

# Draft 1

COMPANY CONFIDENTIAL INFORMATION

 HARVEST	PRIVACY_POLICY & PROCEDURE		www.thehavestgroup.co.za
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**Revision Record**

Revision	Description of Changes	Date
01	1 <sup>st</sup> Draft issue of Access to Information Policy	2017-03-20
02	2 <sup>nd</sup> Draft of Privacy Policy	2021-06-30

**Abbreviations**

Abbreviation	Description
POPIA	Protection of Personal Information Act
PAIA	Promotion of Access to Information Act

**Definitions**

Phrase	Description
Business confidential information	means without limitation, any and all information whether oral or written and irrespective of the format (electronic or hand copy), acquired, directly or indirectly, by the employees whether or not such information is labelled or otherwise identified as confidential, including that obtained through documents, observations or discussions, and any copies, notes or summaries made or derived from such information, as well as draft- and final versions of minutes, memoranda, agreements or any documents, and all information relating to, or based on, modes of operation and/or business strategies, - models and structures, and other connections, as well as information on services and products, client books and transactions, way of working, sales and billing, reimbursement, motivations, vendor lists, contractor lists, techniques and treatments, staff, financial information, pricing, intellectual property, know-how and all other related and unrelated information of the Company.
Data Subject	means the person or entity whose information is at stake.
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, wellbeing, 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.
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 (c) merging,

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## 1 INTRODUCTION

Harvest Chartered Accountants has an ethical and legal obligation to ensure that all confidential information relating to employee's, clients and the Company are kept confidential and accessed through a controlled mechanism. To do so Harvest requires all its employees, and all contractors, to be clear as to how information held by the Company, and all information that comes to the knowledge of the Company is to be handled and accessed.

## 2 PURPOSE

The purpose of this policy is to ensure that all employees are well aware of how confidential information is to be handled, and how requests for access to information are to be carried out.

This policy and the implementation thereof also undertakes to ensure the Company has measures in place for compliance with the provisions of the Protection of Personal Information Act (POPI Act), the Promotion of Access to Information Act (PAIA), and all other laws and ethical rules applicable to information, data, privacy and confidentiality.

## 3 SCOPE

This Policy applies to all situations and business processes where information is processed. It also covers situations where information may be passed on to others, or may be accessible to other persons or institutions.

This Policy also binds contractors, agents and others undertaking work for Harvest, such as external consulting houses, joint venture partners etc. irrespective of the duration and contractual nature of such work.

## 4 GUIDING PRINCIPLES

4.1 All information, whether that relating to the Company, its employees, contractors, suppliers, clients and client associates is to be kept confidential.

4.2 Even inadvertent disclosures could lead to a breach of this contractual duty and render the employee and Company liable.

4.3 Care must therefore be taken not only with what is said, but also with how information is passed on or handled e.g. **forwarding of emails and "reply all's, storage of records / documents, not regularly changing passwords, etc.**

4.4 When requests for disclosures are made, or when disclosures are contemplated (e.g. in response to a telephonic enquiry), employees should err on the side of caution and obtain approval from the Managing Director (Information Officer) or the HR Manager (Deputy Information Officer) before granting such disclosure.

4.5 Similarly, any requests that could indicate some possible conflict (e.g. a request from a law firm), or a risk to the Company (e.g. forensic investigations), as well as investigations or inquiries by statutory or regulatory bodies (e.g. Financial Services Board.) may only be responded to by the Information Officer.

4.6 All instances where information is released must be done so electronically on email for audit trail purposes, preferably on the company letterhead and this record printed and placed in the client file, in the employee or supplier file, etc. as a record that access was granted or refused, and the circumstances around such disclosure.

## 5 POLICY & PROCEDURE

Various pieces of legislation apply to the processing of personal information, specifically the Protection of Personal Information Act, 2013 (all sections).

The contractual duty of Harvest Employee's to keep personal information and client information confidential is contained in the Company's Terms and Conditions of employment.

Where a request for disclosure of information is made, the disclosure of such information should only be made with the written of the Data Subject unless where Harvest is required by law to disclose such information in which case the data subject is entitled to know that such information is being disclosed, and the purpose thereof.

### 5.1 CLASSIFICATION OF DATA

Personal information is essentially any information that identifies a person.

#### 5.1.1 PERSONAL INFORMATION

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, wellbeing, 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.

#### 5.1.2 BUSINESS (JURISTIC PERSONS) PERSONAL INFORMATION

Personal information includes "information relating to a juristic person where it is applicable, an identifiable, existing juristic person". A juristic person includes a company, trust, CC or SOC. Examples of where it is applicable include:

- a) information relating to the ownership (for example black owned) and age (for example been registered for ten years);
- b) information relating to the financial or criminal history of the person;
- c) any identifying number (for example, its registration number), symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- d) he personal opinions, views or preferences of the person;
- e) 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;
- f) the views or opinions of another individual about the person; and
- g) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person."

## 5.2 COLLECTION OF DATA

Harvest uses different methods to collect data relating to external data subjects and these include through:

- Direct interactions where subjects would give us their Contact Data by filling in forms or by corresponding with us by post, phone, email or otherwise.
- Request for sales information and quotations done through online applications, email, text or telephonic requests.;
- Feedback form or through contacting us in the normal course of business.

We collect, store, and use the personal information described above, in order to (but not limited to) achieve the following:

- Enable visitors to our websites to create a user profile;
- Enable visitors to make use of our website, from time to time
- Compile and maintain a client database
- Register and / or authenticate users and / or visitors to the website
- Take reasonable measures to prevent fraudulent uses of, or access to the website
- Compile non-personal statistical information about browsing habits, click patterns and access to the website
- Track client database size and growth

## 5.3 CONDITIONS FOR PROCESSING OF INFORMATION

The following conditions for processing of information have to be adhered to:

- 5.3.1 “Accountability”**, which means that the Company and its employees take legal responsibility for the personal information it possesses and processes.
- 5.3.2 “Processing limitation”**, which means the data obtained by the Company from any entity can ONLY be processed for the purposes stipulated in the consent, or in a law and all processing is limited to that stipulated purpose. No more than what is required to fulfil that purpose may be processed (e.g. gender, marital status, etc. may not be necessary in some contexts, but necessary in others).
- 5.3.3 “Purpose specification”**, which means that blanket consents (i.e. consents that give a general right of disclosure in undefined circumstances and to unidentified persons or entities) would not be permissible when processing and obtaining consent. Why certain information is processed must be disclosed, e.g. “we require your email address in order to provide you with feedback” or etc.
- 5.3.4 “Further processing limitation”**, where existing information is processed outside of the initial understanding as to why the information was collected and stored. If client data is, for example, also used to prioritise clients, or to ex post facto analyse their activity, the consent to further processing could include, for example “your information and transactions may be analysed by the Company for business planning and review purposes, [but] will [not] be shared with any third party...”
- 5.3.5 “Information quality”**, which means there is a duty on the Company to ensure that all personal information it processes is always up to date and correct.
- 5.3.6 “Openness”**, meaning there is transparency in the fact that specific data is being processed.
- 5.3.7 “Security safeguards”**, meaning that:
- 5.5.7.1** All information not for public viewing is kept under lock and key. Client files are never placed where they may be accessible to the public, and client files filing cabinets are locked at all times.
  - 5.5.7.2** Information stored on computers, iPads, Smart Phones and the likes are subject to passwords of and encryption to ensure the safety of the data. Passwords are changed quarterly.

**5.3.8 “Data subject participation”**, which means each person has the right to see and review the information held by Company on him/her.

## **6 THIRD PARTY ACCESS**

Harvest will not share personal information with anyone other than those parties required in the course of business to either deliver the retained service or perform contractual obligations; these many include

- Background screening agencies for employment purposes;
- Banking platforms for the purpose of processing supplier payments, client credits, employee salaries and wages;
- Other legal obligations such as tax and related filing which may require invoices, payslips etc;
- 3<sup>rd</sup> party employee benefits administrators such as Medical Aid Schemes and their brokers;
- Courier and package connect services and companies in order to send documentation, equipment or gifts.

## **7 ALL COMMUNICATION**

Harvest is required to maintain regularly a list of all clients and individuals receiving updates, newsletters, SMS or email updates. Recipients must be given an option to “Unsubscribe” or “opt out” of such communication and this must be strictly adhered to.