



TSHIAMISO TRUST PROCUREMENT PROCESSING NOTICE

1. PURPOSE OF THIS NOTICE AND TERMS USED

- 1.1 In order to do business, Tshiamiso Trust, and its trading partners (hereinafter referred to as “we”, “us”, “Tshiamiso Trust” or “the Trust”) in our capacity as a Responsible Party, will have to process Personal Information, and in doing so, 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, Tshiamiso Trust collect, use, and share your Personal Information and the reasons why we need to use and process your Personal Information.

2. APPLICATION

- 2.1 This Processing Notice applies to the following persons:

2.1.1 **Interactors:** persons who interact with us, physically or via email or via our websites, applications, mobile applications, or social media portals or platforms, or who come onto our sites and/or who enter our offices or facilities.

2.1.2 **Users of our Sites:** persons who use our websites, applications, mobile applications, email, or social media portals or platforms whether in order to simply communicate with us, find out more about us, to make enquiries about us or where persons want to do business with us, including providing or selling to us certain goods and services.

2.1.3 **Applicants:** persons who wish to apply to do business with us, including the sale or provision of goods or services to us, including persons or entities who are submitting applications to do business with us, responses to requests for Proposals or tenders, (RFQ/T's) or who are submitting offers to do business, proposals or quotations or estimates;

2.1.4 **Contractors, Vendors and Service Providers - potential or actual:** persons who are desirous of, or who do provide us with goods, and services, including consultancy and infrastructure related services and who we interact and communicate with, either physically or via email or via our websites, applications, mobile applications, or social media portals or platforms, and/or who come onto our sites, facilities and/or who enter our offices.

2.1.5 **Regulators and Public Bodies:** persons who we engage with in order to discharge legal and public duty obligations, including as an example SARS, National Treasury, Department of Labour, The Information Regulator, etc.

2.1.6 **Business partners:** whether in their capacity as an Operator or not, who provide services, goods and other benefits to us, our employees or to our beneficiaries or claimants, such as medical professionals, medical boards or associations, medical aids, pension or provident funds, insurance providers, financial service providers, providers of administration related services, financial service providers, searching or PR agencies, wellness, health and/or medical providers, auditors and attorneys.

3. PURPOSE FOR PROCESSING YOUR PERSONAL INFORMATION

3.1 Your Personal Information will be processed by us for the following purposes:

SUMMARY OF THE PURPOSE OF COLLECTION	Lawfulness Consent required
<p>Due diligence purposes - legitimate purpose: To carry out a due diligence before we decide to engage or interact with you or to do business with you, including obtaining and verifying your credentials, including your business details, and where applicable your medical status, health history and related records, education, qualifications and employment history, credit and financial status and history, tax status, B-BBEE status, and or any performance or vendor related history.</p> <p>Lawfulness - YES Consent required - NO</p>	
<p>Contract purposes - assessment and conclusion of a contract: To investigate whether we are able or willing to conclude a contract with you based on the findings of any due diligence detailed above, and if the assessment is in order, to conclude a contract with you.</p> <p>Lawfulness - YES Consent required - NO</p>	
<p>To process transactions and render or provide or receive goods and services - conclusion of a contract: To perform under any contract which has been concluded with you, including carrying out all contractual obligations, exercising all contractual rights, assessing or communicating requirements, including ordering and receipt of deliveries, and/or responding to, or submitting queries, complaints, returns or engaging in general feedback, or acting in such a manner as to personalize any goods or services, and to make recommendations related to us and/or to your operations or activities.</p> <p>Lawfulness - YES Consent required - NO</p>	

Attending to financial matters pertaining to any transaction - conclusion of a contract: To administer accounts or profiles related to you including registrations, subscriptions, purchases, billing events, payments of fees, costs and charges, and taxes, calculations, quoting, receipt of invoicing, receipt of refunds, or making payments, reconciliations and financial management in general.

Lawfulness - YES

Consent required - NO

Communications- legitimate purpose: To make contact with you and to communicate with you generally or in respect of our or your requirements, or instructions, or at your request to provide or communicate a reference to another about you in your capacity as a service provider.

Lawfulness - YES

Consent required – SOMETIMES- or at your request to provide or communicate a reference to another about you in your capacity as a service provider.

Risk assessment and anti-bribery and corruption matters-legitimate purpose: To carry out vendor, organizational and enterprise wide risk assessments, and due diligences, in order to detect and prevent bribery, corruption, fraud and abuse, to comply with Anti Bribery and Corruption (ABC) laws, as well as to identify and authenticate your access to and to provide you with access to our services or premises and generally to ensure the security and protection of all persons including employees, and persons when entering or leaving our sites and operations or facilities and/or to exercise our rights and to protect our and others' rights and/or property, including to take action against those that seek to violate or abuse our systems, services, business partners, beneficiaries, agents, claimants or employees and/or other third parties where applicable.

Lawfulness - YES

Consent required - NO

Legal obligations, litigation, insurance and public duties: To comply with the law and legal obligations, including the requirement to register with regulators, obtain and hold permits and certificates, register for VAT, Tax, PAYE, SDL, COIDA and UIF, customs and excise, etc. and to pay levies and fees due in respect thereof, by Tshiamiso Trust or others, to submit legal or statutory reports or provide various regulatory or statutory notices or returns, to litigate and/or to pursue or defend legal claims or collections, to attend to insurance claims and related procedures, to respond to a request or order from a SAPS official, investigator or court official, regulator, or public authority.

Lawfulness - YES

Consent required - NO

Operational issues - compliance with laws and manage the contract: To communicate, enforce and ensure you comply with our policies, including in relation to legal obligations, claims or actions or legal requirements and conducting investigations and incident responses, including reviewing your communications in these situations in accordance with relevant internal policies and applicable law.

Lawfulness - YES
Consent required - NO

Occupational health - compliance with laws: To manage occupational health and absence and fitness for work and notifying family members in emergencies.

Lawfulness - YES
Consent required - NO

Travel - contractual: To facilitate business travel, travel-related support including conference attendance, bookings, and emergency support services.

Lawfulness - YES
Consent required - NO

B-BBEE - compliance with laws: To comply with B-BBEE and to monitor or report B-BBEE requirements, opportunities and related diversity issues, including using your details in B-BBEE reports and score cards.

Lawfulness - YES
Consent required - NO

Security purposes - legitimate purpose and to comply with laws: to permit you access to our offices, facilities, or parking areas, as well as to controlled areas, for the purposes of monitoring via CCTV, your interaction and access in and from our facilities described above, and for general risk management, security and emergency incident control purposes as well as for data and cybersecurity purposes.

Lawfulness - YES
Consent required - NO

Electronic communications—legitimate interest and contracts: To provide you with communications regarding us, and our services and / or to provide you with other notifications, programs, events, or updates that you may have asked for.

Lawfulness - YES
Consent required - NO

Internal research and development purposes - consent required: To conduct internal research and development for to improve, test, and enhance our services.

Lawfulness - YES

Consent required - NO

Sale, merger, acquisition, or other disposition of our business - our Legitimate interest- To proceed with any proposed or actual **sale, merger, acquisition, or other disposition** of our business (including in connection with any winding down, bankruptcy or similar proceedings).

Lawfulness - YES

Consent required - NO

4. WHAT PERSONAL INFORMATION OR INFORMATION DO WE COLLECT FROM YOU?

In order to engage and/or interact with you, for the purposes described above, we will have to process certain types of your Personal Information, as described below:

Your or your employer or organization's contact information, such as name, alias, address, identity number, passport number, security number, phone number, cell phone number, vehicle make and registration number, social media user ID, email address, and similar contact data, serial numbers of equipment, details regards the possession of dangerous weapons, and other contact information including details of your employer, memberships or affiliations, such as the name of your employer or organization that you are a member of, information about your colleagues or those within your organization, your status with an organization, and similar data, which are required for various legitimate interest, contractual and/or lawful reasons.

Lawfulness - YES

Consent required - NO

Specific identifiers, which are required in order to protect legitimate interests, comply with legal obligations or public legal duties, or in order to accommodate you in our workplaces, such as your race (B-BBEE related), sexual and medical history including any medical conditions (to comply with laws and related to correct and fair treatment issues), trade union matters (to comply with laws and related to correct and fair treatment issues), and financial, credit, deviant and criminal history (to protect our legitimate interests and to perform risk assessments).

Lawfulness - YES

Consent required - NO

Account Information, including banking details, security-related information (including user names and passwords, authentication methods, and roles), service-related information (including purchase history and account profiles), billing-related information (including payment, shipping, and billing information), and similar data, all which are required to perform contractual matters and/or in order to provide you access to services.

Lawfulness - YES

Consent required - NO

User Content, such as content of communications, suggestions, questions, comments, feedback, and other information you send to us, that you provide to us when you contact us, or that you post on our websites, applications, mobile applications, or social media portals or platforms including information in alerts, folders, notes, and shares of content), and similar data which are required to perform contractual matters and/or in order to provide you access to services or attend to queries.

Lawfulness - YES

Consent required - NO

Device & Browser Information, such as network and connection information (including Internet Service Provider (ISP) and Internet Protocol (IP) addresses), device and browser identifiers and information (including device, application, or browser type, version, plug-in type and version, operating system, user agent, language and time zone settings, and other technical information), advertising identifiers, cookie identifiers and information, and similar data, which are required to perform contractual matters and/or in order to provide you access to services or attend to queries or to ensure that security safeguards are in place.

Lawfulness - YES

Consent required - NO

Location Data, such as the location of your device, your household, and similar location data, which are required to perform contractual matters and/or in order to provide you access to services or attend to queries or to ensure that security safeguards are in place.

Lawfulness - YES

Consent required - NO

Your Image, such as still pictures, video, voice, and other similar data, which are required to perform contractual matters and/or in order to provide you access to services or attend to queries or to ensure that security safeguards are in place.

Lawfulness - YES

Consent required – NO

Financial Information, such as billing address, billing contact details, and similar data, tax numbers and VAT numbers, which are required to perform contractual matters and/or which are required to comply with laws and public duties.

Lawfulness - YES

Consent required - NO

Career, Education, and Employment Related Information, such as work performance and history, nationality and immigration status, demographic data, disability-related information, professional licensure information and related compliance activities, accreditations and other accolades, education history (including schools attended, academic degrees or areas of study, academic performance, and rankings), and similar data, which are required for contractual or consultancy related matters or which are required to comply with laws and public duties.

Lawfulness - YES

Consent required - NO

Health records such as medical status and history, examinations, blood type, medical aid history, disability-related information, biometrics, medicals, psychometrics and similar data, which are required for contractual related matters or which are required to comply with laws and public duties.

Lawfulness - YES

Consent required - NO

Social Media and Online Content, such as information placed or posted in social media and online profiles, online posts, and similar data, which are required to perform contractual matters and/or in order to provide you access to services or attend to queries.

Lawfulness - YES

Consent required - NO

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

5.1 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:

Direct collection

You provide Personal Information to us when you:

- Use our websites, applications, mobile applications, or social media portals or platforms.
- Interact with us.
- Enquire about us or our services.
- Submit a quotation, or offer to do business with us by way of a tender or when you conclude a contract with us.
- Create or maintain a profile or account with us.
- Conclude a contract with us.
- Create, post, or submit user content on our websites, applications, mobile applications, or social media portals or platforms.
- Register for or attend one of our events or locations.
- Request or sign up for information.
- Communicate with us by phone, email, chat, in person, or otherwise.
- Complete a questionnaire, survey, support ticket, or other information request form.

Automatic collection:

We collect Personal Information automatically from you when you:

- Search for, visit, interact with, or use our websites, applications, mobile applications, or social media portals or platforms.
- Access, use, or download content from us.
- Open emails or click on links in emails or advertisements from us.
- Otherwise interact or communicate with us (such as when you attend one of our events or locations, when you request support or send us information, or when you mention or post to our social media accounts).

Collection from third parties:

We collect Personal Information about you from third parties, such as:

- Those who you have a relationship with or that provide or publish Personal Information related to you.
- Regulators, professional or industry organizations and certification / licensure agencies that provide or publish Personal Information related to you.
- Third parties and affiliates who deal with or interact with us or you.
- Service providers and business partners who work with us and that we may utilize to deliver certain content, products, or services.
- Marketing, sales generation, and recruiting business partners.
- SAPS, Home Affairs, Credit bureaus and other similar agencies.
- Other government agencies, regulators and others who release or publish public records.
- Other publicly or generally available sources, such as social media sites, public and online websites, open databases, and data in the public domain.

6. HOW WE SHARE INFORMATION

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

Our employees and our affiliates. We may share your Personal Information amongst our employees, affiliates, business partners, and Tshiamiso Trust agents for business and operational purposes.

Lawfulness – YES

Consent required – NO

Your Organization and Contacts. We may share your Personal Information with your organization and others with whom you have a relationship in order to fulfil or perform a contract or other legal obligation, including with third parties provide us with access to your goods or services. We may also share your Personal Information with your contacts if you are in the same organization or to facilitate the exchange of information between you and the contact(s).

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.

Lawfulness – YES

Consent required – NO

Cyber Third-party Service Providers. We may share your Personal Information with our 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 behavior, and other products or services. These 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 or your organization to these service providers.

Lawfulness – YES

Consent required – NO

Business Partners, affiliates and business partners and agents, attorneys. We may share your Personal Information amongst our affiliates and business partners, agents, attorneys and with other third parties for business, legal and operational purposes.

Lawfulness – YES

Consent required – NO

Third Party Service Providers. We may share your Personal Information with our third-party service providers to perform tasks on our behalf and which are related to our relationship with you.

Lawfulness – YES

Consent required – NO

IT and Cyber Third-Party Service Providers. We may share your Personal Information with our cyber service providers to perform tasks on our behalf and which are related to our relationship with you.

Lawfulness – YES

Consent required – NO

PR Agencies. We may share your Personal Information with public relationship and search exchanges and agencies that we engage for promotional, and search related activities or who we use for the printing of our reports, brochures and other communications.

Lawfulness – YES

Consent required – NO

Mining houses, Government departments, Medical panels, Medical Bodies, Medical Professionals, and other Regulators and law enforcement agencies. We may disclose your Personal Information to medical panels, medical bodies, doctors and medical professionals, mining houses or boards or associations, government departments who manage mining or health matters, regulators and other governmental bodies and agencies, including organs of state and parastatals, or medical bodies, in order to achieve the objectives of the Trust, or in order to comply with any applicable law or regulation, or to comply with or respond to a legal process or law enforcement or governmental request.

Lawfulness – YES

Consent required – NO

Other Disclosures. We may disclose your Personal Information to third parties as part of our Trust related activities, or if we reasonably believe that disclosure of such information is necessary to enforce our objectives or the terms and conditions or other rights including and covered under the Trust Deed and any related policy or procedures, (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 Tshiamiso Trust, our employees, trustees, committee members executives, stakeholders, or the public.

Lawfulness – YES

Consent required – NO

Merger, Sale, or Change of Control. We may share your Personal Information to a third-party entity as part of a merger, acquisition, sale, or other change of control activity or winding down of the Trust. .

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 Tshiamiso Trust, our employees, any users, or the public.

Lawfulness – YES

Consent required – NO

7. SECURITY OF INFORMATION

- 7.1 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.
- 7.2 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.
- 7.3 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 Tshiamiso Trust 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.
- 7.4 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.

8. ACCESS BY OTHERS AND CROSS BORDER TRANSFER

8.1 Tshiamiso Trust may from time to time have to disclose your Personal Information to other parties, including Tshiamiso Trust subsidiaries, trading partners, agents, auditors, organs of state, regulatory bodies and/or national governmental, provincial, or local government municipal officials, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing your Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

8.2 Where Personal Information and related data is transferred to a country which is situated outside South Africa, your Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information concludes an agreement which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which in particular will be to a no lesser set of standards than those imposed by POPIA.

9. YOUR RIGHTS

9.1 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.

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

10. CHANGES TO THIS PRIVACY STATEMENT

- 10.1 As Tshiamiso Trust changes over time, this Processing Notice is expected to change as well.
- 10.2 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 the Tshiamiso Trust Website.
- 10.3 We therefore request that you to visit our website frequently in order to keep abreast with any changes.

11. PROCESSING OTHER PERSONS PERSONAL INFORMATION

- 11.1 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.

12. COMPLAINTS OR QUERIES - CONTACT US

- 12.1 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 housed below.

Information Officer

Name: Tshepang Mtshemla
Address 3 Anerley Road, Parktown
Tel 0108248350
Email paia.requests@tshiamisotrusted.com

Deputy Information Officer

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

- 12.2 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.

- 12.3 Our offices are open 8:00 am – 5.00 pm GMT, Monday to Friday.
- 12.4 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/>>.

13. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT

- 13.1 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.
- 13.2 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.
- 13.3 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.
- 13.4 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.

End

