;

- 52.3.** Identify members in the organisation to assist with the oversight and implementation of this policy;
- 52.4.** Ensure that all current and new members of the organisation are familiarised with the terms and implementation of this policy; and
- 52.5.** Conduct regular trainings with members of the organisation in respect of this policy and good information governance practices.

### ***Consequences for non-compliance***

- 53.** Genesis is committed to upholding and adhering to this policy and good information governance practices.
- 54.** Genesis reserves the right to take appropriate measures against any employee, independent contractor, consultant or operator engaged by Genesis who fails to comply with this policy, which may include appropriate disciplinary measures or the termination of operator agreements.
- 55.** Any person who is of the view that Genesis is not complying with this policy is encouraged to bring this matter to the attention of the Designated Deputy Information Officer identified in terms of this policy.
- 56.** Any data subject who is of the view that Genesis has not processed his, her or its Personal Information in compliance with this policy, or any other provision of POPIA, is entitled to lodge a complaint with the Information Regulator at the following details:

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg 2001  
Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

---