



CLAIMANT PROCESSING NOTICE

1. PURPOSE OF THIS NOTICE AND TERMS USED

- 1.1 In order to do manage the Trust objectives, the Tshiamiso Trust, and its affiliated parties as well as its trading partners (hereinafter referred to as “we”, “us”, “Tshiamiso Trust” or “the Trust”) in our capacity as a Responsible Party, will have to comply with a law known as the Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as “POPIA”), which regulates and controls the processing of a legal entity’s and/or an individual’s Personal Information in South Africa, (hereinafter referred to as a “Data Subject”), which processing includes the collection, use, and transfer of a Data Subject’s Personal Information.
- 1.2 In terms of POPIA, where a person processes another’s Personal Information, such processing must be done in a lawful, legitimate and responsible manner and in accordance with the provisions, principles and conditions set out under POPIA.
- 1.3 In order to comply with POPIA, a Responsible Party processing a Data Subject’s Personal Information must:
- 1.3.1 provide the Data Subject with a number of details pertaining to the processing of the Data Subject’s Personal Information, before such information is processed; and
- 1.3.2 get permission or consent, explicitly or implied, from the Data Subject, to process his / her / its Personal Information, **unless** such processing:
- is necessary to carry out actions for the **conclusion or performance of a contract** to which the Data Subject of the Personal Information is a party;
 - is required in order to comply with an **obligation imposed by law**;
or
 - is for a **legitimate purpose or is necessary to protect the legitimate interest (s) and/or for pursuing the legitimate interests** of i) the Data Subject; ii) the Responsible Party; or iii) that of a third-party to whom the Personal Information is supplied; or
- is necessary for the proper performance of a **public law duty**.

- 1.4 In accordance with the requirements of POPIA, and because your privacy and trust is important to us, we set out below how we, the Tshiamiso Trust collect, use, and share your Personal Information and the reasons why we need to use and process your Personal Information.

2. APPLICATION

This Processing Notice applies to all Claimants represented under the applications for class certification under case numbers 48226/12, 31324/12, 31326/12, 31327/12 and 08108/13 in the South Gauteng High Court, Johannesburg (now known as the High Court of South Africa (Gauteng Local Division, Johannesburg)), which applications were consolidated under case number 48226/12 and thereafter referred to as Bongani Nkala and Others v Harmony Gold Mining Company Limited and others, hereinafter referred to as the "Class Action Litigation, relating to Silicosis and Tuberculosis, which was instituted by certain Class Representatives against a number of mining operations and which concerned the need to address issues associated with past, present and future compensation for Silicosis and Tuberculosis in the South African gold mining industry and which was settled under a Settlement Agreement duly concluded between the parties to the Class Action; and who are beneficiaries of the Trust which was establishment in terms of the Settlement Agreement.

(hereinafter referred to as "you", "your" or a "Claimant")

3. PROCESSING OF PERSONAL INFORMATION

3.1 When lodging a claim, you as a Claimant must take note and understand:

- that the Trust, the Trustees, the Trust employees and operators and its nominees will have to collect and process personally identifiable information, belonging to you, including special personal information, in order to ascertain the eligibility of any claim lodged by yourself as a Claimant, and in order for us to determine the Payment of Benefits which you as an eligible Claimant will be entitled to in accordance with the diagnosed Qualifying Diseases, as determined in terms of Schedule H of the Trust Deed and subject to and in accordance with the provisions of clauses 5 to 7 (both inclusive) of the Trust Deed.
- that this personal information will be shared when processing and ascertaining the eligibility of your claim, with a number of medical and governmental officials, as described in the Trust Deed (including between the Parties and their Affiliates);
- that the Trust, the Trustees, the Trust employees and operators and its nominees will have to collect your personal information from industry databases, credit bureaus and other databases, including the databases of the Medical Bureau for Occupational Diseases (MBOD), the Compensation Commission for Occupational Diseases (CCOD), previous employers and/or pension or provident funds, including personally identifiable information about you such as your medical information and other special personal information;
- that the Trust, the Trustees, the Trust employees and operators and its nominees will have to share and disclose your personal information to

industry databases, credit bureaus and other databases, including the databases of the Medical Bureau for Occupational Diseases (MBOD), the Compensation Commission for Occupational Diseases (CCOD), previous employers and/or pension or provident funds, including personally identifiable information about you such as your medical information and other special personal information.

3.2 When lodging a claim, you as a Claimant must take note and understand that the following personal information will be collected and processed which belongs to you:

- name;
- identity number;
- copy of the identity document, passport;
- employee/industry number;
- copy of the identity document, passport or evidence of an employee/industry number of the Contended Deceased Individual, where applicable;
- service Record at any Qualifying Mine;
- fingerprints or equivalent biometric data;
- bank details, of a bank account (which account is operational and no closure of such account is in process; and
- employers;
- work history;
- race;
- age and birthdate;
- next of kin;
- address and contact details;
- medical history;
- medical examinations;
- medical reports;
- the x-rays and other diagnostic images;
- the results of lung function tests,

which are required for the purpose of administering the Trust and achieving its objectives, and for other legitimate interests, contractual and/or lawful reasons pertaining to you.

4. SOURCES OF INFORMATION - HOW AND WHERE DO WE COLLECT YOUR PERSONAL INFORMATION

Depending on your requirements, we will collect and obtain Personal Information about you either directly from you, from certain third parties or from other sources which are described below:

DIRECTLY	AUTOMATIC COLLECTION	COLLECTION FROM THIRD PARTIES
Received directly.	On line or via call	Referrals, Regulators, professional or industry organizations and certification /

<p>Communicate with us by phone, e-mail, chat, in person, or otherwise.</p> <p>Complete a questionnaire, or other information request form.</p>		<p>licensure agencies that provide or publish personal information related to you.</p> <p>Third parties and affiliates who deal with or interact with us or you.</p> <p>Service providers and business partners who work with us and that we may utilize to deliver certain content, products, or services or to enhance your experience.</p> <p>SAPS, Home Affairs, Credit Bureaus and other similar agencies.</p> <p>Government agencies, Regulators and others who release or publish public records.</p> <p>Other publicly or generally available sources, such as social media sites, public and online websites, open databases, and data in the public domain.</p>
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5. HOW WE SHARE INFORMATION

We share Personal Information for the purposes set out in this Processing Notice with the following categories of recipients:

- Founders, Trustees and other parties mentioned in the Trust deed
- Medical Practitioners
- Regulators
- Government
- Masters Office
- Attorneys
- Auditors
- Trust employees, Board members and Committee members
- Regulators
- Government
- Marketing agencies
- Trust employees, Board members and Committee members
- the Claims Lodgement Officers
- the Accredited Practitioners
- the Medical Certification Panel
- the Trust Certification Committee
- the Payment Administrator,

- the Medical Reviewing Authority and the Certification Reviewing Authority and
- any third party service providers
- Mining companies
- fraud protection program operators and staff

The Trustees shall establish and maintain the necessary systems and processes, including information technology systems, to enable the Claims Lodgement Officers, Trust Certification Committee and Payment Administrator to discharge their duties in terms of this Trust Deed.

The Trustees may appoint appropriate third party service providers to advise them on, assist them with, and/or undertake, among other things, the establishment and operation of systems and procedures (including information technology systems and protocols) for processing claims, Certification, payment of Benefits to Eligible Claimants and fraud prevention.

The Trustees may increase or decrease the number of persons which constitute the Claims Lodgement Officers, Trust Certification Committee and Payment Administrator, and/or replace them from time to time, having regard to their capacity requirements.

The same employees of the Trust and appointed personnel may perform the functions and duties under each of these clauses, as the Trustees shall direct.

LAWFULNESS – YES

CONSENT REQUIRED – NO

Third-Party Content Providers. We may share your Personal Information with our third-party content providers to perform tasks on our behalf and to assist us in providing, delivering, analyzing, administering, improving, and personalizing content related to our relationship with you, including financial, benefits, health and medical, and wellness benefits etc and may to this end pass certain requests from you to these providers.

LAWFULNESS – YES

CONSENT REQUIRED – NO

Cyber Third-party Service Providers. We may share your Personal Information with our third-party cyber service providers to perform tasks on our behalf and which are related to our relationship with you, including those who provide technical and/or customer support on our behalf, who provide application or software development and quality assurance, who provide tracking and reporting functions, research on user demographics, interests, and behaviour, and other products or services. These third-party service providers may also collect Personal Information about or from you in performing their services and/or functions. We may also pass certain requests from you to these third-party service providers.

LAWFULNESS – YES

CONSENT REQUIRED – NO

PR agencies. We may share your Personal Information with public relations exchanges, and agencies that we engage for public relations (PR) services, to deliver communications , and to assist us in reaving the claimants.

LAWFULNESS – YES

CONSENT REQUIRED – NO

Regulators and law enforcement agencies. We may disclose your Personal Information to regulators and other bodies in order to comply with any applicable law or regulation, to comply with or respond to a legal process or law enforcement or governmental requests. We may also disclose your Personal Information in connection with proceedings or investigations anywhere in the world to third parties, such as public authorities, law enforcement agencies, regulators and third-party litigants.

LAWFULNESS – YES

CONSENT REQUIRED – NO

Other Disclosures. We may disclose your Personal Information to third parties if we reasonably believe that disclosure of such information is helpful or reasonably necessary to enforce our terms and conditions or other rights (including investigations of potential violations of our rights), to detect, prevent, or address fraud or security issues, or to protect against harm to the rights, property, or safety of the group, our employees, any users, or the public.

LAWFULNESS – YES

CONSENT REQUIRED – NO

5. SECURITY OF INFORMATION

- 5.1 The security of your Personal Information is important to us. Taking into account the nature, scope, context, and purposes of processing Personal Information, as well as the risks to individuals of varying likelihood and severity, we have implemented technical and organizational measures designed to protect the security of Personal Information. In this regard we will conduct regular audits regarding the safety and the security of your Personal Information.
- 5.2 Your Personal Information will be stored electronically and in some cases in hard copy in files and records, which information, for operational reasons, will be accessible to and or provided to persons employed or contracted by us on a need to know basis.
- 5.3 Once your Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end, such Personal Information will be retained in accordance with the Company records retention schedule, which varies depending on the type of processing, the purpose for such processing, the business function, record classes, and record types. We calculate retention periods based upon and reserve the right to retain Personal Information for the periods that the Personal Information is needed to: (a) fulfil the purposes described in this Processing Notice, (b) meet the timelines determined or recommended by regulators, professional bodies, or associations, (c) comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and (d) comply with your requests.
- 5.4 Notwithstanding the contents housed under clauses 7 and 8, please note that no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable measures designed to protect Personal Information, we cannot guarantee its absolute security.

6. YOUR RIGHTS

- 6.1 You as a Data Subject have certain rights, which are detailed below:
 - **The right of access** - You may ask Tshiamiso Trust (free of charge) to confirm that we hold your Personal Information, or ask us to provide you with details, (at a fee) on how we have processed your Personal

Information, which request must be done by following the process set out under Tshiamiso Trust PAIA Manual.

- **The right to rectification** - You have the right to ask us to update or rectify any inaccurate Personal Information which we hold of yours, which can be done by accessing the update / rectification request.
- **The right to object to and restrict further processing** - Where we do not need your consent to process your Personal Information, but you are not in agreement with such processing, you may lodge an objection to such processing by accessing the objection request.
- **The right to withdraw consent** - Where you have provided us with consent to process your Personal Information, you have to right to subsequently withdraw your consent, which can be done by accessing the withdrawal of consent request.

6.2 These rights may be exercised by using the relevant forms housed on Tshiamiso Trust Website at : <https://www.tshiamisotrust.com/legal/>

7. CHANGES TO THIS PRIVACY STATEMENT

- 7.1 As Tshiamiso Trust changes over time, this Processing Notice is expected to change as well.
- 7.2 Tshiamiso Trust reserves the right to amend the Processing Notice at any time, for any reason, and without notice to you other than the posting of the updated Processing Notice on Tshiamiso Trust Website.
- 7.3 We therefore request that you to visit our Website frequently in order to keep abreast with any changes.

8. PROCESSING OTHER PERSONS' PERSONAL INFORMATION

8.1 If you process another's Personal Information on Tshiamiso Trust's behalf, or which we provide to you in order to perform your contractual or legal obligations or to protect any legitimate interest, you will if you are processing such Personal Information as our Operator as defined under POPIA, process all and any such Personal Information in compliance with the obligations set out under our standard "Operator Agreement" housed on our website; or where not acting as an Operator, nonetheless keep such information confidential and secure as per POPIA and you will not, unless authorized to do so, process, publish, make accessible, or use in any other way such Personal Information unless in the course and scope of your duties, and only for the purpose for which the information has been received and granted to you, and related to the duties assigned to you.

9. COMPLAINTS OR QUERIES - CONTACT US

- 9.1 Any comments, questions or suggestions about this Processing Notice or our handling of your Personal Information should be emailed to our Information or Deputy Information officers at the details housed below.

Information Officer

Name: Kabelo Sedupane
Address 3 Anerley Road, Parktown
Tel 0108248350
Email paia.requests@tshiamisotruster.com

Deputy Information Officer

Name Rhulani Mackaukau
Address 3 Anerley Road, Parktown
Tel 0108248350
Email: paia.requests@tshiamisotruster.com

- 9.2 Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.
- 9.3 Our offices are open 8:00 am – 5.00 pm GMT, Monday to Friday.
- 9.4 Should you feel unsatisfied with our handling of your Personal Information, or about any complaint that you have made to us, you are entitled to escalate your complaint to the South African, Information Regulator who can be contacted at <<https://www.justice.gov.za/infoereg/>>.

10. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT

- 10.1 By providing Tshiamiso Trust with the Personal Information which we require from you as listed under this Processing Notice:

- you acknowledge that you understand why your Personal Information needs to be processed;
- you accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information cross border;
- where consent is required for any processing as reflected in this Processing notice, you agree that we may process this particular Personal Information.

- 10.2 Where you provide us with another person's Personal Information for processing, you confirm that that you have obtained the required permission from such person(s) to provide us with their Personal Information for processing.

- 10.3 The rights and obligations of the parties under this Processing Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable.

10.4 Should any of the Personal Information concern or pertain to a legal entity whom you represent, you confirm that you have the necessary authority to act on behalf of such legal entity and that you have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organization or entities' Personal Information.



