

Zonke-Uunicode

Data Protection and Privacy Policy

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Table of Contents

Definitions.....	4
Preamble.....	6
Purpose and Application.....	6
Collecting and Processing Personal Information/personal data	7
Personal Information/personal data for direct marketing purposes	8
Storage and retention of personal information/personal data.....	9
Failure to provide personal information.....	9
Securing personal information/personal data.....	9
Provision of personal information/personal data to third parties	10
Transfer of personal information/personal data outside of South Africa	10
Access to personal information/personal data	11
Keeping personal information/personal data accurate.....	11
Costs to access personal information/personal data	11
Complaints to the Information Regulator.....	12
Contacting us	12

Definitions

In this policy (as defined below), unless the context requires otherwise, the following terms will have the meanings given to them:

Applicable laws

Any laws applicable to personal data and personal information, including any statute, regulation, notice, policy, directive, ruling or subordinate legislation, the common law, any binding court order, judgment or ruling, any applicable industry code, policy or standard enforceable by law, or any applicable direction, policy or order that is given by any regulator, competent authority or organ of state or statutory industry body.

Client

Any natural person (or, where applicable) juristic person, who has concluded an agreement with Zonke-Unicode.

Competent person

Anyone who is legally competent to consent to any action or decision being taken by any matter concerning a juristic person, for example a director or employee.

Controller

Zonke-Unicode, in circumstances where it processes personal data.

Data subject

Zonke-Unicode's clients, potential clients or any third party in respect of whom Zonke-Unicode processes personal information/personal data.

Mobile app

Zonke-Unicode's digital mobile app interface.

Operator

A person or entity who processes personal information/data for a responsible party.

Personal data

Any information relating to an identified or identifiable natural person (data subject). An identifiable natural person is someone who can be identified, directly or indirectly.

Personal information

Will have the same meaning as is given in Section 1 of POPIA.

Policy

This data protection and privacy policy.

POPIA

The Protection of Personal Information Act No. 4 of 2013.

Processing

Any operation or activity or any set of operations, whether, or not, by automatic means, concerning personal information/personal data, including:

- Its collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use.
- Dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means.
- Merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, 'process' has a corresponding meaning.

Regulator/s

Any applicable regulatory authority, including the Information Regulator established in terms of POPIA.

Responsible party

In the context of this policy, Zonke-Unicode.

Special personal information/data

Personal information/personal data concerning, amongst other aspects contemplated in terms of Section 26 of Part B of POPIA, a data subject's biometric data, or criminal behaviour.

Third party

Any employee, independent contractor, agent, consultant, broker, sub-contractor, regulator/s, user of Zonke-Unicode's websites or mobile app interfaces, or other representative of Zonke-Unicode.

Website

The websites owned and operated by Zonke-Unicode.

Preamble

This policy regulates the processing of personal information/personal data by Zonke-Uncode and sets forth the requirements with which Zonke-Uncode undertakes to comply when processing personal information/personal data pursuant to undertaking its operations and fulfilling its contractual obligations in respect of data subjects and third parties in general.

Zonke-Uncode places a high premium on the privacy of every person or organisation with whom it interacts or engages with and therefore acknowledges the need to ensure that personal information/personal data is handled with a reasonable standard of care as may be expected from it.

Zonke-Uncode is therefore committed to ensuring that it complies with the requirements of POPIA. When a data subject or third party engages with Zonke-Uncode, whether it be physically or via any digital, electronic interface such as Zonke-Uncode's website, file processing or mobile app, the data subject or third party acknowledges that they trust Zonke-Uncode to process their personal information/personal data.

All data subjects and third parties have the right to object to the processing of their personal information/personal data.

Acceptance of the terms and conditions contained in this policy is voluntary.

Zonke-Uncode does however require the data subject or third party's acceptance to enable Zonke-Uncode to effectively enter into a policy of data exchange with a data subject, liaise with a data subject, exercise its right, or enforce obligations as they arise from the applicable relationship and comply with applicable laws.

Purpose and Application

The purpose of this policy is not only to inform data subjects on how Zonke-Uncode processes their personal information/personal data, but also to establish a standard by which Zonke-Uncode and its employees and representatives will comply in as far as the processing of personal information/personal data is concerned.

Zonke-Uncode, in its capacity as a responsible party/operator/controller (as the case may be), will strive to observe and comply with its obligations under POPIA when it processes personal information/personal data from or in respect of any data subject.

A more detailed breakdown of the type of data held by Zonke-Uncode can be referenced in the PAIA Manual.

Collecting and Processing Personal Information/personal data

Whenever any data subject completes an application form, contacts Zonke-Unicode electronically or telephonically, or uses 1 of the products, services, facilities, tools or utilities offered by Zonke-Unicode through its website, data files or mobile app, Zonke-Unicode will in effect be processing the data subject's personal information/personal data. From time to time, it may be that Zonke-Unicode has collected a data subject's personal information/personal data from other sources. In the event that a data subject has shared their personal information/personal data with any third parties, Zonke-Unicode will not be responsible for any loss suffered by the data subject, their dependents, beneficiaries, spouse/s or employees (as the case may be).

Zonke-Unicode will process personal information/personal data in order to facilitate and enhance the delivery of products and services to its members, foster a legally compliant workplace environment, as well as safeguard the personal information/personal data relating to any data subjects which it in fact holds. In such an instance, the data subject providing Zonke-Unicode with such personal information/personal data will confirm that they are a competent person and that they have authority to give the requisite consent to enable Zonke-Unicode to process such personal information/personal data.

Zonke-Unicode undertakes to process any personal information/personal data in a manner which promotes the data subject's constitutional right to privacy, retains accountability and data subject participation.

In supplementation of the above, Zonke-Unicode will process personal information/personal data for the following purposes:

- To provide or manage any information, products, or services requested by data subjects.
- To establish a data subject's needs, wants and preferences in relation to the products/services provided by Zonke-Unicode.
- To help Zonke-Unicode identify data subjects when they contact Zonke-Unicode.
- To facilitate the delivery of products/services to clients.
- To allocate unique identifiers to clients for the purpose of securely storing, retaining and recalling such data subject's personal information/personal data from time to time.
- To maintain records of data subjects and specifically client records.
- To maintain third party records.
- For general administration purposes.
- For legal/contractual/financial purposes.
- To monitor access, secure, and manage any facilities owned or operated by Zonke-Unicode regardless of location in South Africa.
- To transact with third parties.
- To improve the quality of Zonke-Unicode's products and services.
- To detect, combat and prevent vehicle crime.

- To supply law enforcement with any relevant information.
- To analyse the personal information/personal data collected for research and statistical purposes.
- To help recover stolen/hijacked vehicles and other properties.
- To transfer personal information/personal data across the borders of South Africa to other jurisdictions.
- To carry out analysis and/or client profiling.
- To identify other products and services which might be of interest to our clients and data subjects in general, as well as to inform them of such products/services.

When collecting personal information/personal data from a data subject, Zonke-Uncode will comply with the notification requirements as set out in Section 18 of POPIA.

Zonke-Uncode will collect and process personal information/personal data in compliance with the conditions as set out in POPIA to ensure that it protects the data subject's privacy. Zonke-Uncode will not process the personal information/personal data of a data subject for any purpose other than for the purposes set forth in this policy, unless Zonke-Uncode is permitted or required to do so in terms of applicable laws or otherwise by law.

Zonke-Uncode may from time to time process personal information/personal data by making use of automated means (without deploying any human intervention in the decision making process) to make decisions about the data subject or their application. In this instance it is specifically recorded that the data subject may object to or query the outcomes of such a decision.

Personal Information/personal data for direct marketing purposes

Zonke-Uncode acknowledges that it may only use personal information/personal data to contact data subjects for purposes of direct marketing where Zonke-Uncode has complied with the provisions of POPIA and when it is generally permissible to do so in terms of applicable laws.

Zonke-Uncode will ensure that a reasonable opportunity is given to all data subjects to object (opt-out) to the use of their personal information/personal data for Zonke-Uncode's marketing purposes.

Storage and retention of personal information/personal data

Zonke-Unicode will retain personal information/personal data it has processed, in an electronic or hard copy file format, with a secure third party service provider appointed for this purpose.

Personal information/personal data will only be retained by Zonke-Unicode for as long as necessary to fulfil the purposes for which that personal information/personal data was collected, or as permitted in terms of applicable law.

It is specifically recorded that any data subject has the right to object to the processing of their personal information and Zonke-Unicode will retain and store the data subject's personal information/personal data for the purposes of dealing with such an objection or enquiry as soon and as swiftly as possible.

Failure to provide personal information

Where Zonke-Unicode is required to collect personal information/personal data from a data subject by law or in order to fulfil a legitimate business purpose of Zonke-Unicode, and the data subject fails to provide such personal information/personal data, Zonke-Unicode may, on notice to the data subject, decline to render services without any liability to the data subject.

Securing personal information/personal data

Zonke-Unicode has implemented appropriate, reasonable, physical, organisational, contractual and technological security measures to secure the integrity and confidentiality of personal information/personal data, including measures to protect against the loss or theft, unauthorised access, disclosure, copying, use or modification of personal information/personal data in compliance with applicable laws.

In further compliance with applicable laws, Zonke-Unicode will take steps to notify the relevant regulator/s and any affected data subjects in the event of a security breach and will provide such notification as soon as reasonably possible after becoming aware of any such breach.

Notwithstanding any other provisions of this policy, it should be acknowledged that the transmission of personal information/personal data, whether it be in person, via the internet or any other digital data transferring technology, isn't completely secure. While Zonke-Unicode has taken all appropriate, reasonable measures to secure the integrity and confidentiality of the personal information/personal data it processes, in order to guard against the loss of, damage to, or unauthorised destruction of, personal information/personal data and unlawful access to (or processing of) personal information/personal data, Zonke-Unicode in no way guarantees that its security system is 100% secure or error-free.

Therefore, Zonke-Unicode does not guarantee the security or accuracy of the information (whether it be personal information/personal data or not) which it collects from any data subject.

Any transmission of personal information/personal data will be solely at the own risk of the data subject. Once Zonke-Unicode has received the personal information/personal data, it will deploy and use strict procedures and security features to try and prevent unauthorised access to it. As indicated above, Zonke-Unicode reiterates that it restricts access to personal information/personal data to third parties who have a legitimate operational reason for having access to such personal information/personal data. Zonke-Unicode also maintains electronic and procedural safeguards that comply with the applicable laws to protect your personal information from any unauthorised access.

By accepting the terms and conditions to which this policy relates, the data subject agrees to indemnify and hold Zonke-Unicode harmless for any security breaches which may potentially expose the personal information/personal data in Zonke-Unicode's possession to unauthorised access or the unlawful processing of such personal information/ personal data by any third party.

Provision of personal information/personal data to third parties

Zonke-Unicode may disclose personal information/personal data to third party service providers, including, but not limited to law enforcement agencies, where necessary to achieve the purpose/s for which the personal information/personal data was originally collected and processed.

Zonke-Unicode will enter into written agreements with such third-party service providers to ensure that they comply with applicable laws pursuant to the processing of personal information/personal data provided to it by Zonke-Unicode from time to time.

Transfer of personal information/personal data outside of South Africa

Zonke-Unicode may, under certain circumstances, transfer personal information/personal data to a jurisdiction, most notably law enforcement, or other such agencies outside of South Africa in order to achieve the purpose/s for which the personal information/personal data was collected and processed.

Zonke-Unicode will obtain the data subject's consent to transfer the personal information/personal data to such foreign jurisdiction unless consent isn't required by applicable law.

The data subject should also take note that, where the personal information/personal data is transferred to a foreign jurisdiction, the processing of personal information/personal data in the foreign jurisdiction may be subject to the laws of that foreign jurisdiction.

Access to personal information/personal data

A data subject has the right to a copy of the personal information/personal data which is held by Zonke-Unicode (subject to a few limited exemptions as provided for under applicable law). The data subject must make a written request (which can be sent by email) to the information officer designated by Zonke-Unicode from time to time. Zonke-Unicode will provide the data subject with any such personal information/personal data to the extent required by applicable law and subject to and in accordance with the provisions of Zonke-Unicode's PAIA manual published in terms of Section 51 of the Promotion of Access to Information Act 2000 (PAIA), which can be sourced via Zonke-Unicode's website at unicode.co.za.

The data subject can challenge the accuracy or completeness of their personal information/personal data in Zonke-Unicode's records at any time in accordance with the process set out in Zonke-Unicode's PAIA manual.

Keeping personal information/personal data accurate

Zonke-Unicode will take reasonable steps to ensure that personal information/personal data that it processes is kept updated where reasonably possible.

Zonke-Unicode may not always expressly request the data subject to verify and update their personal information/personal data and expects that the data subject will notify Zonke-Unicode from time to time in writing:

- Of any updates or amendments required in respect of their personal information/personal data.
- Where the data subject requires Zonke-Unicode to delete their personal information/personal data (subject to a few limited exemptions as provided for under applicable law).
- Where the data subject wishes to restrict the processing of their personal information/personal data (subject to a few limited exemptions as provided for under applicable law).

Costs to access personal information/personal data

The prescribed fees to be paid for copies of the data subject's personal information/personal data are listed in Zonke-Unicode's PAIA manual. Zonke-Unicode reserves the right to make amendments to this policy from time to time.

Complaints to the Information Regulator

In the event that any data subject or third party is of the view or belief that Zonke-Unicode has processed their personal information/personal data in a manner or for a purpose which is contrary to the provisions of this policy, the data subject is required to first attempt to resolve the matter directly with Zonke-Unicode, failing which the data subject or third party will have the right to lodge a complaint with the Information Regulator, under the provisions of POPIA.

The contact details of the Information Regulator are:

Physical address 33 Hoofd Street, Forum III, 3rd Floor Braampark, Johannesburg, 2001

Contact person

Marks Thibela

Position Chief executive officer

Work no. +27 10 023 5207

Phone no. 082 746 4173

Email infoereg@justice.gov.za

Contacting us

All comments, questions, concerns or complaints regarding personal information/personal data or this policy, should be forwarded to Zonke-Unicode's information officer.

Contact details are available on the Zonke-Unicode website at unicode.co.za.