



10 June 2021

Version 1.0

DATA PROTECTION AND INFORMATION SHARING POLICY – KHANYISA UPS (PTY) LTD

Khanyisa UPS (PTY) LTD Privacy Notice

The purpose of this Privacy Policy is to set out how, why and when Khanyisa UPS (PTY) LTD uses your Personal Information so as to comply with the Protection of Personal Information Act 4 of 2013 (“POPI”).

It is important that you read this Privacy Policy together with any other terms and conditions, privacy notices or policies we may provide from time to time when we collect or use your Personal Information.

INTRODUCTION

Khanyisa UPS (PTY) LTD registration no 2020 / 706530 / 07 (“K-Ups”) is committed to compliance with the directives of the South African Constitution and national legislation and respects your right to privacy and therefore aims to ensure that we comply with the legal requirement of the POPI Act which regulates the way we collect, process, store, share and destroy any personal information which you have provided to us.

The responsibility for administration of and compliance with POPIA and PAIA lies with the Information Officer as registered with the Information Regulator of South Africa under registration number XXXXX/2021-2022/IRRTT and requests pursuant to the provisions of these Acts should be directed as follows:

Contact person:	Ashley Fernandes (<i>Information Officer</i>)
Address :	No 01 Valriche Estate Broadacres Drive Broadacres AH Sandton
Telephone :	074-750-4933
e-mail :	ash@backupservices.co.za

Why we collect Personal Information:

We collect personal information (Clients and Suppliers) to liaise with you telephonically or by email so that we may:

1. Respond to any query or comment received from you;
2. Inform you of compliance requirements in terms of legislation;
3. Enable us to process, validate and verify information and requests for the creation of orders, invoices, agreements, etc., related to the delivery of products and services as supplied and rendered by Khanyisa UPS (PTY) LTD.
4. For the purposes for which you specifically provided the information; and
5. Generally, to facilitate that we can perform in accordance with the services offered by Khanyisa UPS (PTY) LTD.



Scope of the Policy

The Policy applies to all Khanyisa UPS (PTY) LTD employees, directors, sub-contractors, agents and appointees. The provisions of the policy are applicable to both on and off-site processing of personal information.

Policy Statement

This Data Protection and Information Sharing Policy describes how Khanyisa UPS (PTY) LTD will meet its legal obligations and requirements concerning confidentiality and information security standards. The requirements of the Policy are primarily based upon the Protection of Personal Information Act No 4 of 2013.

Processing of Personal Information

Electrical Backup Services uses Personal Information in the following ways:

1. In order to comply with any applicable laws on behalf of a company and at a company's or private person's request/instruction.
2. If called upon to do so as a result of an obligation imposed on Khanyisa UPS (PTY) LTD by law.
3. For the conduct of proceedings in any court or tribunal that have been commenced or are reasonably contemplated.
4. Administration of agreements.

Category of records held by Electrical Backup Services

Business Information

1. Personal identifiers, contacts and characteristics (for example, Name and Contact details)
2. Addresses (PO Box and Physical Addresses)
3. Contact telephone numbers
4. Email details
5. VAT Numbers, where applicable
6. Company Registration numbers
7. Agreements such as SLA, Warranties, etc.

Personal Information

1. Full Names
2. Identity numbers and / or passport numbers
3. Proofs of residential addresses (general FICA documents) if required
4. Telephone numbers
5. E-mail addresses

Security Measures

Electrical Backup Services will:



1. Treat your business and personal information as strictly confidential.
2. Take appropriate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure, or access.
3. Promptly notify you if we become aware of any unauthorised use, disclosure or processing of your personal information;
4. Provide you with reasonable evidence of our compliance with our obligations under this policy on reasonable request; and
5. We will not retain your personal information longer than the period for which it was originally required, unless we are required by law to do so, or you consent to us retaining such information for a longer period.

Any loss or theft of, or unauthorised access to personal information must immediately be reported to the Information Officer referred to above.

ALTHOUGH KHANYISA UPS (PTY) LTD TAKE THE AFOREMENTIONED PRECAUTIONS IN PROTECTING YOUR PERSONAL INFORMATION, WE SHALL HOWEVER NOT BE LIABLE FOR ANY LOSS OR DAMAGE, HOWSOEVER ARISING, SUFFERED AS A RESULT OF THE DISCLOSURE OF SUCH INFORMATION IF OUTSIDE OF OUR REASONABLE CONTROL.

The Personal Information processed by us is not and will not be routed/transferred to a third country or international organisation.

ACCESS TO PERSONAL INFORMATION

All individuals and entities may request access, amendment, or deletion of their own Personal Information held by Khanyisa UPS (PTY) LTD. Any requests should be directed, on the prescribed form, to the Information Officer.

Remedies available if request for access to Personal Information is refused:

a) Internal Remedies

Khanyisa UPS (PTY) LTD does not have internal appeal procedures. As such, the decision made by the Information Officer relating to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the Information Officer.

b) External Remedies

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are:

- the Constitutional Court,
- the High Court or another court of similar status

Grounds for Refusal



Khanyisa UPS (PTY) LTD may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Khanyisa UPS (PTY) LTD may refuse access include:

- Protecting personal information that Khanyisa UPS (PTY) LTD holds about a third person (who is a natural person) including a deceased person, from unreasonable disclosure.
- Protecting commercial information that Khanyisa UPS (PTY) LTD holds about a third party or Khanyisa UPS (PTY) LTD (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement.
- If disclosure of the record would endanger the life or physical safety of an individual.
- If disclosure of the record would prejudice or impair the security of property.
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme.
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived.
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Khanyisa UPS (PTY) LTD.
- Disclosure of the record would put Khanyisa UPS (PTY) LTD at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party or Khanyisa UPS (PTY) LTD.
- Records that cannot be found or do not exist.

If Khanyisa UPS (PTY) LTD searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

TRANSBORDER FLOWS OF PERSONAL INFORMATION

The Personal Information processed by us is not and will not be routed/transferred to a third country or international organization unless specifically requested/instructed by the owner of such information to do so.

Ashley Fernandes

Director – Khanyisa UPS (PTY) LTD

3 June 2021