

Protection of Personal Information Policy

September 2019

Version 1.3

➤ A2X MARKETS

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1. Document Administration

1.1 Document Version Control

Date	Version	Summary of Changes	Author
Sept 2016	1.1	Original Document	Gary Clarke
Nov 2018	1.2	Annual Review	Luthfia Akbar
Sept 2019	1.3	Address Updated	Luthfia Akbar

1.2 Document Approvals

This document has been approved as follows:

Name	Title	Version	Approved
Kevin Brady	CEO	1.1	Sept 2016
Ashley Mendelowitz	Non- Exec Chairman	1.1	Sept 2016
Sean Melnick	Non- Exec Director	1.1	Sept 2016
Bridget Radebe	Non- Exec Director	1.2	Nov 2018
Bridget Matyolo	Non- Exec Director	1.2	Nov 2018

1.3 Document Details

Document Owner	Legal & Regulation
Document Level	A2X Markets
Level of Approval	Board
Frequency of Review	Annually



2. Introduction

The Protection of Personal Information Act, 2013 (POPIA) gives effect to the constitutional right to privacy, regulates the manner in which personal information may be processed, and provides rights and remedies to protect personal information while at the same time balancing the rights to accessing information.

The POPI Act applies to the processing of personal information (PI) applicable to living individuals as well as juristic persons.

For the purpose of this policy, A2X is the Responsible Party. The definitions and concepts set out in the POPI Act will apply in the same way in this policy.

3. Purpose

The purpose of this policy is to:

- 3.1 Comply with both the law and good practice;
- 3.2 Respect the rights of data subjects;
- 3.3 Be open and honest with individuals whose data is processed;
- 3.4 Provide training and support for staff who handle PI, so that they can act confidently and consistently.

4. Objectives

A2X recognises that its first priority under the POPI Act is to avoid causing harm to individuals. This means:

- 4.1 Keeping information securely and in the right hands;
- 4.2 The retention of good quality information;
- 4.3 Organisation accountability for compliance with all the conditions for lawful processing of information;
- 4.4 Processing information that is necessary and not excessive;
- 4.5 Only processing PI for a specified purpose:



- 4.6 Limitation of processing information for reasons other than the original purpose;
- 4.7 Transparency in terms of why we collect and process information; and
- 4.8 Data subjects are made aware of their rights in terms of collecting and processing their PI.

The POPI Act also aims to ensure that the legitimate concerns of data subjects about the ways in which their data may be used are taken into account. In the interests of openness and transparency, A2X will seek to give data subjects choice over what data is held and how it is used.

5. Potential Risks

A2X has identified the following potential key risks, which this policy is designed to address:

- 5.1 Breach of confidentiality (information being given out inappropriately);
- 5.2 Insufficient clarity about the range of uses to which data will be put — leading to data subjects being insufficiently informed;
- 5.3 Failure to offer choice about data use when appropriate;
- 5.4 Breach of security by allowing unauthorised access; and
- 5.5 Harm to data subjects if personal data is not up to date.

6. Key Concepts

- 6.1 **Consent** means any voluntary, specific and informed expression agreeing to the processing of PI;
- 6.2 **Data Subject** means the person to whom the information relates.
- 6.3 **De-identify** means the deletion or manipulation of information to such a degree that it cannot be linked to the identity of a data subject, even if reconstructed.



- 6.4 **Operator** means a third party that processes information for or on behalf of A2X Markets in terms of a contractual agreement.
- 6.5 **Personal Information** means information relating to a living person (including juristic) and includes, but not limited to race, gender, sex, marital status, financial, criminal and contact information.
- 6.6 **Processing** means the collection, receipt, recording, storing, distributing, updating, modifying, deleting, destroying or using of personal information.
- 6.7 **Responsible Party** means we or us at A2X Markets who determines the purpose of and means for processing personal information.
- 6.8 **We, us, our** refers to A2X Markets (Pty) Ltd.

7. Information Officer: Appointment and Responsibilities

The appointment of the A2X Information Officer will be authorised by the CEO of A2X (“Officer”), which appointment will be notified to staff and stated on the A2X website.

The need for any Deputy to assist the Officer will be considered in the context of the circumstances as and when necessary.

The Officer has the following responsibilities in addition to those specifically set out in the Regulations, and not limited to:

Developing, publishing and maintaining a POPI Policy which addresses all relevant provisions of the POPI Act, including but not limited to the following:

- 7.1 Reviewing the POPI Act and periodic updates as published;
- 7.2 Ensuring that periodic communication awareness on the POPI Act responsibilities takes place;
- 7.3 Ensuring that privacy notices for internal and external purposes are developed and published;
- 7.4 Handling data subject access requests;



- 7.5 Reviewing and approving contracts with Data Operators;
- 7.6 Ensuring that appropriate policies and controls are in place for ensuring the information quality of PI;
- 7.7 Ensuring that appropriate Security Safeguards in line with the POPI Act for PI are in place;
- 7.8 Handling all aspects of the relationship with the Information Regulator as foreseen in the Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act (POPIA);
- 7.9 Provide direction to any Deputy Information Officer if and when appointed; and
- 7.10 Ensuring that the POPI Act induction and refresher training takes place for all A2X staff.
- 7.11 The Officer shall ensure that all employees and agents of A2X know the importance of keeping PI confidential.
- 7.12 The Officer shall facilitate that care is taken when PI is disposed of or destroyed to prevent unauthorized parties from gaining access to it.

8. Purpose for which PI may be collected and used

- 8.1 PI must be collected for a specific, explicitly defined and lawful purpose related to the function or activity of A2X.
- 8.2 The data subject must be made aware of the purpose of the collection.
- 8.3 Records must not be retained any longer than is necessary for achieving the purpose for which it was collected unless:
 - 8.3.1 further retention is required by law;
 - 8.3.2 retention is required by a contract between the parties; or
 - 8.3.3 the data subject consents to the further retention.
- 8.4 PI must be destroyed, deleted or de-identified as soon as is reasonably practical, when the relationship between the data subject and responsible party ceases to exist. Destruction, deletion or de-identification must be



done in a manner that prevents its reconstruction into an intelligible form enabling it to re-identify the data subject.

- 8.5 The Officer shall ensure that the PI collected will not be used for any other additional purpose before obtaining the individual's consent, unless the new purpose is required by law or is compatible with the original purpose for which it was collected and processed.

9. Consent by Data Subjects

- 9.1 When collecting PI, A2X will obtain consent from the data subject, to use, collect, retain or disclose the said PI.
- 9.2 When collecting PI, A2X will ensure that the data subject understands how the PI will be used.
- 9.3 Express consent will be obtained from the data subject. The consent must be clear and verifiable.
- 9.4 The data subject may, subject to legal and contractual restrictions, at any time withdraw the consent given.

10. Limiting Collection and Further Processing

A2X shall ensure that PI will not be collected indiscriminately, but through fair and lawful means, and be limited to what is necessary to fulfil the specific purpose for which the PI is being collected.

PI may only be processed if:

- 10.1 the data subject has consented to the processing;
- 10.2 there is a legal obligation to do the processing;
- 10.3 processing protects the legitimate interests of the data subject;
- 10.4 processing is necessary for the proper performance of a public law duty by a public body; and
- 10.5 processing is necessary for the pursuit of legitimate interests of A2X.



PI must be collected directly from the data subject except if:

- 10.6 the information is contained in a public record or has deliberately been made public by the data subject;
- 10.7 the data subject has consented to the collection from another source;
- 10.8 collection from another source is necessary:
 - 10.8.1 to maintain the legitimate interests of A2X;
 - 10.8.2 to maintain law and order;
 - 10.8.3 to enforce legislation concerning the collection of revenue;
 - 10.8.4 for the conduct of court or other legal proceedings;
 - 10.8.5 in the interests of national security; or
 - 10.8.6 compliance would prejudice a lawful purpose for the collection.

11. Accuracy

A2X will regularly review its procedures for ensuring that its records remain accurate and consistent and, in particular:

- 11.1 systems will be designed, where possible, to encourage and facilitate the entry of accurate data;
- 11.2 data on any individual will be held in as few places as necessary, and all staff will be discouraged from establishing unnecessary additional data sets;
- 11.3 effective procedures will be in place so that all relevant systems are updated when information about any individual changes;
- 11.4 staff who keep more detailed information about individuals may need to be given additional guidance on accuracy in record keeping.

12. Safeguards

A2X must secure the integrity and confidentiality of PI in its possession or under its control by taking appropriate, reasonable technical measures to



prevent loss, damage or unauthorised destruction, unlawful access to, or processing of the PI.

Anyone processing PI on behalf of A2X must:

- 12.1 Treat the information as confidential and not disclose it unless required by law;
- 12.2 Apply the same security measures as A2X;
- 12.3 The processing must be governed by a written contract ensuring safeguards are in place; and
- 12.4 If domiciled outside the republic, comply with local protection of personal information laws which afford the data subject the same or equivalent level of protection as POPIA.

The Data Subject may request A2X to:

- 12.5 Correct or delete PI that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; and
- 12.6 Delete or destroy PI that A2X is no longer authorised to retain.

13. Openness

- 13.1 The Officer must take reasonably practicable steps to ensure the data subject is aware of:
 - 13.1.1 The information being collected;
 - 13.1.2 The name and address of A2X;
 - 13.1.3 The purpose for which the information is being collected;
 - 13.1.4 Whether or not the supply of the information is voluntary or mandatory;
 - 13.1.5 The consequences of failure to provide the information;
 - 13.1.6 Any particular law authorising the requiring of the collection;



- 13.1.7 The right of access to and the right to rectify the information collected;
 - 13.1.8 The fact that, where applicable, A2X intends to transfer the information to another country or international organisation and the level of protection afforded by that country or organisation; and
 - 13.1.9 The right to object to the processing of the information.
- 13.2 This must be done prior to collecting PI if the PI is collected directly from the data Subject, or in any other case as soon as is reasonably practical after collection.
- 13.3 Policies and related information, in a format that is generally understandable will be made available on our website and premises without unreasonable effort.

14. Rights of Data Subjects

- 14.1 A person requesting his/her PI may be required by the Officer to give sufficient information to permit A2X to provide an account of the existence, use, and disclosure of PI.
- 14.2 The Officer will ensure that upon request, A2X will inform an individual whether A2X holds PI about that person. If possible, the information's source shall also be given.
- 14.3 A2X will also account for the use that has been made or is being made of this information and give an account as to the third parties to whom it has been disclosed.
- 14.4 If A2X has supplied PI about an individual to third parties, the Officer shall ensure that an attempt is made to be as specific as possible. When it is impossible to give a list of organizations to which A2X has actually disclosed PI about an individual, A2X will provide a list of organizations to which it might have disclosed PI about the individual.



- 14.5 The Officer will ensure that A2X responds to an individual's request within a reasonable time and at minimal or no cost to the individual.
- 14.6 The requested information shall be made available in a generally understandable form.
- 14.7 The Officer shall ensure that when an individual successfully demonstrates the inaccuracy or incompleteness of PI, A2X will amend the information as required.
- 14.8 Depending on the information challenged, amendment involves the correction, deletion, or addition of the information in question.

15. Special Personal Information

- 15.1 A2X has the policy of adhering to the non-processing of special personal information which relates to 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.
- 15.2 Special personal information includes criminal behaviour relating to alleged offences or proceedings dealing with alleged offences.
- 15.3 Unless a general authorisation, alternatively a specific authorisation relating to the different types of special personal information applies, A2X is prohibited from processing special personal information.

16. Complaints

- 16.1 Complaints relating to A2Xs use of personal information of data subjects must be addressed to the Information Officer at complaints@a2x.co.za.
- 16.2 If a complainant is not satisfied with the outcome of the complaint after referred to the Regulatory committee, a complaint may be lodged with the Information Regulator:



The Information Regulator (South Africa)
33 Hoofd Street
Forum III, 3rd Floor
Braampark
Braamfontein
Johannesburg
Email: infoereg@justice.gov.za

17. Non-Compliance

A2X views any non-compliance to this policy as well as any non-compliance with its obligations in terms of legislation in a serious light. Any deliberate action by an employee to contravene the above will be subject to disciplinary action or termination of employment.