

# SELECT ONLINE (PTY) LTD

## Policy Statement and Manual

### for the

## Protection of Personal Information

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SELECT ONLINE Pty Ltd (hereinafter referred to as "SELECT")

(Registration Number: 2000/026480/07)

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# Statement and Manual in terms of the Protection of Personal Information Act 4 of 2013

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## 1. Introduction and Purpose

- SELECT is a company functioning within the Debt Collection Industry, Financial Sector, and is obligated to comply with The Protection of Personal Information Act 4 of 2013.
- POPI requires SELECT to inform their clients as to the manner in which their personal information is used, disclosed and destroyed.
- SELECT is committed to protecting its client's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.
- The Policy sets out the manner in which SELECT deals with their client's personal information as well as stipulates the purpose for which said information is used.
- The Policy is made available on SELECT's company website [www.selectonline.net](http://www.selectonline.net) and by request from SELECT's head office.
- The Policy is drafted in conjunction with the Financial Intermediary Association's ("FIA") Protection of Personal Information Notice.

## 2. Definitions

- **"POPIA"** refers to the Protection of Personal Information Act 4 of 2013
- **"Personal Information"** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
  - (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - (b) information relating to the education or the medical, financial, criminal or employment history of the person;
  - (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - (d) the biometric information of the person;
  - (e) the personal opinions, views or preferences of the person;
  - (f) 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;
  - (g) the views or opinions of another individual about the person; and
  - (h) 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;
- **"data subject"** means the person to whom personal information relates; This includes but are not limited to:
  - Select's contracted clients
  - Select's Suppliers
  - Default debtors that are handed over for collection by select contracted clients
- **"Debtors"** may consist of a **"person"** meaning a natural person or a juristic person or **"private body"** meaning—
  - (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
  - (b) a partnership which carries or has carried on any trade, business or profession; or
  - (c) any former or existing juristic person, but excludes a public body;
- **"de-identify"**, in relation to personal information of a data subject, means to delete any information that—
  - (a) identifies the data subject;
  - (b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
  - (c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and **"de-identified"** has a corresponding meaning;

- **“direct marketing”** means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of –
  - (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
  - (b) requesting the data subject to make a donation of any kind for any reason;
- **“electronic communication”** means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;
- **“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;
- **“information matching program”** means the comparison, whether manually or by means of any electronic or other device, of any document that contains personal information about ten or more data subjects with one or more documents that contain personal information of ten or more data subjects, for the purpose of producing or verifying information that may be used for the purpose of taking any action in regard to an identifiable data subject;
- **“information officer”** of, or in relation to, a—
  - (a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or
  - (b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;
- **“processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—
  - (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - (b) dissemination by means of transmission, distribution or making available in any other form; or
- **“Promotion of Access to Information Act”** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- **“record”** means any recorded information—
  - (a) regardless of form or medium, including any of the following:
    - (i) Writing on any material;
    - (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
    - (iii) label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;
    - (iv) book, map, plan, graph or drawing;
    - (v) 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;
  - (b) in the possession or under the control of a responsible party;
  - (c) whether or not it was created by a responsible party; and
  - (d) regardless of when it came into existence;
- **“re-identify”**, in relation to personal information of a data subject, means to resurrect any information that has been de-identified, that—
  - (a) identifies the data subject;
  - (b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
  - (c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and **“re-identified”** has a corresponding meaning;
- **“Republic”** means the Republic of South Africa;
- **“responsible party”** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;
- **“restriction”** means to withhold from circulation, use or publication any personal information that forms part of a filing system, but not to delete or destroy such information;

### 3. Policy Statement

SELECT is committed to protecting its data subject's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

### 4. Compliance with regard to Protection of Personal Information

#### 4.1 Rights of Data Subjects:

The A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information, including the right—

- to be notified that—
  - personal information about him, her or it is being collected; or
  - his, her or its personal information has been accessed or acquired by an unauthorised person.
- to establish whether a responsible party holds personal information of that data subject and to request access to his, her or its personal information.
- to request, where necessary, the correction, destruction or deletion of his, her or its personal.
- to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its personal information -
  - at any time for purposes of direct marketing in terms of section 11(3)(b); or
  - in terms of section 69(3)(c);
- not to have his, her or its personal information processed for purposes of direct marketing by means of unsolicited electronic communications.
- not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its personal information intended to provide a profile of such person.
- to submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any data subject or to submit a complaint to the Regulator.
- to institute civil proceedings regarding the alleged interference with the protection of his, her or its personal information.

#### 4.2 Lawful Processing

##### 4.2.1 Accountability:

- The Responsible Party must ensure that the conditions set out in the Act and all the measures that give effect to such conditions are complied with at the time of determination of the purpose and means of the processing and during the processing itself.

##### 4.2.2 Processing Limitations:

- Section 9 of POPI states that "Personal Information may only be processed if, given the purpose which it is processed, it is adequate, relevant and not excessive."
- Data Subjects must consent.
- Consent is necessary to carry out actions to conclude or perform a contract to which the Data Subject is a party.
- Processing compliance with an obligation imposed by law.
- Must process to protect the legitimate interest of Data Subject.
- For proper performance of public law duty by a public body.
- Pursue legitimate interest of other responsible party or third party to whom the information was supplied.

- Data Subject may withdraw consent.
- Data Subject may object on reasonable grounds.

#### 4.2.3 Specific Purpose:

- Personal Information must be collected for a specific, explicit defined and lawful purpose related to the function or activity of the responsible party The Data Subject must be made aware of the purpose of the collection.
- Records must not be retained any longer than is necessary for achieving the purpose for which it was collected, unless:
  - Further retention is required by Law.
  - The responsible party is reasonably required to keep it for future referral
  - The data Subject consents to the further retention
  - Personal Information must be destroyed, deleted or de-identified as soon as is reasonable practical. Destruction or deletion must be done in a manner that prevents is reconstruction in an intelligible form.
  - The Information Officer shall insure that the information collected will not be used for any other purpose before obtaining the individual’s approval, unless the new purpose is required by law.
  - The Information Officer shall insure that a person collecting personal information will be able to explain to the individual why this is being done.
  - The Information Officer shall ensure that limited collection, limited use, disclosure, and retention principles are respected in identifying why personal information is to be collected.

#### 4.2.4 Limited Collection and Further Processing

- Must be in accordance or compatible with the purpose for which it was collected.
- The Responsible Party shall ensure that personal information will not be collected indiscriminately, but by fair and lawful means, and be limited to what is necessary to fulfill the specific purpose for which the Personal Information is being collected.
- Personal Information may only be processed if:
  - The Data Subject consents to the processing.
  - Processing I necessary for the conclusion of the performance of a contract to which the Date Subject is a party.
  - There is a legal obligation to do the processing.
  - Processing protects the legitimate interest of the Data Subject.
  - Processing is necessary for the pursuit of legitimate interest of the Responsible Party.
  - A Data Subject may object, at any time, on reasonable grounds, to the processing of the Private Information. The Responsible Party may then no longer process the Personal Information.
- Personal Information must be Collected directly from Data Subject, except if:
  - The Information is contacted in a public record or has deliberately been made public by the data subject.
  - The data subject has consented to the collection from another source.
  - Collection from another source would not prejudice a legitimate interest of the data subject.
- Collection from another Source
  - To maintain law and order.
  - To enforce legislation concerning the collection of revenue
  - For the conduct of court or tribunal proceedings
  - In the interest of National security.

- To maintain the legitimate interest of the Responsible Party.
- Compliance would prejudice a lawful purpose of the collection or compliance is not reasonable practicable in the circumstances of a particular case.
- Further processing must be compatible with the purpose for which it was collected, unless the Data Subject gives consent to the further processing.

#### 4.2.5 Information Quality

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

#### 4.2.6 Transparency

- SELECT must take reasonable steps to ensure the Data Subject is aware of:
  - The information being collected.
  - The name and address of the Responsible Party.
  - The purpose for which the information is being collected.
  - Whether or not the supply of the information is voluntary or mandatory.
  - The consequences of failure to provide the information.
  - Any particular law authorizing the requiring of the collection.
  - The fact that, where applicable, the responsible party intends to transfer the information to a third country organization and the level of protect afforded by the third country.
  - The right to object to the processing of the information.
  - This must be done prior to collecting the Personal Information if the Personal Information is collected directly from the Data Subject, or in any other case as soon as reasonably practical after collection.

### 5. The Usage of Personal Information

5.1 The Data Subject's Personal Information will only be used for the purpose it was collected and as agreed. This may include:

- Providing Debt Collection services
- For Tracing services
- To carry out the transactions requested;
- Confirming, verifying and updating Data Subjects details;
- Assessing and processing queries;
- For the detection and prevention of fraud, crime, money laundering or other malpractices;
- For audit and record keeping purposes;
- In connection with legal proceedings;
- For marketing purposes

### 6. Disclosure of Personal Information

- SELECT may disclose a Data Subject's personal information to any of the SELECT subsidiaries, joint venture companies and or approved product supplier or third party service providers whose services or products Data Subjects elect to use. SELECT has agreements in place to ensure compliance with confidentiality and privacy conditions.
- SELECT may also share Data Subject's personal information with, and obtain information about Data Subject's from third parties for the reasons already discussed above.
- SELECT may also disclose Data Subject'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 SELECT rights.

## 7. Safeguarding Data Subject Information

- It is a requirement of POPI to adequately protect personal information.
- The Responsible Party must secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable and technical measures.
- Anyone processing the personal information on behalf of Responsible Party must:
  - Treat the information as confidential and not disclose it unless required by law.
  - Apply the same security measures as the Responsible Party.
  - The processing must be governed by a written contract ensuring safeguards are in place.
- The Data Subject may request Responsible Party to:
  - Correct or delete personal information that is inaccurate irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully.
  - Delete or destroy personal information that the responsible party is no longer authorised to retain
  - The Officer shall ensure that all Employees and parties know the importance of keeping personal information confidential
  - The Officer shall insure that the care is taken when personal information is disposed or destroyed to prevent unauthorized parties from gaining access to it.
  - Responsible Party should notify Data Subject and Regulator of any breach of data.

## 8. Access and Correction Of Personal Information

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

## 9. Information Officer Responsibilities

### 9.1 The Act stipulates the following general responsibilities:

- To encourage compliance with POPI
- Dealing with requests made to the Company in relation to POPI (for instance, requests from Data Subjects to update or view their personal information)
- Working with the Regulator in relation to investigations
- Otherwise ensuring compliance with POPI
- As may be prescribed (i.e. keep an eye on the Regulator's website)

### 9.2 SELECT has implemented the following prescribed responsibilities in addition to those listed above:

- Compliance framework:
  - Develop and implement a compliance framework
  - Ensure it is monitored and maintained over time
- Personal information impact assessment ("PIIA")
  - Conduct a PIIA to ensure that adequate measures and standards exist in order to comply the conditions for the lawful processing of personal information (as defined in Chapter 3 of POPIA)
- POPIA Manual: ensure that the POPIA manual is in place
  - Ensure it is monitored, maintained and made available as prescribed PAIA
  - Provide copies of the manual to anyone who asks for it

- Enable Data Subject Participation
  - Develop measures and adequate systems to process requests for information or access to information
- Awareness Training: conduct internal awareness sessions regarding
  - The provisions of the POPI Act,
  - The regulations made in terms of the Act,
  - Codes of Conduct or Information obtained from the Regulator

9.3 On a day to day basis the Information Officer may find themselves:

- making recommendations and raising concerns where appropriate
- documenting information processing procedures
- evaluating and further developing data protection and security policies
- suggesting, selecting and implementing technical security measures
- drafting forms and contracts appropriate for data protection
- selecting employees, service providers and others to be involved in the processing of personal information
- monitoring data privacy and security measures as well as the proper use of data processing programs
- handling complaints relating to personal information
- employee training
- preparing, submitting and maintaining notifications to [the Regulator]

- SELECT's Information Officer, whose details are available below and who is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPI. She is assisted by SELECT's Deputy Information Officer, whose details are available below.
- This policy has been put in place throughout SELECT and training on this policy and the POPI Act has already taken place.
- Each new employee will be required to sign an EMPLOYMENT CONTRACT containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;
- Every employee currently employed within SELECT will be required to sign an addendum to their EMPLOYMENT CONTRACT containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI.
- All electronic files or data are backed up onsite at SELECT and offsite by AAT who is also responsible for system security that protects third party access and physical threats. The IT Division is responsible for Electronic Information Security.
- SELECT's archived Data Subject information is stored off site at AAT's Hosting Company. SELECT is also governed by POPI, access to retrieve information is limited to authorized personal.
- SELECT Suppliers and other third party service providers will be required to sign a service level agreement guaranteeing their commitment to the Protection of Personal Information; this is however a ongoing process that will be evaluated as needed.
- The details of SELECT'S Registered Information Officer and Head Office is: Michelle Daniels  
Telephone Number (031) 310 1800  
Fax Number 086 633 6034  
E-Mail Address: [michelled@selectonline.net](mailto:michelled@selectonline.net)
- The details of SELECT'S Registered Deputy Information Officer is: Zuraida Khan  
Telephone Number (031) 310 1825  
Fax Number 086 633 6034  
E-Mail Address [zuraidak@selectonline.net](mailto:zuraidak@selectonline.net)
- Head Office Details  
Telephone (039) 311 3041  
Email [dawn@selectonline.net](mailto:dawn@selectonline.net)  
PO Box 38993, Port Edward, 4295



## 10. Scope

- The scope of this aspect of the policy is written in support of the provisions of the POPI Act, Chapter 5, Part 8.

## 11. Amendments to this Policy

- Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year. Data Subjects are advised to access SELECT'S website periodically to keep abreast of any changes. Where material changes take place, Data Subjects will be notified directly or changes will be stipulated on the SELECT website.