



Information Security & Privacy Management

Privacy Policy

Version 3

23 August 2024

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PRIVATE & CONFIDENTIAL

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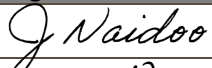
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1. PURPOSE AND OVERVIEW:

This document constitutes the latest version of the Privacy Policy ("**Privacy Policy**") of Nanyata, Registration Number 2014/208941/07, situated in Kelland, Randburg, 2194, Johannesburg, South Africa. It has been designed to govern how Nanyata handles personal information collection, storage, usage, and destruction to comply with the provisions of the PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 ("**POPI**").

The purpose of this Privacy Policy is to create open and transparent communication with all our stakeholders, and to protect the privacy rights of persons (both natural and juristic) in the instances where Nanyata is deemed to be the responsible party.

At Nanyata we strive for quality in everything we do through our commitment to ethical and sustainable business practices within the South African business environment. "Transparency" is written into our corporate philosophy, which makes adherence to POPI second nature to us, and builds our commitment to protecting the privacy of all our stakeholders, including candidates, clients as well as the users of our website, and aim to provide a safe and secure experience, and ensure that the information in our custody is only used for the purposes set out in this policy.

As part of our ongoing commitment to maintaining a secure and private environment of trust and empowerment, we have appointed Jacintha Naidoo as our Information officer. She can be contacted at jacintha@nanyata.co.za, or via telephone on +(27) 87 148 8472.

The reader of this policy should be able to differentiate and understand what is meant by the specific terms used in the POPI act, which are listed in the definitions section below.

2. DEFINITIONS

The following concepts will be used throughout this policy and are defined as follows:

Child	Means a natural person under the age of 18 years who is not legally competent, without the assistance of a Competent Person, (like a parent or guardian) to take any action or decision in respect of any matter concerning him or herself.
Competent person	Means any person who is legally competent to Consent to any action or decision being taken in respect of any matter concerning a Child (like a parent or guardian).
Consent	Means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.
Customer	Means a person who buys goods and/ or services and/or products from Nanyata including a previous or potential customer.
Data Protection Authority	Means any independent national authority responsible for upholding the fundamental right of individuals to data privacy through the enforcement and monitoring of compliance with data protection legislation in that jurisdiction.
Data Subject	Means the person to whom Personal Information relates. In reference to Nanyata this means, primarily but without limitation, candidates; employees' operators/suppliers, other persons and third parties.
Employee	Means a person employed for wages or salary, including permanent employees, non-permanent employees, contractors, secondees and contingent workers.
Information Officer	Means the person responsible to ensure overall compliance to privacy legislation.
Juristic Person	Means an existing company, trust, non-profit organisation, association, or other legal entity recognised by law as having rights and duties.
Natural Person	Means an identifiable, living human being.
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. This means any party that provides a service to process information on behalf of Nanyata.
PAIA	Promotion of Access to Information Act 2 of 2000
Personal Information ("PI")	Means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to— (a) information relating to the 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 the person. (b) information relating to the education or the medical, financial, criminal or employment history of the person. (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person. (d) the biometric information of the person. (e) the personal opinions, views, or preferences of the person.

	(f) 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. (g) the views or opinions of another individual about the person; and (h) 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. For purposes of this document, “PI” will refer to Personal information in all its forms: “PI, SPI and Children’s PI” per their definitions below.
POPIA	Protection of Personal Information Act 4 of 2013
Processing	Means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including— (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use. (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, as well as restriction, degradation, erasure, or destruction of information.
Record	Means any recorded information— (a) regardless of form or medium, including any of the following: (i) Writing on any material. (ii) 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. (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means. (iv) book, map, plan, graph, or drawing. (v) 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. (b) in the possession or under the control of a responsible party. (c) whether or not it was created by a responsible party; and (d) regardless of when it came into existence.
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 reference to this policy, the Responsible Party is Nanyata.
Special Personal Information (“SPI”)	Means any personal information of a data subject, concerning- • 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 • the criminal behaviour of a data subject to the extent that such information relates to— I. the alleged commission by a data subject of any offence; or II. (Any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
Supplier	Means a Natural or Juristic person that provides a product or renders services to Nanyata.

3. APPLICABILITY AND SCOPE

3.1 Who this policy applies to:

3.1.1 All employees of Nanyata have the responsibility of acquainting themselves with this policy, ensuring that they know, understand, and comply with the provisions thereof. Failure to comply could result in significant risk to Nanyata and its business operations where PI are processed.

3.1.2 The PI being processed by Nanyata may belong to, including but not limited to:

- shareholders;
- employees of Nanyata;
- beneficiaries of employees, including children;
- bursary students and interns;
- clients;
- consultants;
- candidates;
- contract workers;
- non-executive directors;
- business contacts; and
- third party service providers/operators to Nanyata and their employees.

3.1.3 This policy applies to any device or process and business procedure within Nanyata information processing facilities and all PI, either new or existing, in electronic or paper-based form, or on any other media.

3.1.4 This policy must be read in conjunction with applicable and relevant Nanyata policies as communicated periodically.

3.2 How we use your Personal Information:

3.2.1 Staff, Contractors, and Third Parties:

We will hold, use, and disclose your personal information, for our legitimate business purposes including:

- to provide you with training where required
- to fulfil regulatory obligations;
- to allow us to process payments to you for services rendered;
- to ensure you uphold the same privacy and security standards as we do;
- to manage all the administrative aspects of our relationship with you;

3.2.2 Candidates:

We will hold, use, and disclose your personal information, for our legitimate business purposes including:

- to provide our services to you;
- to fulfil contractual obligations with our clients;
- to maintain our business relationship with users of our website, clients, candidates, or partners;

- to enable you to submit your CV via <https://nanyata.co.za/for-resources>;
- to find you a suitable position;
- to keep your information in our secure database in order to notify you about future job opportunities where applicable;
- to share your information (including Personal Information and Special Personal Information) with potential employers;
- to answer your enquiries;
- if you have subscribed to receiving information from us, we may keep you updated on industry trends, news, and other information;
- to release personal information to regulatory or law enforcement agencies, if we are required to do so;

3.2.3 Website Users:

- Nanyata collects personal information in the line of normal business, such as a user's name, email address, phone number, IP address and location. We only receive these if a user manually submits them through our website.
- Our website also makes use of cookies, designed to collect information to optimize our services, as an example your browser experience and to increase functionality. We gather this data for marketing purposes and to create a greater personalized experience for our website visitors. This data also enables us to moderate comments on our website.
- While cookies are used by default, they may be disabled. However, this may prevent you from using the full range of our available services. If you wish to reject our cookies, you can configure your browser to do so.

3.3 What information we collect:

Regardless of our relationship, we may be required by law or regulation or internal policy to collect and store some personal information or special personal information from you in order to conduct our normal business. Due to the nature of our business, we will likely perform both criminal and credit checks, and may need to share such information with third parties or clients. None of this will be done without your consent.

4. PRINCIPLES APPLICABLE TO THE HANDLING OF PI AND SPI

POPI guides us on how to securely process the Personal Information win our care, by defining certain conditions or principles.



Below is a breakdown of how Nanyata responds to each of these principles

4.1 Accountability

- Nanyata will ensure that all processes and procedures that handle and deal with PI, in any format, from its collection, processing, sharing, retention and destruction complies with POPI.
- In order to comply with the above, we have put the following in place:
 1. An Information officer and Deputy information officer have been appointed
 2. A privacy governance structure and formal incident management reporting;
 3. A formal privacy policy (this policy);
 4. A PAIA Manual has been drafted and published;
 5. Personal Information Register drafted;
 6. POPI training concluded for all staff;

7. Nanyata has adopted a Privacy by Design principle in all projects.

- Nanyata will remain the responsible party for all personal information processed under our control and authority.
- Nanyata will ensure that all operators are bound by contract where personal information is processed.

4.2 Processing Limitation

- Nanyata will process personal information of Data Subjects lawfully and, in a reasonable manner so that it does not unreasonably intrude on the Data Subject's right to privacy.
- Collection of all PI will be directly from the Data Subject or an authorised intermediary or to have a process in place to know the origin of data and the rules that pertain to the particular origin.
- This means PI will be collected throughout the relationship with Nanyata through various interactions including, but not limited to, collection required by law.
- A Data Subject's PI may be collected from another party as long as the conditions in law are adhered to, and where possible, will be done with the consent of the data subject.
- Nanyata will not collect or store more information than what is absolutely needed per the purpose specification.
- PI belonging to employees of Nanyata will be processed for the purposes of providing remuneration to the employees;
 - conducting criminal, credit, reference, and other related reference checks on the employee or prospective employee;
 - carrying out the specific obligations and duties of Nanyata in the field of employment legislation;
 - realising objectives laid down by or by virtue of tax or other applicable legislation;
 - properly assessing performance under an employment contract;
 - undertaking management activities, such as succession planning, talent management, training, work planning, managing tasks, assessing the performance of the employees, and controlling security and access to facilities and
 - rendering value added services to the employee, such as wellness (Medical aid, Clinics etc.), catering services and other lawfully permitted purposes.
 - In addition, the PI of the Children of employees may be processed when they are beneficiaries on Employee Insurance, Medical, Provident or Pension schemes.
- Such purposes must be evident in the Nanyata POPIA Employee Declaration.

4.3 Purpose Specification

- Personal information will only be processed for specific, explicitly defined, and legitimate reasons.
- Nanyata will take all reasonable measures to guarantee the Data Subject's rights (See the Data Subject Rights section below)
- Personal information will only be used for the specific purpose for which it was collected and will be destroyed in accordance with our Retention and Destruction Register and this privacy policy.
- Physical documentation will be shredded as soon as it has been digitized. Digital information will be deleted within the time-periods stipulated in the Retention and Destruction Register.

4.4 Further Processing Limitation

Personal information may not be processed for a secondary purpose unless that processing is compatible with the original purpose.

- Further processing of a Data Subject's personal information will only be permitted if this processing is compatible with the original purpose of collection and processing, as specified in the Nanyata's Privacy Policy; POPIA Employee Declaration and the Supplier contract.
- Further processing of PI will be allowed for the following reasons: if obtained from a public record, if further processing is required by law, to protect a public interest or matters of national security, or by authorisation of the applicable Data Protection Authority.

4.5 Information Quality

- Nanyata continuously takes all reasonable steps to ensure that PI processed or under their control is complete, accurate, not misleading and updated when necessary.
- Candidates can update their information by sending a request to Nanyata, who will in turn ensure that PI stored includes the latest information.
- Nanyata takes all reasonable steps to provide means for employees to update their PI when it changes.
- Nanyata will, within reason, ensure that all information submitted to clients contain the latest and most accurate information, as gathered from the data subject or from third parties.

4.6 Openness

- Nanyata will allow access to information in terms of the provisions of the Promotion of Access to Information Act 2 of 2000 ("PAIA"). The PAIA manual has been drafted and published for this specific reason
- Nanyata must take all reasonable steps to ensure that Data Subjects are aware of the PI that is collected, the purpose of the collection, how long the information will be retained and the parties with whom the information is shared.
- Nanyata will make available to the Data Subject: the identity of the third party requiring the information; the purposes for which the information is collected; whether or not the supply of the information required is mandatory or voluntary; the consequences of the failure of the Data Subject to provide such information; the legal requirement for collection of the information, and any further information ensuring reasonable processing of the Data Subject's information such as the recipient or categories of recipients of the information; nature or category of the information; any right to access the information; and the existence of any right of access to update/amend the information as provided for in the PAIA Manual.

4.7 Security Safeguards

- Nanyata will ensure the integrity and confidentiality of PI in its possession, or under its control, by taking appropriate, reasonable, technical, and organisational measures to prevent loss, damage, and unauthorised access to or destruction of PI. Such measures include the prevention and timely detection of unauthorised access to PI, and the protection of computer systems and networks used for storing, processing, and transmitting PI.
- Nanyata ensures that all permanent and non-permanent employees are trained on measures to prevent loss, damage and unauthorised access or destruction of PI under its control.

- Non-disclosure agreements, confidentiality and data protection clauses in service agreements are needed with all third parties who process PI on behalf of Nanyata,
- Nanyata will, as part of its information risk management process, take cognisance of the industry requirements relating to generally acceptable information security practices and procedures in terms of specific local and/or global industry or professional rules and regulations.
- Nanyata will ensure that internal and external information security risks to PI in its possession are identified on a continuous basis.
- Nanyata will ensure that the appropriate safeguards are established and maintained against the identified risks and regular verification of the effective implementation of such safeguards will be undertaken and continuously reviewed and updated in response to new risks.
- Nanyata has put in place internal processes and procedures with appointed information office staff with clearly defined roles and responsibilities to prevent and/or respond to any Privacy Incidents

4.8 Data Subject Participation

As a candidate, third party, staff member, or client, you have certain rights in relation to personal information we hold about you. Details of these rights and how to exercise them are set out below.

4.8.1 Right to not be Contacted for Marketing Purposes

- Nanyata will only send you marketing or news updates if you have subscribed to this service. You have the right at any point to "opt-out" or "unsubscribe"
- Please note: This will not have any impact on our service delivery communication with you.

4.8.2 Right of Access

- In accordance with the Promotion of Access to Information Act 2 of 2000, a PAIA manual has been drafted and published for your information.
- You have the right at any time to ask us for a copy of the personal information about you that we hold. If prevented from doing so, you will receive a full explanation of the reason
- When you make a request to access personal information, please make use of the forms provided by the Information Regulator: <https://inforegulator.org.za/popia-forms/>
- If at any time you want to know what personal information we hold about you, you may contact us by email.

4.8.3 Right of Destruction or Deletion

- You have the right to request that your information is deleted. In the event that your PI is no longer in use, and has passed the necessary retention period per the Retention register, your request will be actioned.
- email jacintha@nanyata.co.za to request to have your data deleted. If this request falls within our retention rules, this information will be deleted during the next maintenance cycle.
- When you make a request to access personal information, please make use of the forms provided by the Information Regulator: <https://inforegulator.org.za/popia-forms/>

4.8.4 Right to Object to or Restrict Processing

- You also have the right to object to use of your personal information for direct marketing purposes, and you may object to the processing of your PI. In both cases, you are welcome to send an email to jacintha@nanyata.co.za
- You may also have the right to restrict our use of your personal information, such as in circumstances where you have challenged the accuracy of the information and during the period where we are verifying its accuracy.
- If you object to processing of PI, Nanyata will stop processing that personal information within a reasonable time unless there is an obligation for Nanyata to continue processing the personal information in order to comply with other legal, regulatory, or contractual requirements. You will be informed of the consequences of objection to processing, where these may exist.
- Nanyata will not retain records of PI for excessive periods which are longer than necessary to achieve the stated purpose for processing unless the retention of such PI is in accordance with the provisions of legislation or legitimate business purpose.
- Nanyata will ensure that all such records will be retained and safely destroyed in accordance with the Retentions Register.
- Nanyata may retain records of PI beyond its stipulated retention period only for historical, statistical or research purposes, and such retention will be done in line with the applicable privacy and security safeguards of Nanyata.

4.8.5 Right not to be subject to a decision based solely on automated processing

Nanyata does not make decisions based solely on automated processing, including profiling.

4.8.6 Right to withdraw Consent

Wherever we process your PI based on your consent, you have the right to withdraw your consent at any time. To action, please send an email to jacintha@nanyata.co.za

4.8.7 Right of Correction

If personal information we hold about you is not accurate, out of date or incomplete, you have a right to have the data corrected, updated, or completed. You can let us know by sending an email to jacintha@nanyata.co.za

If we become aware of any ongoing concerns or problems concerning our privacy practices, we will take these issues seriously and work to address these concerns. If you have any further queries relating to our privacy policy, or you have a problem or complaint, please contact our Information Officer (as per section 55 of POPIA) at jacintha@nanyata.co.za

To assist you with any Personal Information requests, please use this link: <https://inforegulator.org.za/popia-forms/>

4.9 Cross Border Transfer of Personal Information

Nanyata uses third parties and web-based services for various processing activities. Nanyata remains cognisant of your privacy and keeps the information on these platforms to the bare minimum to limit exposure.

PI in the possession of Nanyata may be transferred to a third party in another country if:

- The personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient;
- Where the transfer is necessary to enter into or perform under a contract with a data subject, or a contract with a third party that is in the data subject's interest;
- Where the data subject has consented to the transfer; and / or
- Where it is not reasonably practical to obtain the data subject's consent, but the transfer is in the data subject's interest.
- All cross-border transfers of PI will be subject to the terms of this Privacy Policy and applicable legislation and legal requirements in that jurisdiction.

4.10 Third Party / Operator Management

- Nanyata will ensure that third party suppliers/operators processing any personal information on its behalf have adequate technical and organisational measures to prevent loss, damage, and unauthorised access to or destruction of Nanyata PI under the control of the third-party service provider or operator by means of conclusion of a contract.
- Such measures for third party service suppliers or operators must be in line with this Policy
- Regular monitoring of third-party suppliers or operators will be undertaken by Nanyata, to ensure that the PI handled by the third-party supplier or operator is dealt with legally.
- All Third-Party agreements and documentation must be updated to ensure that they manage privacy with the same emphasis as Nanyata does.

5. EFFECT OF POLICY:

Nanyata operates in a dynamic business environment. Over time, aspects of our business may change as we respond to changing market conditions. This may require our policies to be reviewed and revised. Nanyata reserves the right to change its privacy policy at any time and notify data subjects by posting an updated version of the policy on this website.

- Nanyata has processes in place for the Data Subject to enquire what information Nanyata holds on them.
- Nanyata must implement the required channels that enable Data Subjects (customers, employees, or suppliers) to approach Nanyata as prescribed in the PAIA manual, in order for Nanyata to confirm whether it holds PI about the Data Subject, free of charge.
- Moreover, Nanyata will be required to provide the record, or a description of the PI held by Nanyata, or an Operator, within a reasonable period of time; in the prescribed format and may levy the prescribed charges provided for in terms of the PAIA Manual.
- Where Nanyata provided a record or description of the PI, Nanyata will advise the Data Subject that they may request a correction or deletion of the information. Such correction or deletion of the PI will be entertained by Nanyata if the PI is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully, and in line with the applicable legislative requirements. The information officer will have the final say in this regard.

6. NON-COMPLIANCE

Non-compliance with this Policy, including all related policies, standards, procedures, and directives, may result in disciplinary action or dismissal. Penalties for non-compliance will primarily be governed by the laws of South Africa. However, depending on the circumstances, penalties under the laws of other jurisdictions may also apply. In certain cases, penalties from multiple jurisdictions may be enforced concurrently.

7. OWNERSHIP AND REVIEW

This policy is owned by Jacintha Naidoo and must be reviewed at least every two (2) years. This policy will also be reviewed when the final POPIA regulations are published or any applicable code of conduct under POPIA is published or there is any amendment to the overarching legislation.