

## 1 DEFINITIONS

In the following policy as defined below, unless the context requires otherwise, the following **terms** shall have the meanings given to them:

- 1.1 **"Applicable Laws"** means any laws applicable to personal data and personal information and includes any statute, regulation, notice, policy, directive, ruling or subordinate legislation; the common law; any binding court order, judgement or ruling; any applicable industry code, policy or standard enforceable by law; or any applicable direction, policy or order that is given by any regulator, competent authority, or organ of state or statutory industry body.
- 1.2 **"Child"** means any person under the age of 18 years.
- 1.3 **"Competent Person"** means anyone who is declared legally competent to consent to any action or decision being taken by any matter concerning a child, for example a parent or legal guardian.
- 1.4 **"Controller"** means SHEQPortal in circumstances where it processes personal data (as defined in article 4 of the GDPR).
- 1.5 **"Customer(s)"** means any person(s), or where applicable juristic person(s), who has concluded an agreement with SHEQPortal in terms of which such customer procures the products and / or services provided by SHEQPortal, whether for SHEQPortal or their customers.
- 1.6 **"Data Subject"** means SHEQPortal employees, customer(s) and / or service provide in respect of whom SHEQPortal processes personal information and / or personal data.
- 1.7 **"Client Portal"** means the SHEQPortal client portal, which facilitates and enables SHEQPortal clients, service providers, etc. to engage with SHEQPortal.
- 1.8 **"GDPR"** means the General Data Protection Regulation, which is a European law that governs all collection and processing of personal data from individuals inside the European Union.
- 1.9 **"Operator"** means a person or entity who processes personal information and / or data for a responsible party.
- 1.10 **"Personal Data"** as defined in Article 4 of the GDPR means any information relating to an identified or identifiable person ('data subject') an identifiable person is one who can be identified, directly or indirectly.
- 1.11 **"Personal Information"** shall have the same meaning as is given in section 1 of POPI Act.

- 1.12 "**Policy**" means this data protection and privacy policy.
- 1.13 "**POPIA**" means the Protection of Personal Information Act, No 4 of 2013.
- 1.14 "**Products**" means the various products which SHEQPortal makes available to SHEQPortal clients and service providers.
- 1.15 "**Processing**" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information and / or personal data, including:
- 1.15.1 the collection, receipt, recording, organization, collation, storage, updating or modification, retrieval, alteration, consultation, or use.
  - 1.15.2 dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means: or
  - 1.15.3 merging, linking, blocking, degradation, erasure, or destruction. For the purposes of this definition, "Process" has a corresponding meaning.
- 1.16 "**Regulator**" means the information regulator established in terms of POPIA.
- 1.17 "**Responsible Party**" means in the context of this Policy, SHEQPortal.
- 1.18 "**Services**" means any services SHEQPortal provides to its clients and service providers.
- 1.19 "**Special Personal Information and / or Personal Data**" means personal information and / or personal data concerning, amongst other aspects contemplated in terms of section 26, Part B of POPIA, a data subject's, religious beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric data, or criminal behavior.
- 1.20 "**Third-Party**" means any clients, service providers, sub- contractors, customer(s), employees, independent contractor, agent, consultant, broker, user of the SHEQPortal products, services, website, online application interface.
- 1.21 "**Website**" means the website owned and operated by SHEQPortal sourced at following URL: <https://www.sheqportal.co.za>.
- 1.22 "**Online Application**" means any online application platform designed for SHEQPortal clients but owned and operated by SHEQPortal which might form part of some of SHEQPortal client's web sites and or web applications as per SLA agreement.

## **2 INTRODUCTION**

2.1 This policy regulates the processing of personal information and /or personal data by SHEQPortal and sets forth the applicable legal requirements with which SHEQPortal undertakes to comply when processing personal information and / or personal data pursuant to undertaking its operations and fulfilling its contractual obligations in respect of data subjects and third parties in general.

2.2 SHEQPortal places a high premium on the privacy of every person/s or any organization with whom it interacts or engages with and therefore acknowledges the need to ensure that personal information and / or personal data is handled within reasonable standards of care as may be expected from it. SHEQPortal is therefore, committed to ensuring that it complies with all the legal requirements of POPIA, and also with the terms of the GDPR to the extent that the GDPR applies.

2.3 When a data subject or third party engages with SHEQPortal, whether it be physically or via any digital, electronic interface such as SHEQPortal web site and / or online application, the data subject or third party acknowledges that they trust SHEQPortal to process their personal information and / or personal data, including the personal information and / or personal data of their employees, service providers, sub- contractors, etc. as the case may be.

2.4 All data subjects and third parties have the right to object to the processing of their personal information and / or personal data. It is voluntary to accept the terms and conditions to which this policy relates to. However, SHEQPortal does require the data subject or third party's acceptance to enable the proper use of SHEQPortal web site and / or online application's products and services.

## **3 PURPOSE AND APPLICATION**

3.1 The purpose of this policy is not only to inform data subjects about how SHEQPortal process their personal information and / or personal data, but also to establish a standard by which SHEQPortal shall comply in as far as the processing of personal information and / or personal data is concerned.

3.2 SHEQPortal in its capacity as a responsible party, operator or controller, as the case may be, shall strive to observe and comply with its obligations under POPIA and the GDPR (as may be applicable and to the extent necessary) whe it processes personal information and / or personal data from or in respect of any data subject.

## **4 COLLECTING & PROCESSING OF PERSONAL INFORMATION AND / OR PERSONAL DATA**

4.1 Whenever and data subject engages with SHEQPortal, whether it be physically or electronically, or through the use of its products, services, facilities, web site, online application, SHEQPortal will in effect be processing the data subject's personal information and / or personal data.

- 4.2 It may be from time to time that SHEQPortal has to collect a data subject's personal information and / or personal data from other sources. In the event that a data subject has shared their personal information and / or personal data with any third parties, SHEQPortal will not be responsible for any loss suffered by the data subject, their dependents, beneficiaries, spouse(s), or employees as the case may be.
- 4.3 When a data subject provides Manie Swanepoel with the persona information of any third party, SHEQPortal will process the personal information and / or personal data of such third party in line with this policy, as well as the terms and conditions to which this policy relates.
- 4.4 SHEQPortal will process personal information and / or personal data in order to facilitate and enhance the delivery of products and services to his clients and service providers to foster a legally compliant workplace environment, as well as to safeguard the personal information and / or personal data relating any data subjects which it in fact holds. In such an instance, the data subject providing SHEQPortal with such personal information and / or personal data will confirm that they are a competent person and that they have authority to give the requisite consent to enable SHEQPortal to process such personal information and / or personal data.
- 4.5 SHEQPortal undertakes to process personal information and / or personal data in a manner which promotes the constitutional right to privacy, retains accountability and data subject participation. In supplementation of the above, SHEQPortal will process personal information and / or personal data for the following purposes:
- To provide or manage any information, products and services requested by data subjects in general.
  - To establish a data subject's needs wants, and preferences in relation to products and services provided by SHEQPortal.
  - To assist SHEQPortal to identify data subjects when they engage with SHEQPortal at any level.
  - To facilitate the delivery of products and / or services to our customers.
  - To allocate to the customer unique identifiers for the purpose of securely storing, retaining, and recalling such customers personal information and / or personal data from time to time.
  - To maintain records of data subjects and specifically customer records.
  - To maintain any third-party record as required.
  - For recruitment purposes.
  - For employment purposes.
  - For apprenticeship or student employment purposes.
  - For general administrative purposes.
  - For any legal and / or contractual purposes.
  - For health and safety purposes.
  - To improve the quality of SHEQPortal products and services.
  - To analyze the personal information/ personal data collected for research and statistical purposes.
  - To help with bad debt recoveries.

- To transfer the personal information and / or personal data across the borders of South-Africa to any other jurisdiction.
- To carry out analysis and customer profiling.
- To identify other products and services which might be of interest to our customers and data subjects in general, as well as to inform them of such products and / or services.

4.6 When collecting personal information and / or personal data from a data subject, SHEQPortal shall comply with the notification requirements as set out in Section 18 of POPIA, and the extent applicable as per articles 13 and 14 of the GDPR.

4.7 SHEQPortal will collect and process personal information and / or data in compliance with the conditions as set out in POPIA and / or the processing principles in GDPR as the case may be, to ensure that it protects the data subject's privacy.

4.8 SHEQPortal will NOT process personal information and / or personal data of a data subject for any purposes other than the purposes set forth in this policy unless SHEQPortal is permitted to do so in terms of applicable laws or otherwise stated by law.

4.9 SHEQPortal may from time-to-time process personal information and / or personal data by making use of automated means (without deploying any human intervention in the decision- making process) to make decisions about the data subject or their application. In this instance, it is specifically recorded that the data subject may object to or query the outcome of such a decision.

## **5 PERSONAL INFORMATION AND / OR PERSONAL DATA FOR DIRECT MARKETING PURPOSES**

5.1 SHEQPortal acknowledges that it may only use personal information and / or personal data to contact data subjects for purposes of direct marketing where SHEQPortal has complied with the provisions of POPIA and GDPR (where applicable) and when it is generally permissible to do so in terms of any applicable laws.

5.2 SHEQPortal will ensure that a reasonable opportunity is given to all data subjects to object to the use of their personal information and / or personal data for SHEQPortal marketing purposes when collecting personal information and / or personal data and on the occasion of each communication of the data subject for purposes of direct marketing.

## **6 STORAGE AND RETENTION OF PERSONAL INFORMATION ND / OR PERSONAL DATA**

6.1 SHEQPortal will retain personal information and / or personal data he has processed in an electronic and / or any hardcopy file format, with a third- party service provider appointed for this purpose (the provision of clause 9 below will apply in this regard).

6.2 Personal information and / or personal data will only be retained by SHEQPortal for as long as necessary to fulfill the purposes for which that personal information and / or personal data was collected and / or as permitted in terms of any applicable law.

6.3 It is specifically recorded that any data subject has the right to object to the processing of their personal information and / or personal data and that SHEQPortal shall retain and store the data subjects` personal information and / or personal data for the purposes of dealing with such an objection or enquiry as soon and swiftly as possible.

## **7 FAILURE TO PROVIDE PERSONAL INFORMATION**

7.1 Where SHEQPortal is required to collect personal information and / or personal data from a data subject by law or in order to fulfill legitimate business purposes of SHEQPortal and the data subject fails to provide such personal information and / or personal data, SHEQPortal may on notice to the data subject, decline to render services without any liability to the data subject.

## **8 SECURING PERSONAL INFORMATION AND / OR PERSONAL DATA**

8.1 SHEQPortal has implemented all appropriate, reasonable, physical, organizational, contractual, and technological security measures to secure the integrity and confidentiality of personal information and / or personal data, including measures to protect against the loss of theft, unauthorized access, disclosure, copying, use and modification of personal information and / or personal data in compliance with any applicable laws.

8.2 In further compliance with applicable law, SHEQPortal will take all the necessary steps required to notify the relevant regulator(s) and / or any affected data subject(s) in the event of any possible security breach and will provide such notification as soon as reasonably possible after becoming aware of any such breach.

8.3 Notwithstanding any other provisions of this policy, it should be acknowledged that the transmission of personal information and / or personal data, whether it be physically in person, via the internet SHEQPortal web site, online application, or any other digital data transferring technology, is not always 100% completely secure.

Whilst SHEQPortal has taken all the appropriate and reasonable measures as contemplated in clause 8.1 above to secure the integrity and confidentiality of the personal information and / or personal data it processes, in order to guard against the loss of, damage to or unauthorized destruction of personal information and / or personal data, SHEQPortal in no way guarantees that its security system is 100% secure and / or error free and therefore, SHEQPortal does not guarantee the security or accuracy of the information (whether it be personal information and / or personal data or not) which it collects from any data subject.

8.4 Any transmission of personal information and / or personal data will be solely at the own risk of any data subject. Once SHEQPortal has received personal information and / or personal data, it will deploy and use strict procedures and security features to try and prevent unauthorized access to it as indicated above.

SHEQPortal reiterates that it restricts access to personal information and / or personal data to third parties who have a legitimate operational reason for having access to such personal information and / or personal data?

SHEQPortal also maintains electronic and procedural safeguards that comply with all the applicable laws to protect the data subject`s personal information and / or personal data from unauthorized access.

8.5 SHEQPortal shall not be held responsible and by accepting the terms and conditions to which this policy relates, any data subject agrees and indemnify and hold SHEQPortal harmless for any security breaches which may potentially expose the personal information and / or personal data in SHEQPortal possession to unauthorized access and / or the unlawful processing of such personal information and / or personal data by any third- party.

## **9 PROVISION OF PERSONAL INFORMATION AND / OR PERSONAL DATA TO THIRD PARTIES**

SHEQPortal may disclose personal information and / or personal data to any third- party service providers where necessary to achieve the purpose(s) for which the personal information and / or personal data was originally collected and processed. SHEQPortal will enter into written agreements such as third- party service providers to ensure that they comply with all the applicable laws pursuant to the processing of personal information and / or personal data provided to it SHEQPortal from time to time.

## **10 TRANSFER OF PERSONAL INFORMATION AND / OR PERSONAL DATA OUTSIDE OF THE REPUBLIC OF SOUTH- AFRICA**

10.1 SHEQPortal may under certain circumstances, transfer personal information and / or personal data to a jurisdiction outside of the Republic of South- Africa in order to achieve the purpose(s) for which the personal information and / or personal data was collected and processed including for processing and storage by any third- party service providers.

10.2 SHEQPortal will obtain the data subject`s consent to transfer any personal information and / or personal data to such foreign jurisdiction unless consent is not required by any applicable law.

10.3 The data subject should also take note that where the personal information and / or personal data is transferred to a foreign jurisdiction, the processing of personal information and / or personal data in the foreign jurisdiction may be subject to the laws of that foreign jurisdiction.

## 11 ACCESS TO PERSONAL INFORMATION AND / OR PERSONAL DATA

11.1 Any data subject has the right to a copy of any of his / her personal information and / or personal data which is held by SHEQPortal unless otherwise stated under limited exemptions as provided for under any applicable laws.

11.2 The data subject shall make this via a written request (which can be an e- mail) to SHEQPortal's information officer Manie Swanepoel (manieswanepoel89@gmail.com).

11.3 SHEQPortal will provide the data subject with any such personal information and / or personal data to the extent required by any applicable law and subject to and in accordance with the provisions of SHEQPortal **PAIA manual** as published in terms of section 51 of the "Promotion of Access to Information Act, 2000. SHEQPortal **PAIA manual** can be sourced on our web site at <https://www.sheqportal.co.za>.

11.4 The data subject can challenge the accuracy or completeness of his / her personal information and / or personal data in SHEQPortal records at any time in accordance with the process set out in SHEQPortal PAIA manual.

## 12 KEEPING PERSONAL INFORMATION AND / OR PERSONAL DATA ACCURATE

12.1 SHEQPortal will take all reasonable steps required to ensure that the data subject's personal information and / or personal data that is processed, is kept updated where it is reasonably possible.

12.2 SHEQPortal may not always expressly request the data subject to verify and update his / her its personal information and / or personal data and expects that the data subject will notify SHEQPortal from time to time in writing when any changes due.

- of any updates or amendments required in respect of his / her / its personal information and / or personal data.
- where the data subject requires SHEQPortal to delete his / her / its personal information and / or personal data, or
- where the data subject wishes to restrict the processing of his / her / its personal information and / or personal data.

## 13 COSTS TO ACCESS PERSONAL INFORMATION AND / OR PERSONAL DATA

13.1 The prescribed fees to be paid for copies of the data subject's personal information and / or personal data are listed in the SHEQPortal PAIA manual as referred to in the above-mentioned clause 11.3

13.2 SHEQPortal reserves the right to make amendments to this policy from time to time.



## 14 COMPLIANTS TO THE INFORMATION REGULATOR

14.1 In the event that any data subject or third- party is of the view or belief that SHEQPortal has processed their personal information and / or personal data in a manner or for a purpose which is contrary to the provisions of this policy, the data subject is required to attempt to resolve the matter directly with SHEQPortal and failing to do so, the data subject or third- party shall have the right to lodge a complaint with the Information Regulator under the provisions of POPIA.

14.2 The contact particulars of the Information Regulator are as follows:

The Information Regulator (South Africa)  
Forum III 3rd Floor  
Braampark  
PO Box 31533  
Braamfontein  
Johannesburg  
2107

Mr. Marks Thibela  
Chief Executive Officer  
Tel. No: +27 010 023 5207  
Cell No: 082 746 4173  
e- mail: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## 15 CONTACTING US

15.1 All comments, questions, concerns, or complaints regarding personal information and / or personal data or this policy and its contents, should be forwarded to Manie Swanepoel as the Information Officer of SHEQPortal at the following e- mail address: [manieswanepoel89@gmail.com](mailto:manieswanepoel89@gmail.com).



Signature: Manie Swanepoel

2021-07-21

Date: