



**POLICY STATEMENT AND MANUAL OF:  
PROTECTION OF PERSONAL, INFORMATION  
AND THE  
RETENTION OF DOCUMENTS  
For  
INCANDA FURNITURE (PTY) LTD  
(Hereinafter referred to as “Incanda Furniture”)**

**(Registration number: 2016/078706/07)**

**Date: 5 July Revision 1**

**APPROVAL**

<b>POSITION</b>	<b>NAME &amp; SURNAME</b>	<b>SIGNATURE</b>	<b>DATE</b>
<b>DIRECTOR &amp; OWNER</b>	Gerhard van Deventer		16/07/2021

## REVIEW REGISTER

It is advisable to review the policy on an annual basis. Any amendments must be indicated on the document review roster and relevant staff members must be informed of any updates.

Review Date	1 July 2022
Comments / Amendments	Annual review of policy.
Next Review Date	
Information Officer Signature	

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## INTRODUCTION

The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act 4 of 2012 (“POPIA”).

POPIA aims to promote the protection of privacy through providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner.

Incanda Furniture is a company functioning in the manufacturing sector of South Africa that is obligated to comply with The Protection of Personal Information Act 4 of 2013. Through the provision of quality goods and services, Incanda Furniture is necessarily involved in the collection, use and disclosure of certain aspects of the personal information of clients, customers, suppliers and employees.

POPI requires Incanda Furniture to inform their clients, customers, suppliers and employees as to the way their personal information is used, disclosed, and destroyed. Incanda Furniture guarantees its commitment to protecting the privacy of their clients, customers, suppliers and employees and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

This Policy sets out the way Incanda Furniture deals with the personal information of their data subjects as well as and stipulates the purpose for which said information is used.

This Policy is made available on the Incanda Furniture website [www.incanda.co.za](http://www.incanda.co.za), and by request from the Incanda Furniture head office.

## DEFINITIONS

### 1. Personal Information

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.

## **2. Data subject**

This refers to the natural or juristic person to whom personal information relates, such as an individual client, customer or a company that supplies Incanda Furniture with products or other goods.

## **3. Responsible party**

The responsible party is the entity that needs the personal information for a particular reason and determines the purpose of and means for processing the personal information. In this case, Incanda Furniture is the responsible party.

## **4. Operator**

An operator means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party. For example, a third-party service provider that has contracted with Incanda Furniture to shred documents containing personal information. When dealing with an operator, Incanda Furniture will include an indemnity clause.

## **5. Information officer**

The Information Officer is responsible for ensuring Incanda Furniture's compliance with POPIA. Where no Information officer is appointed, the director of Incanda Furniture will be responsible for performing the Information officer's duties.

## **6. Processing**

The act of processing information includes any activity or any set of operations, whether or not by automatic means, concerning personal information and includes:

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well any restriction, degradation, erasure or destruction of information.

## **7. Record**

Means any recorded information, regardless of form or medium, including:

1. Writing on any material;
2. Information produced, recorded or stored by means of any recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
3. Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
4. Book, map, graph or drawing;
5. Photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced.

## **8. Filing system**

Means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria.

## **9. Unique identifier**

Means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

## **10. De-identify**

This means to delete any information that identifies a data subject or which can be used by a reasonable foreseeable method to identify, or when linked to other information, that identifies the data subject.

## **11. Re-identify**

In relation to personal information of a data subject, means to resurrect any information that has been de-identified that identifies the data subject, or can be used or manipulated by a reasonably foreseeable method to identify the data subject.

## **12. Consent**

Means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

## **13. Direct marketing**

Means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:

- Promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
- Requesting the data subject to make a donation of any kind for any reason.

## **14. Biometrics**

Means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.

## **PURPOSE**

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

- Breaches of confidentiality. For instance, Incanda Furniture could suffer loss in revenue where it is found that the personal information of data subjects has been shared or disclosed inappropriately.
- Failing to offer choice. For instance, all data subjects should be free to choose how and for what purpose Incanda Furniture uses information relating to them.

- Reputational damage. For instance, Incanda Furniture could suffer a decline in shareholder value following an adverse event such as a computer hacker deleting the personal information held by Incanda Furniture.

This policy demonstrates Incanda Furniture's commitment to protect 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 Incanda Furniture.
- By assigning specific duties and responsibilities to control owners, including the appointment of an Information Officer to protect the interests of Incanda Furniture and data subjects.
- By raising awareness through training and providing guidance to individuals who process personal information so that they can act confidently and consistently.

## ORGANISATIONAL SCOPE

This policy and its guiding principles apply to:

- Directors
- All branches and business units of Incanda Furniture
- All employees and volunteers of Incanda Furniture
- All contractors, suppliers and other persons acting on behalf of Incanda Furniture.

The policy's guiding principles find application in all situations and must be read in conjunction with POPIA.

The legal duty to comply with POPIA'S provisions is activated in any situation where there is:

A **processing** of **personal information** entered into a **record** by or for a **responsible person** who is **domiciled** in South Africa.

POPIA does not apply in situations where the processing of personal information:

- is concluded during purely personal or household activities, or
- where the personal information has been de-identified.

## RIGHTS OF DATA SUBJECTS

Where appropriate, Incanda Furniture will ensure that its clients and customers are made aware of the rights conferred upon them as data subjects. Incanda Furniture will ensure that it gives effects to the following six rights:

### 1. The right to access Personal Information

Incanda Furniture recognises that a data subject has the right to establish whether Incanda Furniture holds personal information related to him, her or it including the right

to request access to that personal information. The “**Personal Information Request Form**” can be found under **Annexure A**.

## **2. The right to have Personal Information corrected or deleted**

The data subject has the right to request, where necessary, that his, her or its personal information must be corrected or delete where Incanda Furniture is no longer authorised to retain the personal information.

## **3. The right to object to the processing of Personal Information**

The data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information.

In such circumstances, Incanda Furniture will give due consideration to the request and the requirements of POPIA, Incanda Furniture may cease to use or disclose the data subject’s personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information.

## **4. The right to object to Direct Marketing**

The data subject has the right to object to the processing of his, her or its personal information for the purposes of direct marketing by means of unsolicited electronic communications.

## **5. The right to complain to the Information Officer**

The data subject has the right to submit to the Information Officer regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

The “**POPI Compliant Form**” can be found under **Annexure B**.

## **6. The right to be informed**

The data subject has the right to be notified that his, her or its personal information is being collected by Incanda Furniture. The data subject also has the right to be notified in any situation where Incanda Furniture has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person.

# **GENERAL GUIDING PRINCIPLES**

All employees and persons acting on behalf of Incanda Furniture will at all times be subject to, and act in accordance with, the following guiding principles:

## **1. Accountability**

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

Incanda Furniture will ensure that the provision of POPIA and the guiding principles outlined in this policy are complied with through the encouragement of desired behaviour. However, Incanda Furniture 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.

## 2. Processing limitation

Incanda Furniture will ensure that personal information under its control is processed:

- in a fair, lawful and non-excessive manner, and
- only with the informed consent of the data subject, and
- only for a specifically defined purpose.

Incanda Furniture will inform the data subject of the reasons for collecting his, her or its personal information and obtain written consent prior to processing personal information.

Incanda Furniture will under no circumstances distribute or share personal information between separate legal entities, associated organisations (such as subsidiary companies) or with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected.

Where applicable, the data subject must be informed of the possibility that their personal information will be shared with other aspects of Incanda Furniture's business and be provided with the reasons for doing so.

The "**POPI Notice and Consent Form**" can be found under **Annexure C**.

## 3. Purpose of Processing

All Incanda Furniture's business units and operations must be informed by the principle of transparency. Incanda Furniture will process personal information only for specific, explicitly defined and legitimate reasons. Incanda Furniture will inform data subjects of these reasons prior to collecting or recording the data subject's personal information.

Incanda Furniture uses the Personal Information under its care in the following ways:

- Rendering service according to instructions given by clients
- Staff administration
- Keeping of accounts and records
- Complying with tax laws

Examples of personal information we collect include but is not limited to: - The data subject's identity number, name, surname, address both home and business, postal code, and phone number.

## 4. Usage of Personal Information

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed.

This may include:

- Providing products or services to clients.
- Conducting credit reference searches or verification.
- Confirming, verifying, and updating client details.
- For the detection and prevention of fraud.
- Conducting market or customer satisfaction research.

- For audit and record keeping purposes.
- In connection with legal proceedings.
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law.

Personal information may only be processed if certain conditions, listed below are met.

- a. The client's consents to the processing
- b. The necessity of processing: to conduct an accurate analysis of the client's needs
- c. Processing complies with an obligation imposed by law
- d. Processing protects a legitimate interest of the client — it is in the client's best interest to have a full and proper needs analysis performed to provide them with an applicable and beneficial product or service.
- e. Processing is necessary for pursuing the legitimate interests of the "VC" Group or of a third party to whom information is supplied.

## **5. Information quality**

Incanda Furniture takes reasonable steps to ensure that all personal information collected is complete, accurate and not misleading.

The more important it is that the personal information be accurate, the greater the effort Incanda Furniture will put into ensuring its accuracy.

Where personal information is collected or received from third parties, Incanda Furniture will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.

## **6. Open communication**

Incanda Furniture will take reasonable steps to ensure that data subjects are notified (are at all times aware that their personal information is being collected including the purpose for which it is being collected and processed).

Incanda Furniture will ensure that it establishes and maintains a "contact us" facility, for instance via its website, for data subjects who want to:

- Enquire whether Incanda Furniture holds related personal information, or
- Request access to related personal information, or
- Request Incanda Furniture to update or correct related personal information, or
- Make a complaint concerning the processing of personal information.

## **7. Disclosure for Personal Information**

Incanda Furniture may also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect the rights of Incanda Furniture.

## **8. Safeguarding client information**

Incanda Furniture will manage the security of its filing systems to ensure that personal information is adequately protected. To this end, security controls will be implemented in order to minimise the risk of loss, unauthorised access disclosure, interference, modification or destruction. Incanda Furniture security measures are also applied in a context-sensitive manner. For example, the more sensitive the personal information, such as medical

information or banking details, the greater the security. Incanda Furniture employs up to date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control.
- Secure setup of hardware and software making up the IT infrastructure.
- Outsourced Service Providers who process Personal Information on behalf of Incanda Furniture are contracted to implement security controls.
- Each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of employee information.
- Every employee currently employed within Incanda Furniture will, after the required consultation process has been followed, be required to sign an addendum to their employment contracts containing relevant consent clauses for the use and storage of employee information.
- Archived Incanda Furniture client information is stored on site, which is also governed by POPI, access is limited to these areas to authorized personnel.
- Incanda Furniture product suppliers, insurers and other third-party service providers will be required to sign a Service Level Agreement guaranteeing their commitment to the Protection of Personal Information.
- All the user terminals on our internal computer network and our servers must be protected by passwords which must be changed on a regular basis.
- Consent to process client information is obtained from data subjects (or a person who has been given authorization from the data subject to provide the data subject's personal information) during the introductory, appointment and needs analysis stage of the relationship.

The Incanda Furniture “**Employee Consent and Confidentiality Clause**” for inclusion in Incanda Furniture’s employment contracts can be found under **Annexure D**. The “**SLA Confidentiality Clause**” for inclusion in Incanda Furniture’s service level agreements can be found under **Annexure E**.

## 9. Security breaches

1. Should it appear that the personal information of a client has been accessed or acquired by an unauthorized person, we must notify the Information Officer and the relevant data subject/s, unless we are no longer able to identify the data subject/s. This notification must take place as soon as reasonably possible.
2. Such notification must be given to the Information Officer first as it is possible that they, or another public body, might require the notification to the data subject/s be delayed.
3. The notification to the data subject must be communicated in writing in one of the following ways, with a view to ensuring that the notification reaches the data subject:
  - 3.1 by mail to the data subject’s last known physical or postal address
  - 3.2 by email to the data subject’s last known email address
  - 3.3 by publication on our website or in the news media; or
  - 3.4 as directed by the Information Officer.

4. This notification to the data subject must give sufficient information to enable the data subject to protect themselves against the potential consequences of the security breach, and must include:
  - 4.1 a description of the possible consequences of the breach
  - 4.2 details of the measures that we intend to take or have taken to address the breach
  - 4.3 the recommendation of what the data subject could do to mitigate the adverse effects of the breach; and
  - 4.4 if known, the identity of the person who may have accessed, or acquired the personal information.

## **10. Access and correction of personal information**

Data subjects have the right to access the personal information Incanda Furniture holds about them. Data subjects also have the right to ask Incanda Furniture to update, correct or delete their personal information on reasonable grounds. Once a client objects to the processing of their personal information, Incanda Furniture may no longer process said personal information. Incanda Furniture will take all reasonable steps to confirm its data subjects' identity before providing details of their personal information or making changes to their personal information.

## **11. Data subjects requesting records**

On production of proof of identity, any person is entitled to request that we confirm, free of charge, whether we hold any personal information about that person in our records.

## **INFORMATION OFFICER**

Incanda Furniture will appoint an Information Officer who will be responsible for ensuring compliance with POPIA.

See **Annexure F** for the “**Information Officer Appointment Letter**”.

## **DUTIES AND RESPONSIBILITIES**

**The director of Incanda Furniture** is responsible for appointing an Information Officer. He must also ensure that:

1. All persons responsible for the processing of personal information on behalf of Incanda Furniture
  - are appropriately trained and supervised to do so,
  - understand that they are contractually obligated to protect the personal information they come into contact with, and
  - are aware that a wilful or negligent breach of this policy's processes and procedures may lead to disciplinary action being taken against them.
2. Data subjects who want to make enquiries about their personal information are made aware of the procedure that needs to be followed should they wish to do so.
3. The scheduling of a periodic POPIA Audit in order to accurately assess and review the ways in which Incanda Furniture collects, holds, uses, shares, discloses, destroys and processes personal information.

**The Information Officer at Incanda Furniture** is responsible for:

1. Taking steps to ensure Incanda Furniture's reasonable compliance with the provision of POPIA.
2. Keeping the director updated about Incanda Furniture's information protection responsibilities under POPIA.
3. Continually analysing privacy regulations and aligning them with Incanda Furniture's personal information processing procedures.
4. Ensuring that POPIA audits are scheduled and conducted on a regular basis.
5. Ensuring that Incanda Furniture makes it convenient for data subjects who want to update their personal information or submit POPIA related complaints.
6. Approving any contracts entered into with operators, employees and other third parties which may have an impact on the personal information held by Incanda Furniture.
7. Encouraging compliance with the conditions required for the lawful processing of personal information.
8. Ensuring that employees and other persons acting on behalf of Incanda Furniture are fully aware of the risks associated with the processing of personal information.
9. Organising and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of Incanda Furniture.
10. Addressing employees' POPIA related questions.
11. Addressing all POPIA related requests and complaints made by Incanda Furniture's data subjects.
12. Acting as a contact point on issues relating to POPIA.
13. Ensuring that Incanda Furniture's IT infrastructure, filing systems and any other devices used for processing personal information meet acceptable security standards.
14. Ensuring that all electronically held personal information is kept only on designated drives and servers and uploaded only to approved cloud computing services.
15. Ensuring that servers containing personal information are sited in a secure location, away from the general office space.
16. Ensuring that all back-ups containing personal information are protected from unauthorised access, accidental deletion and malicious hacking attempts.
17. Ensuring that personal information being transferred electronically is encrypted.
18. Ensuring that all servers and computers containing personal information are protected by a firewall and the latest security software.
19. Performing regular IT audits to verify whether electronically stored personal information has been accessed or acquired by any unauthorised persons.
20. Performing a proper due diligence review prior to contracting with operators or any other third-party service providers.
21. Approving and maintaining the protection of personal information statements and disclaimers that are displayed on Incanda Furniture's website, including those attached to communications such as emails and electronic newsletters.
22. Addressing any personal information queries from journalists or media outlets such as newspapers.
23. Where necessary, working with persons acting on behalf of Incanda Furniture to ensure that any outsourced marketing initiatives comply with POPIA.

## **Employees and other persons acting on behalf of Incanda Furniture**

Employees and other persons acting on behalf of Incanda Furniture will, during the course of the performance of their service, gain access to and become acquainted with the personal information of certain clients, suppliers and other employees.

Employees and other persons acting on behalf of Incanda Furniture are required to treat personal information as a confidential business asset and to respect the privacy of data subjects.

Employees and other persons acting on behalf of Incanda Furniture may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within Incanda Furniture or externally, any personal information, unless such information is already publicly known or the disclosure is necessary in order for the employee or person to perform his or her duties.

Employees and other persons acting on behalf of Incanda Furniture must request assistance from their manager or the Information Officer if they are unsure about any aspect related to the protection of a data subject's personal information.

Employees and other persons acting on behalf of Incanda Furniture will only process personal information where:

- The data subject, or a competent person where the data subject is a child, consents to the processing; or
- The processing is necessary to carry out actions of the conclusion or performance of a contract to which the data subject is a party; or
- The processing complies within an obligation by law on the responsible party; or
- The processing protects a legitimate interest of the data subject; or
- The processing is necessary for pursuing the legitimate interests of Incanda Furniture or of a third party to whom the information is supplied.
- Personal information will only be processed where the data subject clearly understands why and for what purpose his, her or its personal information is being collected and has granted Incanda Furniture with explicit written or verbally recorded consent to process his, her or its personal information.

Employees and other persons acting on behalf of Incanda Furniture will consequently, prior to processing any personal information, obtain a specific and informed expression of will from the data subject, in terms of which permission is given for the processing of personal information.

Where an employee, or a person acting on behalf of Incanda Furniture, becomes aware or suspicious of any security breach such as the unauthorised access, interference, modification, destruction or the unsanctioned disclosure of personal information, he or she must immediately report this event or suspicion to the Information Officer.

**ANNEXURE A**  
**PERSONAL INFORMATION REQUEST FORM**

Submit the completed form to the Information Officer (Contact details below)	
Name and Surname	
Contact Number	
Email Address	

Please be aware that we may require you to provide proof of identification prior to processing your request.

A. Particulars of Data Subject	
Name and Surname	
Identity Number	
Postal Address	
Contact Number	
Email Address	
B. Request	
<p>I request Incanda Furniture to:</p> <ul style="list-style-type: none"> <li>a) Inform me whether it holds any of my personal information.</li> <li>b) Provide me with a record or description of my personal information.</li> <li>c) Correct or update my personal information.</li> <li>d) Destroy or delete a record of my personal information.</li> </ul>	
C. Instructions	
D. Signature	
----- Signature	----- Date

**ANNEXURE B**  
**POPIA COMPLAINT FORM**

Incanda Furniture is committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act (POPIA)

Please submit your complaint to the Information Officer (Contact details below)	
Name and Surname	
Contact Number	
Email Address	

Where we are unable to resolve your complaint, to your satisfaction you have the right to complaint to the Director.

A. Particulars of Complainant	
Name and Surname	
Identity Number	
Postal Address	
Contact Number	
Email Address	
B. Details of Complaint	
C. Desired Outcome	
D. Signature	
----- Signature	----- Date

**ANNEXURE C**  
**POPIA NOTICE AND CONSENT FORM**

Incanda Furniture understands that your personal information is important to you and you may be apprehensive about disclosing it. Your privacy is just as important to Incanda Furniture, and we are committed to safeguarding and processing your information in a lawful manner.

Incanda Furniture also want to make sure that you understand how and for what purpose we process your information. If for any reason you think that your information is not processed in a correct manner, or that your information is being used for a purpose other than that for what it was originally intended, you can contact our Information Officer.

<b>Our Information Officer's Contact Details</b>	
<b>Name and Surname</b>	
<b>Contact Number</b>	
<b>Email Address</b>	

**Purpose for Processing your information**

We collect, hold, use and disclose your personal information mainly to provide you with access to the services and products that we provide. We will only process your information for a purpose you would reasonably expect, including:

- Providing you with advice, products and services that suit your needs as requested.
- To verify our identity and to conduct credit reference searches.
- To issue, administer and manage your salary.
- To confirm, verify and update your details.
- To comply with any legal and regulatory requirements.

Some of your information that we hold may include, your first name and last name, email address, a home, postal or other physical address, other contact information, your title, birth date, gender, occupation, qualifications, past employment, residency status, medical information and banking details.

**Consent to Disclose and Share your information**

Where Incanda Furniture may need to share your information with a third party, we will take all precautions to ensure that the third party will treat your information with the same level of protection as required by us. Your information may be hosted on servers managed by a third-party service provider.

<b>I hereby authorise and consent to Incanda Furniture sharing my personal information with the following persons / institutions:</b>	
<b>Signature</b>	
----- <b>Signature</b>	----- <b>Date</b>

**ANNEXURE D**  
**EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE**

## EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE

- “Personal Information (PI) shall mean the 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 that would reveal the contents of the original correspondence; the views or opinions of another individual about the person whether the information is recorded electronically or otherwise.
- “POPIA” shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
- The employer undertakes to process the PI of the employee only in accordance with the conditions of lawful processing as set out in terms of POPIA and in terms of the employer’s relevant policy available to the employee on request and only to the extent that it is necessary to discharge its obligations and to perform its functions as an employer and within the framework of the employment relationship and as required by South African law.
- The employee acknowledges that the collection of his/her PI is both necessary and requisite as a legal obligation, which falls within the scope of execution of the legal functions and obligations of the employer. The employee therefore irrevocably and unconditionally agrees:
  - The he/she is notified of the purpose and reason for the collection and processing of his/her PI insofar as it relates to the employer’s discharge of its obligations and to perform its functions as an employer.
  - The he/she consents and authorises the employer to undertake the collection, processing and further processing of the employee’s PI by the employer for the purposes of securing and further facilitating the employee’s employment with the employer.
  - Without derogating from the generality of the aforesaid, the employee consents to the employer’s collection and processing of PI pursuant to any of the employer’s internet, email and interception policies in place insofar as PI of the employee is contained in relevant electronic communications.
  - To make available to the employer all necessary PI required by the employer for the purpose of securing and further facilitating the employee’s employment with the employer.
  - To absolve the employer from any liability in terms of POPIA for failing to obtain the employee’s consent or to notify the employee of the reason for the processing of any of the employee’s PI.
  - To the disclosure of his/her PI by the employer to any third party, where the employer has a legal or contractual duty to disclose such PI.
  - The employee further agrees to the disclosure of his/her PI for any reason enabling the employer to carry out or to comply with any business obligation the employer may have or to pursue a legitimate interest of the employer in order for the employer to perform its business on a day to day basis.
  - The employee authorises the employer to transfer his/her PI outside of the Republic of South Africa for any legitimate business purpose of the employer within the international community. The employer undertakes not to transfer or disclose his/her PI unless it is required for its legitimate business requirements and shall comply strictly with legislative stipulation in this regard.
- The employee acknowledges that during the course of the performance of his/her services, he/she may gain access to and become acquainted with the personal information of certain clients, suppliers and other employees. The employee will treat personal information as a confidential business asset and agrees to respect the privacy of clients, suppliers and other employees.
- To the extent that he/she is exposed to or insofar as PI of other employees or third parties are disclosed to him/her, the employee hereby agree to be bound by appropriate and legally binding confidentiality and non-usage obligations in relation to the PI of third parties or employees.
- Employees may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within Incanda Furniture or externally, any personal information, unless such information is already publicly known or the disclosure is necessary in order for the employee or person to perform his or her duties on behalf of the employer.

**ANNEXURE E**  
**SLA CONFIDENTIALITY CLAUSE**

## SERVICE LEVEL AGREEMENT CONFIDENTIALITY CLAUSE

- “Personal Information (PI) shall mean the 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 that would reveal the contents of the original correspondence; the views or opinions of another individual about the person whether the information is recorded electronically or otherwise.
- “POPIA” shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
- The parties acknowledge that for the purposes of this agreement that the parties may come in contact with or have access to PI and other information that may be classified, or deemed as private or confidential and for which the other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this agreement. Further, it is acknowledged and agreed by the parties that they have the necessary consent to share or disclose the PI and that the information may have value.
- The parties agree that they will at all times comply with POPIA’s Regulations and Codes of Conduct and that it shall only collect, use and process PI it comes into contact with pursuant to this agreement in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this agreement.
- The parties agree that it shall put in place, and at all times maintain, appropriate physical, technological and contractual security measures to ensure the protection and confidentiality of PI that is, or its employees, its contractors or other individuals comes into contact with pursuant to this agreement.
- Unless so required by law, the parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, and notwithstanding anything to the contrary contained herein, shall any party in no manner whatsoever transfer any PI out of the Republic of South Africa.

**ANNEXURE F**  
**INFORMATION OFFICER APPOINTMENT LETTER**

**INFORMATION OFFICER APPOINTMENT LETTER**

I herewith and with immediate effect appoint you as the Information Officer as required by the Protection of Personal Information Act (Act 4 of 2013). This appointment may at any time be withdrawn or amended in writing.

You are entrusted with the following responsibilities:

- Taking steps to ensure Incanda Furniture’s reasonable compliance with the provision of POPIA.
- Keeping the director updated about Incanda Furniture’s information protection responsibilities under POPIA. For instance, in the case of a security breach, the Information Officer must inform and advise the director of his obligations pursuant to POPIA.
- Continually analysing privacy regulations and aligning them with Incanda Furniture’s personal processing procedures. This will include reviewing Incanda Furniture’s information protection procedures and related policies.
- Ensuring that POPI Audits are scheduled and conducted on a regular basis.
- Ensuring that Incanda Furniture makes it convenient for data subjects who want to update their personal information or submit POPI related complaints to Incanda Furniture, to do so. For instance, maintaining a “contact us” facility on Incanda Furniture’s website.
- Approving any contracts entered into with operators, employees and other third parties which may have an impact on the personal information held by Incanda Furniture. This will include overseeing the amendment of Incanda Furniture’s employment contracts and other service level agreements.
- Encouraging compliance with the conditions required for the lawful processing of personal information.
- Ensuring that employees and other persons acting on behalf of Incanda Furniture are fully aware of the risks associated with the processing of personal information and that they remain informed about Incanda Furniture’s security controls.
- Organising and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of Incanda Furniture.
- Addressing employees’ POPIA related questions.
- Addressing all POPIA related requests and complaints made by Incanda Furniture’s data subjects.
- Acting as contact point on issues relating to the processing of personal information.
- All other responsibilities as listed on page 12 of the POPIA Policy.

**I hereby accept the appointment as Information Officer**

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**Name and Surname**

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**Signature**

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**Date**