



## Personal Information Protection Notice

{issued in accordance with Section 5 (a) (i) and 18 of the Protection of Personal Information Act, 4 of 2013 (POPI) and Article 13 of the General Data Protection Regulation (EU) 2016/679 (GDPR)}

### Aim and Purpose of this Notice

We value your privacy and want to be transparent about the personal information we process when interacting with you. With this Personal Information Protection Notice, we inform you and provide you with an overview of how we process your personal information and by doing so we are fulfilling our notification obligation.

We are committed to manage and process our personal information in accordance with the applicable privacy and information protection law provisions, which specifically provides for the lawful, fair and transparent processing of your personal information for specified, explicit and legitimate purposes in a reasonable manner that does not infringe on your right to privacy.

We recognise and are committed to protect your fundamental rights and freedoms, more specifically your right to privacy which includes the right to the protection against the unlawful collection, retention, dissemination and use of personal information.

### A. About us and how to contact us

Responsible Party: JONATHAN PATRICK KERR

Physical Address: 2 St Thomas Rd, Claremont, 7708

### B. Why do we collect and process personal information?

Our reason for collecting your personal information changes depending on the activity we need it for. We collect and process personal information for the below purposes including but not limited to:

- managing our supplier and service provider relationships;
- managing our customer relationships;
- managing of our relationship with our employees.
- Complying with SARS legislation on VAT and UIF

### C. Personal information collected and processed

'Personal information' is information which relates to an identified or identifiable natural person or a juristic person, by means of an identifying factor and subject to the applicable data protection laws. The personal information we collect and process may differ depending on our purpose of collecting and processing your personal information. We may collect and process your personal information subject to the purpose above, which include but are not limited to:



## Roselick Consulting (Pty) Ltd

2 St Thomas Rd

Claremont, 7708

South Africa

Phone: +27 (82) 3729284

Email: jon.kerr@roselick.co.za

www.roselick.co.za

<b>General Personal Information:</b>	Full name and identifying details (including identity or passport numbers)
	Contact details, including telephone numbers, email addresses, etc
	Gender
	Contact details, including but not limited to telephone number, email address, fax number, physical address, postal address, etc.
	Income Tax numbers – where applicable
	VAT numbers - where applicable
	Company details - where applicable
	Bank account details (high risk) - only for SARS purposes or purposes of refund (customers) and payment (suppliers)
<b>Special Personal Information:</b> (We will collect and process special personal information only for specific purposes and only with your consent. We collect and process such to monitor equality and diversity and/or in order to support any special exam requirements you have and/or to consider an appeal that you make or that is made on your behalf, or for the purpose of evaluating your eligibility as a student or qualifications you apply for but only if you provide your consent).	Personal information of children

## D. Lawful processing of personal information

We only process your personal information, if such:

- Processing is necessary to carry out actions for the conclusion or performance of a contract to which you are a party;
- Processing complies with an obligation imposed by law on us e.g. providing information to regulators, professional bodies, supervisory authorities, statutory bodies, law enforcement;
- Processing protects your legitimate interest;
- Processing is necessary for pursuing our or a third party to whom the information is supplied legitimate; and/or
- Processing was agreed to by you (or a competent person where you are a child) in the form of a consent.



## **E. Consequences of your refusal to provide personal information**

In the event in which you refuse to provide or allow us to collect your personal information, where our purpose for such collection is based on a contractual requirement, legal obligation and/or our legitimate interest, it could hinder our ability to perform our duties and responsibilities in both your and our best interest, which could be to your detriment.

## **F. Persons who will access your personal information**

Our employees will have access to your personal information to administer and manage our inclusive services and our various stakeholder relationships. Your personal information will further be shared with third parties, subject to the purpose of us collecting and processing your information, including but not limited to:

- Operators, who process personal information for us in terms of a contract or mandate, without coming under our direct authority e.g. service providers, etc.;
- Oversight and other regulators, professional bodies and statutory bodies;
- Government agencies and law enforcement.

## **G. Transfers to third countries**

Transfer of Personal Information Outside of the European Economic Area ("EEA") in terms of the GDPR or Outside of the Republic of South Africa ("RSA") in terms of the POPI. We may transfer your personal information to recipients who may carry out services on our behalf (including our entities) located in countries outside of the EEA or RSA, we aim to only transfer your personal information under such circumstances if the relevant third country or international organisation provide a similar level of protection of personal information as POPI and GDPR.

In the event in which we transfer your personal information to a country where the data privacy laws are not equivalent to those in the EEA or RSA, we will take all necessary steps to protect your personal information in accordance with applicable data privacy laws.

## **H. Protection and retention of your personal information**

We will take the necessary steps to secure the integrity and confidentiality of personal information in its possession and under its control by taking appropriate, reasonable technical and organisation measures to prevent loss of, damage to, or unauthorised destruction of your personal information and unlawful access to or processing of personal information, regardless of the format in which it is held.

We will retain your personal information for a period as required to achieve the purpose of which the personal information was collected initially or subsequently processed, unless retention is required or authorised by applicable law, or we reasonably require the records for lawful purposes related to our functions or activities, or is required by a contract or you (or a competent person where you are a child) has consented to the retention of the record.



We may retain your personal information for periods longer than these periods for historical, statistical or research purposes based on us maintaining appropriate safeguards against the records being used for any other purposes.

In the event in which we used your personal information record to make a decision about you, we shall retain the record for such a period that may be required or prescribed by law or code of conduct or if there is no law or code of conduct, retain the record for a period sufficient to afford you a reasonable opportunity, taking all considerations relating to the use of the personal information into account, to request access to the record.

### **I. Marketing activities**

You may be on our mailing list for routine communications. Please email us to remove your address from the marketing database. If applicable law requires that we receive your consent before we send you certain types of marketing communications, we will only send such communications after receiving your consent.

If you do not wish to receive marketing communications from us please email us to remove your address from the database for marketing communications. Note that all withdrawal of your consent will not affect the lawfulness of processing based on the consent prior to its withdrawal. Upon withdrawal of your consent we will no longer be able to inform you of our services, publishing topics, etc.

### **J. Use of your personal information to make automated decision making**

We do not make use of automatic decision making that would affect you to a significant degree or have legal consequences for you. We make use of real-time fraud detection systems to safeguard your rights and freedoms. It is necessary for us to make use of automated decisions to perform these detection processes, which would require us to make use of your personal information. This assists in the detection of fraudulent activities suspected where there is unusual activity on your profile. Should you wish to object against such an automated decision, you may request that such an automated decision be reviewed.

### **K. Receipt of your information from a third party**

In some instances we may receive your personal information (including your name and contact details) from a third party and we will notify you of us collecting your personal information as soon as reasonably practicable after it has been collected.

### **L. Laws authorising or requiring the collection of personal information**

Under certain circumstances we are authorised or required by laws to collect your personal information. These laws include but are not limited to the below and includes their applicable Regulations and Directives, etc.:

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Income Tax Act, 58 of 1962	Disaster Management Act 57 of 2002
Tax Administration Act, 28 of 2011	Employment Equity Act 55 of 1998
Value Added Tax Act, 89 of 1991	Occupational Health and Safety Act 85 of 1993
Companies Act, 71 of 2008	Non Profit Organisations Act 71 of 1997
Close Corporations Act 69 of 1984	Skills Development Act 97 of 1998
Basic Conditions of Employment Act 75 of 1997	

**M. Your rights**

POPI and GDPR guarantees you, as a data subject, certain rights which you may exercise against us where applicable. You have the right to:

- have your personal information to be processed in accordance with the conditions of lawful processing;
- be notified that your personal information is being collected;
- be notified that your personal information has been accessed or acquired by an unauthorised person;
- request confirmation of whether we hold personal information about you;
- request the record or a description of the personal information we hold about you, including information about the identity of all the third parties or categories of third parties who have or had access to your information;
- request us to correct or delete your personal information in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, or destroy or delete a record of your personal information that we are no longer authorised to retain;
- object to the processing of your personal information, subject to the relevant lawful purpose of processing, on reasonable grounds relating to our particular situation;
- object to the processing of personal information for the purposes of direct marketing;
- request that the processing of your personal information is restricted under certain circumstances, subject to applicable law; and
- request that personal information held by us be transferred to another Responsible Party, subject to applicable law.
- Should you wish to exercise any of the above rights you may contact the Information Officer.
- For any other requests regarding access to information records whether created by us or under our control which is not necessarily personal information related refer to our PAIA Manual.

**N. Information Officer**

Information Officer: JONATHAN PATRICK KERR - Director

Email address: Jon.kerr@roselick.co.za



## O. Information regulator and other personal information supervisory authorities

Should you believe that the processing of your personal information is in contravention with applicable data protection laws, you can lodge a complaint with:

- South Africa
  - The Information Regulator (South Africa)
  - Follow the link for contact details: <https://www.justice.gov.za/infoereg/contact.html>
- European Union:
  - European Data Protection Supervisor (DPS)
  - Follow the link for contact details: [https://edps.europa.eu/data-protection/our-role-supervisor/complaints\\_en](https://edps.europa.eu/data-protection/our-role-supervisor/complaints_en)

## P. Changes to Data Protection Notice

We will review this Personal Information Protection Notice and may amend or supplement this Notice from time to time, in accordance with regulatory changes, business strategies and new technology introduced into our operations.

We will publish an updated version of this Notice, as and when amendments or supplements have been made on our website.

In some instances we may receive your personal information (including your name and contact details) from a third party and we will notify you of us collecting your personal information as soon as reasonably practicable after it has been collected.

Should we have previously issued a Personal Information Protection Notice to you in relation to the collection of your personal information including similar categories of personal information or for a similar purpose of collection, we would not have to issue a new Personal Information Protection Notice and will be compliant with Section 5 (a) (i) and 18 of POPI and Article 13 of the GDPR.

## Q. Enquiries, requests and/or concerns

You may address all your enquiries, requests and/or concerns regarding this Notice or relating to the processing of personal information to our Information Officer.

17 June 2021