



LEGAL & REGULATORY

Version: **1.0**

Implementation date:

Document Type: **POLICY**

Document Number:

SENTECH SOC LTD ("SENTECH") EXTERNAL PRIVACY POLICY

CURRENT DOCUMENT APPROVAL

APPROVAL

POSITION/ROLE	NAME	SIGNATURE	DATE
CEO/CHAIRPERSON	Mr. Mlamli Booi		21 Nov 2021

Date of next review: **As per the Policy on Policies**

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**SENTECH SOC LTD
("SENTECH")
EXTERNAL PRIVACY POLICY**

TABLE OF CONTENTS

1	DEFINITIONS	3
2	PURPOSE OF THIS POLICY	4
3	PROCESS OF COLLECTING PERSONAL INFORMATION	4
4	LAWFUL PROCESSING OF PERSONAL INFORMATION	5
5	SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN	6
6	PURPOSE FOR PROCESSING PERSONAL INFORMATION	6
7	KEEPING PERSONAL INFORMATION ACCURATE	8
8	STORAGE AND PROCESSING OF PERSONAL INFORMATION BY SENTECH AND THIRD PARTY SERVICE PROVIDERS	9
9	RETENTION OF PERSONAL INFORMATION	9
10	FAILURE TO PROVIDE PERSONAL INFORMATION	11
11	SAFE-KEEPING OF PERSONAL INFORMATION	11
12	BREACHES OF PERSONAL INFORMATION	11
13	PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS	12
14	ACCESS TO PERSONAL INFORMATION	13
15	TIME PERIODS	15
16	COSTS TO ACCESS TO PERSONAL INFORMATION	15
17	CHANGES TO THIS POLICY	15
18	CONTACTING US	15

Annexure A – RASCI Matrix 17

1 DEFINITIONS

In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings –

- 1.1 "**Child**" means any natural person under the age of 18 (eighteen) years;
- 1.2 "**Data Breach**" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of SENTECH;
- 1.3 "**Data Subject**" means the natural or juristic person to whom Personal Information relates;
- 1.4 "**Employee**" means any employee of SENTECH;
- 1.5 "**Operator**" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.6 "**PAIA**" means the Promotion of Access to Information Act No. 2 of 2000;
- 1.7 "**Personal Information**" has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;
- 1.8 "**Policy**" means this Privacy Policy;
- 1.9 "**POPIA**" means the Protection of Personal Information Act No. 4 of 2013;
- 1.10 "**Processing**" has the meaning ascribed thereto under POPIA. "**Process**" has a corresponding meaning;
- 1.11 "**Regulator**" means the Information Regulator established in terms of POPIA;
- 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 "**SENTECH**" means SENTECH SOC Limited, a state-owned enterprise established in terms of the SENTECH Act No 63 of 1996, as amended, with

registration number 1990/001791/30 and registered business address at Sender Technology Park, Octave Street, Honeydew;

1.14 **"Special Personal Information"** means Personal Information concerning a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and

1.15 **"Third Party"** means any independent contractor, agent, consultant, sub-contractor or other representative of SENTECH.

2 **PURPOSE OF THIS POLICY**

2.1 The purpose of this Policy is to inform Data Subjects about how SENTECH Processes their Personal Information.

2.2 SENTECH, in its capacity as Responsible Party [and/or Operator], shall strive to observe, and comply with its obligations under POPIA as well as accepted information protection principles, practices and guidelines when it Processes Personal Information from or in respect of a Data Subject.

2.3 This Policy applies to Personal Information collected by SENTECH in connection with the services which SENTECH provides. This includes information collected directly from you as a Data Subject, as well as information we collect indirectly through our service providers who collect your information on our behalf.

2.4 This Privacy Policy does not apply to the information practices of Third Party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that SENTECH does not manage or employ. These Third Party sites may have their own privacy policies and terms and conditions and we encourage you to read them before using them.

3 **PROCESS OF COLLECTING PERSONAL INFORMATION**

3.1 SENTECH collects Personal Information directly from Data Subjects, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public or the Personal Information is contained in or derived from a public record).

- 3.2 SENTECH will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.
- 3.3 SENTECH often collects Personal Information directly from the Data Subject and/or in some cases, from Third Parties. Where SENTECH obtains Personal Information from Third Parties, SENTECH will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where SENTECH is permitted to do so in terms of clause 3.1 above or the applicable law.
- 3.4 An example of such Third Parties includes: (i) regulatory bodies; (ii) recruitment agencies; (iii) other companies providing services to SENTECH; and (iv) where SENTECH makes use of publicly available sources of information.

4 LAWFUL PROCESSING OF PERSONAL INFORMATION

- 4.1 Where SENTECH is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –
- 4.1.1 consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;
- 4.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
- 4.1.3 Processing complies with an obligation imposed by law on SENTECH;
- 4.1.4 Processing protects a legitimate interest of the Data Subject; and/or
- 4.1.5 Processing is necessary for pursuing the legitimate interests of SENTECH or of a third party to whom the information is supplied.
- 4.2 SENTECH will only Process Personal Information where one of the legal bases referred to in paragraph 4.1 above are present.
- 4.3 SENTECH will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.

4.4 Where SENTECH is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to SENTECH's Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by any other legal ground provided under POPIA.

4.5 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, SENTECH will ensure that the Personal Information is no longer Processed.

5 SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

5.1 Special Personal Information is sensitive Personal Information of a Data Subject and SENTECH acknowledges that it will generally not Process Special Personal Information unless –

5.1.1 Processing is carried out in accordance with the Data Subject's consent;

5.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;

5.1.3 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;

5.1.4 information has deliberately been made public by the Data Subject; or

5.1.5 specific authorisation applies in terms of POPIA.

5.2 SENTECH acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

6 PURPOSE FOR PROCESSING PERSONAL INFORMATION

6.1 SENTECH understands its obligation to make Data Subjects aware of the fact that it is Processing their Personal Information and inform them of the purpose for which SENTECH Processes such Personal Information.

- 6.2 SENTECH will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.
- 6.3 It will ensure that there is a legal basis for the Processing of any Personal Information. Further, SENTECH will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).
- 6.4 SENTECH will generally use Personal Information for purposes required to operate and manage its normal operations as a statutory body and a licensed Electronic Communications Network Services (ECNS) and Electronic Communications Services (ECS) services provider as stipulated under the Electronic Communications Act No. 36 of 2005. These purposes include one or more of the following non-exhaustive purposes –
- 6.4.1 generally for the purposes of providing its services to customers, as per its mandate. This includes providing broadcast transmission services to all the South African Broadcasting Corporation's radio and television stations, commercial radio and television stations, community radio stations (country-wide) and connectivity and infrastructure services to the retail, commercial and public sector;
- 6.4.2 for purposes of onboarding suppliers or service providers as approved suppliers/service providers of SENTECH. For this purpose, SENTECH will also Process a service provider's/supplier's Personal Information for purposes of performing credit checks, and this may include engaging third party credit vetting agencies;
- 6.4.3 for purposes of managing SENTECH's relationships with its suppliers;
- 6.4.4 in connection with the execution of payment processing functions, including payment of SENTECH's suppliers'/service providers' invoices;
- 6.4.5 for purposes of monitoring the use of SENTECH's electronic systems by customers, potential customers and/or general Data Subjects. SENTECH will, from time to time, engage third party service providers (who will Process the Data Subject's Personal Information on behalf of SENTECH) to facilitate this;

- 6.4.6 for purposes of preventing, discovering and investigating violations of this Policy, the applicable law and other SENTECH policies, and investigating fraud, or other related matters in terms of any other applicable laws;
- 6.4.7 for purposes of performing general company secretariat functions;
- 6.4.8 in connection with, and to carry, its socio-economic development activities, including as more fully set out on SENTECH's website located at <https://www.sentech.co.za/about-us/socio-economic-enterprise-development>;
- 6.4.9 in order to ensure adherence to applicable legislation including, but not limited to the Financial Intelligence Centre Act 38 of 2001 (as amended), Broad-based Black Economic Empowerment Act No. 53 of 2003 (as amended), etc.;
- 6.4.10 for employment-related purposes such as recruiting staff, administering payroll, background checks, etc.;
- 6.4.11 in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- 6.4.12 in connection with external audit purposes. For this purpose, SENTECH engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties;
- 6.4.13 in order to address inquiries or complaints in respect of SENTECH's services or functions;
- 6.4.14 for such other purposes to which the Data Subject may consent from time to time; and
- 6.4.15 for such other purposes as authorised in terms of applicable law.

7 KEEPING PERSONAL INFORMATION ACCURATE

- 7.1 SENTECH will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.

7.2 SENTECH may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.

7.3 SENTECH, however, expects that the Data Subject will notify SENTECH from time to time in writing of any updates required in respect of his/her/its Personal Information.

8 STORAGE AND PROCESSING OF PERSONAL INFORMATION BY SENTECH AND THIRD PARTY SERVICE PROVIDERS

8.1 SENTECH may store your Personal Information in hardcopy format and/or in electronic format using SENTECH's own secure on-site servers or other internally hosted technology. Your Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom SENTECH has contracted with, to support SENTECH's operations as a statutory body and state owned company.

8.2 SENTECH's Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.

8.3 SENTECH will ensure that such Third Party service providers will process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA.

8.4 These Third Parties do not use or have access to your Personal Information other than for purposes specified by us, and SENTECH requires such parties to employ at least the same level of security that SENTECH uses to protect your personal data.

8.5 Your Personal Information may be Processed in South Africa or another country where SENTECH, its affiliates and their Third Party service providers maintain servers and facilities and SENTECH will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law.

9 RETENTION OF PERSONAL INFORMATION

- 9.1 SENTECH may keep records of the Personal Information it has collected, correspondence, or comments it has collected in an electronic or hardcopy file format.
- 9.2 In terms of POPIA, SENTECH may not retain Personal Information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –
- 9.2.1 where the retention of the record is required or authorised by law;
 - 9.2.2 SENTECH requires the record to fulfil its lawful functions or activities;
 - 9.2.3 retention of the record is required by a contract between the parties thereto;
 - 9.2.4 the Data Subject (or competent person, where the Data Subject is a Child) has consented to such longer retention; or
 - 9.2.5 the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.

Accordingly, SENTECH will, subject to the exceptions noted in this Policy, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.

- 9.3 Where SENTECH retains Personal Information for longer periods for statistical, historical or research purposes, SENTECH will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.
- 9.4 Once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, SENTECH will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where we de-identify your Personal Information, SENTECH may use such de-identified information indefinitely.

10 FAILURE TO PROVIDE PERSONAL INFORMATION

- 10.1 Should SENTECH need to collect Personal Information including by law or under the terms of a licence or application for a licence and you fail to provide the Personal Information when requested, SENTECH may be unable to perform its statutory duty(ies) in terms of the applicable law and thus reserve its rights including to revoke or suspend your licence or reject the application for such licence.
- 10.2 Should SENTECH need to collect Personal Information by law or in consideration of a tender bid and you fail to provide the Personal Information when requested, SENTECH may have to decline to receive the relevant services from you, and you will be notified where this is the case.

11 SAFE-KEEPING OF PERSONAL INFORMATION

- 11.1 SENTECH shall preserve the security of Personal Information and, in particular, prevent its alteration, loss and damage, or access by non-authorised third parties.
- 11.2 SENTECH will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.
- 11.3 SENTECH has implemented physical, organisational, contractual and technological security measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification. Further, SENTECH maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

12 BREACHES OF PERSONAL INFORMATION

- 12.1 A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.

- 12.2 A Data Breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which Personal Information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of Personal Information without permission and loss of availability of Personal Information.
- 12.3 SENTECH will address any Data Breach in accordance with the terms of POPIA.
- 12.4 SENTECH will notify the Regulator and the affected Data Subject (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.
- 12.5 SENTECH will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.
- 12.6 [Where SENTECH acts as an 'Operator' for purposes of POPIA and should any Data Breach affect the data of Data Subjects whose information SENTECH Processes as an Operator, SENTECH shall (in terms of POPIA) notify the relevant Responsible Party immediately where there are reasonable grounds to believe that the Personal Information of relevant Data Subjects has been accessed or acquired by any unauthorised person.]

13 PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS

- 13.1 SENTECH may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA.
- 13.2 SENTECH notes that such Third Parties may assist SENTECH with the purposes listed in paragraph 6.3 above – for example, service providers may be used, *inter alia*,
- 13.2.1 for data storage;
- 13.2.2 to assist SENTECH with auditing processes (external auditors);

- 13.2.3 for providing outsourced services to SENTECH, including in respect of its (i) legal, (ii) data storage requirements and (iii) upskilling of its Employees; and/or
- 13.2.4 to notify the Data Subjects of any pertinent information concerning SENTECH.
- 13.3 SENTECH will disclose Personal Information with the consent of the Data Subject or if SENTECH is permitted to do so without such consent in accordance with applicable laws.

14 ACCESS TO PERSONAL INFORMATION

14.1 POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("**PAIA**") confers certain access rights on Data Subjects. SENTECH's PAIA Manual can be found at http://intranet/sites/default/files/legal/PAIA_Manual.pdf ("**PAIA Manual**"). These rights include -

14.1.1 **a right of access**: a Data Subject having provided adequate proof of identity has the right to: (i) request a Responsible Party to confirm whether any Personal Information is held about the Data Subject; and/or (ii) request from a Responsible Party a description of the Personal Information held by the Responsible Party including information about Third Parties who have or have had access to the Personal Information. A Data Subject may request:

14.1.1.1 SENTECH to confirm, free of charge, whether it holds any Personal Information about him/her/it; and

14.1.1.2 to obtain from SENTECH the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided: (a) within a reasonable time; and (b) in a reasonable manner and format and in a form that is generally understandable.

14.1.2 **a right to request correction or deletion**: a Data Subject may also request SENTECH to –

14.1.2.1 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

14.1.2.2 destroy or delete a record of Personal Information about the Data Subject that SENTECH is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

On receipt of such a request, SENTECH is required to, as soon as is reasonably practicable –

14.1.2.2.1 correct the information;

14.1.2.2.2 delete or destroy the information;

14.1.2.2.3 provide the Data Subject with evidence in support of the information; or

14.1.2.2.4 where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, SENTECH will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;

14.1.3 **a right to withdraw consent and to object to processing:** a Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw such consent and may do so by providing SENTECH with notice to such effect at the address set out in paragraph 18. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.

14.2 Accordingly, SENTECH may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information. Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.

14.3 The Data Subject can request in writing to review any Personal Information about the Data Subject that SENTECH holds including Personal Information that SENTECH has collected, utilised or disclosed.

14.4 SENTECH shall respond to these requests in accordance with POPIA and PAIA and provide the Data Subject with any such Personal Information to the extent required by law and any of SENTECH's policies and procedures which apply in terms of the PAIA.

14.5 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in SENTECH's records at any time in accordance with the process set out in the PAIA Manual for accessing information.

14.6 If a Data Subject successfully demonstrates that their Personal Information in SENTECH's records is inaccurate or incomplete, SENTECH will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

15 **TIME PERIODS**

15.1 SENTECH will respond to each written request of a Data Subject not later than 30 (thirty) days after receipt of such requests. Under certain circumstances, SENTECH may, however, extend the original period of 30 (thirty) days once for a further period of not more than 30 (thirty) days.

15.2 A Data Subject has the right to make a complaint to SENTECH in respect of this time limit by contacting SENTECH using the contact details provided in paragraph 18 below.

16 **COSTS TO ACCESS TO PERSONAL INFORMATION**

The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed the PAIA Manual.

17 **CHANGES TO THIS POLICY**

17.1 SENTECH reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.

17.2 The current version of this Policy will govern the respective rights and obligations between you and SENTECH each time that you access and use our site.

18 **CONTACTING US**

18.1 All comments, questions, concerns or complaints regarding your Personal Information or this Policy, should be forwarded to us as follows —

Tel. 011 471 4400 / 0860 736 832

Address: Sender Technology Park, Octave Street, Ext 3, Radiokop Honeydew, 2040

Postal: Private Bag X06, Honeydew, 2040

- 18.2 If a Data Subject is unsatisfied with the manner in which SENTECH addresses any complaint with regard to SENTECH's Processing of Personal Information, the Data Subject can contact the office of the Regulator, the details of which are set out below –

Website: <http://justice.gov.za/infoereg/>

Tel: 012 406 4818

Fax: 086 500 3351

Email: enquiries@infoeregulator.org.za

ANNEXURE A – RASCI MATRIX

Responsibility	Accountability	Supporting	Consulted	Informed
<p>The Information officer is the responsible authority in ensuring the maintenance of the POPIA polices</p>	<p>The Board The Board is accountable for all POPIA policies</p>	<p>All Heads of Divisions The Heads and Executives are accountable for all POPIA policies</p>	<p>Recognized Union/s All Stakeholders are to be informed and consulted on the POPIA Policies</p>	<p>All Company employees All employees to be responsible and accountable for all POPIA Policies</p>