



# **PROTECTION OF PERSONAL INFORMATION ACT (POPI) POLICY**

January 2018

## Contents

1. Purpose of the Policy .....	2
2. Scope of the Policy .....	2
4. What is Personal Information (PI)? .....	3
5. 8 Principles of POPI .....	3
6. Processing of information of Minors .....	4
7. Exceptions from conditions for processing of Personal Information .....	4
8. Administrative fines, offences and penalties .....	5
9. How does LMS collect your personal information? .....	5
10. Why does LMS collect, hold, use and disclose your personal information? ..	5
11. Who does LMS disclose your personal information to? .....	6
12. How can you access and correct your personal information? .....	6
13. Changes to the LMS policy .....	7

## 1. Purpose of the Policy

Reference made to “**LMS**” refers to Link Market Services South Africa (Pty) Ltd and Link Investor Services Pty Ltd.

The purpose of this policy is to protect LMS from the compliance risks associated with the protection of personal information which includes:

- Breaches of confidentiality. For instance, LMS could suffer loss in revenue where it is found that the personal information of shareholders/clients has been shared or disclosed inappropriately.
- Failing to offer choice. For instance, all shareholders/clients should be free to choose how and for what purpose LMS uses information relating to them.
- Reputational damage. For instance, LMS could suffer a decline in shareholder value following an adverse event such as a computer hacker deleting the personal information held by LMS.

This policy demonstrates LMS’s commitment to protecting the privacy rights of data subjects in the following manner:

- Through stating desired behaviour and directing compliance with the provisions of POPIA and best practice.
- By cultivating an organisational culture that recognises privacy as a valuable human right.
- By developing and implementing internal controls for the purpose of managing the compliance risk associated with the protection of personal information.
- By creating business practices that will provide reasonable assurance that the rights of data subjects are protected and balanced with the legitimate business needs of the organisation.
- By assigning specific duties and responsibilities to control owners, including the appointment of an Information Officer and where necessary, Deputy Information Officers in order to protect the interests of LMS and shareholders/clients.
- By raising awareness through training and providing guidance to all LMS employees who process personal information so that they can act confidently and consistently.

## 2. Scope of the Policy

This policy applies to all employees (permanent, temporary or contract) and the directors of LMS.

The purpose of this policy is to record LMS’s commitment to privacy and its expectation of how personal information will be handled.

This policy does not detail actual processes, practices, procedures and systems adopted. Rather, it sets out the general principles to be interpreted and applied in the conduct of LMS’s businesses as the standing, overriding directive from management.

## 3. Accountability

Failing to comply with POPIA could potentially damage LMS’s reputation or expose LMS to a civil claim for damages. The protection of personal information is therefore everybody’s responsibility.

LMS will ensure that the provisions of POPIA and the guiding principles outlined in this policy are complied with through the encouragement of desired behaviour. However, LMS will take appropriate sanctions, which may include disciplinary action, against those individuals who through their intentional or negligent actions and/or omissions fail to comply with the principles and responsibilities outlined in this policy.

#### **4. What is Personal Information (PI)?**

Personal information is any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning:

- race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- the views or opinions of another individual about the person;
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

#### **5. 8 Principles of POPI**

##### **5.1 Accountability of the responsible party**

- A responsible party has the obligation to ensure that the 8 principles of POPI are adhered to.
- A responsible party is responsible for personal information in its possession, including information that has been transferred to a 3rd party.

##### **5.2 Processing Limitations**

- This means the processing of information must be lawful and not excessive
- It's also necessary to have the consent of the person or company whose information is being processed (the data subject)
- The data subject can, however, object to processing based on some justifications

### **5.3 Purpose specification**

- Personal information must be collected for a specific explicitly defined and lawful purpose related to a function or activity of the responsible party.
- A record must also not be kept any longer than is necessary for achieving the purpose for which it was obtained.

### **5.4 Further processing limitations**

- Any further processing of information must be compatible with the purpose for which it was collected.
- Where secondary purpose is not compatible with the original purpose, LMS will first obtain additional consent from the data subject.

### **5.5 Information quality**

- The information must be accurate, complete, not misleading and updated where necessary.

### **5.6 Openness**

- Reasonable practical steps are taken to ensure the data subject is aware of the information collected, name and address of the responsible party and the purpose of the information is being collected.

### **5.7 Security safeguards**

- This means preventing loss or damage and unlawful access to personal data.
- If a third party is used to process the information, that party must treat the information as confidential and it must have adequate security measures in place.

### **5.8 Data subject participation**

- The data subject has a right to ask for, and be given free of charge, details of any information that you have about them

## **6. Processing of information of Minors**

- Ensure that prior consent is obtained by an authorised person/guardian
- Be aware of what information is being collected of the minor

## **7. Exceptions from conditions for processing of Personal Information**

- The regulator may give notice to a responsible party to process personal information.
- When personal information can no longer make a natural person identifiable.

## **8. Administrative fines, offences and penalties**

- Offences prosecuted under the Act may carry a penalty of between 12 months and 10 years, depending on the severity of the offence, or a fine or both imprisonment and a fine. Alternatively, the Regulator may issue an administrative fine up to ZAR10million for an offence
- Any person who hinders, obstructs or unlawfully influences the Regulator or any person acting under the direction of the Regulator is guilty of an offence
- A responsible party which fails to comply with an enforcement notice
- Reputational harm may be caused

## **9. How does LMS collect your personal information?**

LMS collects personal information directly from you, or your authorised representative, unless it is unreasonable or impracticable to do so. LMS may collect personal information:

- from written requests, including email;
- when you complete an application, either on line or hard copy, regarding any of the services or opportunities included in LMS's websites; or
- through your provision of identity documents, drivers' licence, passport, utility bills, bank statements etc. for the purpose of verifying your identity relating to FICA (Know Your Client) legislation and other regulatory requirements

## **10. Why does LMS collect, hold, use and disclose your personal information?**

LMS collects personal information about you to be able to provide services to you for the following purposes:

- send you communications;
- to update records and keep your contact (and other) details up-to-date;
- to answer your enquiries and provide information or advice about existing and new services;
- to process and respond to any complaints you may make;
- to provide you with access to protected areas of our websites;
- to meet legal obligations under the Common Reporting Standard (CRS), the Foreign Account Tax Compliance Act, Financial Intelligence Centre Act, Companies Act, Financial Markets Act etc.; and
- to comply with any other law, rule, regulation, lawful and binding determination, decision or direction of a regulator, or where a government authority makes recommendations that are not mandatory but which we elect to follow

LMS will not share, sell, rent or disclose your personal information other than as described in this privacy policy.

## **11. Who does LMS disclose your personal information to?**

Personal information held by LMS will only be used for purposes directly related to one or more legitimate functions or activities of LMS in the provision of its services or as otherwise permitted by lawful authority. LMS does not sell personal information.

LMS may disclose your personal information to:

- our employees;
- issuers of securities for whom we are contracted to provide registry or other services;
- security issuers under LMS contracts to provide registry services;
- contractors or service providers, for the purposes of the operation of LMS's business or websites;
- third parties, in order to fulfil requests by you, and to otherwise provide services to you
- IT systems administrators, web hosting providers, mailing houses, couriers, payment processors;
- professional advisors such as accountants, solicitors, business advisors and consultants;
- regulators with statutory responsibility to regulate various areas of our business operations;
- law enforcement agencies; and
- any organisation for any authorised purpose with your consent.

In some cases, LMS may also be required to disclose your personal information without your consent.

Specific instances include where:

- required or authorised by law. For example, where an entity is subject to a statutory requirement to report certain matters to regulator or enforcement body; or
- a warrant or notice issued by a court requires LMS to produce records or documents they hold.

## **12. How can you access and correct your personal information?**

You may request access to any personal information LMS holds about you at any time by contacting us. Where we hold information that you are entitled to access, we will try to provide you with a suitable means of accessing it (for example, by mailing or emailing it to you). We may charge you a reasonable fee to cover our administrative and other reasonable costs in providing the information to you. We will not charge you for simply making the request nor charge you for making any corrections to your personal information.

There may be instances where LMS cannot grant you access to the personal information it holds, for example, if granting access would interfere with the privacy of others or if it would result in a breach of confidentiality or a breach of legislation. If that happens, we will generally give you written reasons for any refusal.

If you believe that personal information LMS holds about you is incorrect, incomplete or inaccurate, then you may ask us to amend that information. We will then consider if the information requires amendment. If we do not agree that there are grounds for amendment then we will add a note to the personal information stating that you disagree with it.

### **13. Changes to the LMS policy**

LMS may change this policy from time to time. Any updated versions will be published on our websites and will be effective from the date of posting.