



## PROTECTION OF PERSONAL INFORMATION ACT POLICY

### AltGen Group

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## 1. INTRODUCTION

- 1.1. This Protection of Personal Information Policy describes the way that the AltGen Group, comprising of AltGen Recruitment and AltGen Employment Services entities, will meet its legal obligations and requirements concerning confidentiality and information security standards.
- 1.2. The requirements within the Policy are primarily based upon the Protection of Personal Information Act, No 4 of 2013, as that is the key piece of legislation covering security and confidentiality of Personal Information in South Africa.

## 2. DEFINITIONS

- 2.1. **Consent** means the voluntary, specific and informed expression of will;
- 2.2. **Data Subject** means the natural or juristic person to whom the Personal Information relates to;
- 2.3. **Direct marketing** is defined as approaching a Data Subject personally for the purpose of selling them a product or service, or requesting a donation;
- 2.4. **POPI** means the Protection of Personal Information Act, No 4 of 2013;
- 2.5. **Personal Information** means any information relating to an unidentifiable, living, natural person or an identifiable, existing juristic person as defined in POPI
- 2.6. **Processing** means an operation or activity, whether or not by automatic means, concerning Personal Information
- 2.7. **Information Officer** refers to functionary as defined by the POPI Act

## 3. SCOPE OF THE POLICY

- 3.1. This policy applies to all AltGen employees, directors, independent contractors, and any other individual that provides a service to AltGen. The provision of this Policy is applicable to both on and off site processing of Personal Information.

## 4. POLICY STATEMENT

- 4.1. AltGen collects and uses Personal Information of the individuals and corporate bodies/clients with whom it works in order to operate and carry out its business effectively.
- 4.2. AltGen regards the lawful and appropriate processing of all Personal Information as crucial to successful service delivery and essential to maintaining trust between AltGen and its clients and candidates. Therefore, AltGen adheres to the principles of the Protection of Personal Information Act ('POPI').

## 5. INFORMATION OFFICERS

- 5.1. The POPI Act automatically designates the head of the organisation as the Information Officer.
- 5.2. However, the head of the organization can delegate his or her responsibilities as Information Officer to any other duly authorized person.
- 5.3. The Information Officers for AltGen are as follows:

	<b>AltGen Recruitment</b>	<b>AltGen Employment Services</b>
<b>Head of Body</b>	Sean Gibson (CEO)	Priscilla Gibson (ED)
<b>Information Officer</b>	Lané Höll (Financial Manager)	Celeste Chatton (Operations & HR Manager)
<b>Information Officer Contact Details</b>	<a href="mailto:data-access@altgen.com">data-access@altgen.com</a> / 078 755 2039	<a href="mailto:data-access@altgen.com">data-access@altgen.com</a> / 064 312 4829
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## 6. PROCESSING PERSONAL INFORMATION

### Purpose of processing

- 6.1. AltGen uses Personal Information under its care in the following ways:
  - 6.1.1. Provide our candidates and clients with the information that they have requested
  - 6.1.2. Process job applications
  - 6.1.3. Keep a record of client and candidate relationships
  - 6.1.4. Notify candidates and clients of any changes or updates to our services
  - 6.1.5. Compile internal intelligence around salary benchmarking, skills and education trends
  - 6.1.6. Conduct background checks and criminal checks
  - 6.1.7. Marketing communications via email
  - 6.1.8. Staff administration
  - 6.1.9. Record keeping and accounts

## Categories of Data Subjects and Personal Information

6.2. AltGen may possess records relating to employees, candidates, suppliers, and clients:

<b>Entity Type</b>	<b>Personal Information Processed</b>
Employees	Names, contact details, physical and postal addresses, date of birth, ID number, tax related information, biographical information, confidential employment correspondence, employment history, background check information, and any other information relating to the employment of the employee
Candidates (Potential and Current)	Names, contact details, physical and postal addresses, date of birth, ID number, nationality, reference details, previous payslips, background checks and CVs
Clients	Names of contact persons, name of legal entity, physical and postal address and contact details, financial information, registration number, tax related information, authorised signatories, client agreements and BBBEE information
Suppliers	Names of contact persons, name of legal entity, physical and postal address and contact details, financial information, registration number, tax related information, authorised signatories and service agreements

## Categories of Recipients for Processing the Personal Information

6.3. AltGen may share the Personal Information with its agents, affiliates, and associated companies who may use this information to fulfil the nature of services provided.

6.4. AltGen may supply the Personal Information to any party to whom AltGen may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers who render the following services:

- 6.4.1. Capturing and organising of data;
- 6.4.2. Storing of data and sending emails (i.e. Microsoft);
- 6.4.3. Conducting due diligence checks (i.e. background checks and criminal checks)

### Transborder Flows of Personal Information

- 6.5. Personal Information may be transmitted transborder to AltGen's authorised employees and its suppliers in other countries.
- 6.6. AltGen will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

### Retention of Personal Information Records

- 6.7. AltGen may retain Personal Information records indefinitely, unless the Data Subject objects thereto. If the Data Subject objects to indefinite retention of its Personal Information, AltGen shall retain the Personal Information records to the extent permitted or required by law.

### General Description of Information Security Measures

- 6.8. AltGen employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. AltGen tools that are used include:
  - 6.8.1. Microsoft Office 365 – has the best available encryption and access is password protected and monitored by AltGen Administrators

## **7. ACCESS TO PERSONAL INFORMATION**

- 7.1. All individuals and entities may request access, amendment, or deletion of their own Personal Information held by AltGen. Any requests should be directed to the relevant Information Officer.

### Remedies available if request for access to Personal Information is refused

#### 7.2. Internal Remedies

- 7.2.1. AltGen does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and Requestors will have to exercise such external remedies at their disposal if a request is refused, and the Requestor is not satisfied with the response provided by the Information Officer.

#### 7.3. External Remedies

- 7.3.1. A Requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have

jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

#### Grounds for refusal

7.4. AltGen may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which AltGen may refuse access include:

- 7.4.1. Protecting Personal Information that AltGen holds about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
- 7.4.2. Protecting commercial information that AltGen holds about a third party or AltGen (for example trade secret: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- 7.4.3. If the disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- 7.4.4. If the disclosure of the record would endanger the life or physical safety of an individual;
- 7.4.5. If the disclosure of the record would prejudice or impair the security of property or means of transport;
- 7.4.6. If the disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- 7.4.7. If the disclosure of the record would prejudice or impair the protection of the safety of the public;
- 7.4.8. The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- 7.4.9. Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of AltGen;
- 7.4.10. Disclosure of the record would put AltGen at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- 7.4.11. The record is a computer programme; and
- 7.4.12. The record contains information about research being carried out or about to be carried out on behalf of a third party or AltGen.

#### Records that cannot be found or do not exist

7.5. If AltGen has searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

## 8. IMPLEMENTATION GUIDELINES

### Training & Distribution of Information

- 8.1. This Policy has been put in place throughout AltGen, and training on the Policy and POPI will take place with all employees.
- 8.2. All new employees will be made aware at induction, or through training programmes, of their responsibilities under the terms of this Policy and POPI.
- 8.3. Modifications and updates to data protection and information sharing policies, legislation, or guidelines will be brought to the attention of all staff.

### Employee Contracts

- 8.4. Each new employee will sign an Employment Contract containing the relevant consent clauses for the use and storage of employee information, and a confidentiality undertaking as part and will be personally responsible for ensuring there are no breaches of confidentiality in relation to any Personal Information, however it is stored. Failure to comply will result in the instigation of a disciplinary procedure.
- 8.5. Each employee currently employed within AltGen will sign an addendum to their Employment Contract containing the relevant consent clauses for the use and storage of employee information, and a confidentiality undertaking as part and will be personally responsible for ensuring there are no breaches of confidentiality in relation to any Personal Information, however it is stored. Failure to comply will result in the instigation of a disciplinary procedure.

## 9. EIGHT PROCESSING CONDITIONS

POPI is implemented by abiding by eight processing conditions. AltGen will lawfully comply with the following:

### 9.1. Accountability

- 9.1.1. AltGen shall ensure that all processing conditions, as set out in POPI, are complied with when determining the purpose and means of processing Personal Information and during the processing itself. AltGen shall remain liable for compliance with these conditions, even if it has outsourced its processing activities.

### 9.2. Processing Limitation

- 9.2.1. The processing of Personal Information is only lawful if, given the purpose of processing, the information is adequate, relevant and not excessive.
- 9.2.2. AltGen may only process Personal Information if one of the following grounds of lawful processing exists:



- 9.2.2.1. The Data Subject consents to the processing;
  - 9.2.2.2. Processing is necessary for the conclusion or performance of a contract with the Data Subject;
  - 9.2.2.3. Processing complies with a legal responsibility imposed on AltGen;
  - 9.2.2.4. Processing protects a legitimate interest of the Data Subject;
  - 9.2.2.5. Processing is necessary for fulfillment of a legitimate interest of AltGen, or a third party to whom the information is supplied.
- 9.2.3. Special Personal Information includes:
- 9.2.3.1. Religious, philosophical, or political beliefs;
  - 9.2.3.2. Race or ethnic origin;
  - 9.2.3.3. Trade union membership;
  - 9.2.3.4. Health or sex life;
  - 9.2.3.5. Biometric information (including blood type, fingerprints, DNA, retinal scanning, voice recognition, photographs);
  - 9.2.3.6. Criminal behaviour;
  - 9.2.3.7. Information concerning a child.
- 9.2.4. AltGen may only process Special Personal Information under the following circumstances:
- 9.2.4.1. The Data Subject has consented to such processing;
  - 9.2.4.2. The Special Personal Information was deliberately made public by the Data Subject;
  - 9.2.4.3. Processing is necessary for the establishment of a right or defence in law;
  - 9.2.4.4. Processing is for historical, statistical, or research reasons
  - 9.2.4.5. If processing of race or ethnic origin is in order to comply with affirmative action laws
- 9.2.5. All Data Subjects have the right to refuse or withdraw their consent to the processing of their Personal Information, and a Data Subject may object, at any time, to the processing of their Personal Information on any of the above grounds, unless legislation provides for such processing. If the Data Subject withdraws consent or objects to processing then AltGen shall forthwith refrain from processing the Personal Information.
- 9.2.6. Personal Information must be collected directly from the Data Subject, unless:
- 9.2.6.1. Personal Information is contained in a public record;
  - 9.2.6.2. Personal Information has been deliberately made public by the Data Subject;
  - 9.2.6.3. Personal Information is collected from another source with the Data Subject's consent;
  - 9.2.6.4. Collection of Personal Information from another source would not prejudice the Data Subject;

- 9.2.6.5. Collection of Personal Information from another source is necessary to maintain, comply with or exercise any law or legal right;
- 9.2.6.6. Collection from the Data Subject would prejudice the lawful purpose of collection;
- 9.2.6.7. Collection from the Data Subject is not reasonably practicable.

### 9.3. Purpose Specification

- 9.3.1. AltGen shall only process Personal Information for the specific purposes as set out and defined above in clause 5.1.

### 9.4. Further Processing

- 9.4.1. New processing activity must be compatible with the original purpose of processing. Further processing will be regarded as compatible with the purpose of collection if:
  - 9.4.1.1. Data Subject has consented to the further processing;
  - 9.4.1.2. Personal Information is contained in a public record;
  - 9.4.1.3. Personal Information has been deliberately made public by the Data Subject;
  - 9.4.1.4. Further processing is necessary to maintain, comply with or exercise any law or legal right;
  - 9.4.1.5. Further processing is necessary to prevent or mitigate a threat to public health or safety, or the life or health of the Data Subject or a third party

### 9.5. Information Quality

- 9.5.1. AltGen shall take reasonable steps to ensure that Personal Information is complete, accurate, not misleading and updated. AltGen shall periodically review Data Subject records to ensure that the Personal Information is still valid and correct.
- 9.5.2. Employees should as far as reasonably practicable follow the following guidance when collecting Personal Information:
  - 9.5.2.1. Personal Information should be dated when received;
  - 9.5.2.2. A record should be kept of where the Personal Information was obtained;
  - 9.5.2.3. Changes to information records should be dated;
  - 9.5.2.4. Irrelevant or unneeded Personal Information should be deleted or destroyed;
  - 9.5.2.5. Personal Information should be stored securely, either on a secure electronic database or in a secure physical filing system.

## 9.6. Openness

- 9.6.1. AltGen shall take reasonable steps to ensure that the Data Subject is made aware of:
  - 9.6.1.1. What Personal Information is collected, and the source of the information;
  - 9.6.1.2. The purpose of collection and processing;
  - 9.6.1.3. Whether collection is in terms of any law requiring such collection;
  - 9.6.1.4. Whether the Personal Information shall be shared with any third party.

## 9.7. Data Subject Participation

- 9.7.1. Data Subject have the right to request access to, amendment, or deletion of their Personal Information.
- 9.7.2. All such requests must be submitted in writing to the Information Officer. Unless there are grounds for refusal as set out in clause 6.4, above, AltGen shall disclose the requested Personal Information:
  - 9.7.2.1. On receipt of adequate proof of identity from the Data Subject, or requester;
  - 9.7.2.2. Within a reasonable time;
  - 9.7.2.3. On receipt of the prescribed fee, if any;
  - 9.7.2.4. In a reasonable format
- 9.7.3. AltGen shall not disclose any Personal Information to any party unless the identity of the requester has been verified.

## 9.8. Security Safeguards

- 9.8.1. AltGen shall ensure the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:
  - 9.8.1.1. Identify all reasonably foreseeable risks to information security;
  - 9.8.1.2. Establish and maintain appropriate safeguards against such risks;
- 9.8.2. Written records
  - 9.8.2.1. Personal Information records should be kept in locked cabinets, or safes;
  - 9.8.2.2. When in use Personal Information records should not be left unattended in areas where non-staff members may access them;
  - 9.8.2.3. AltGen shall implement and maintain a “Clean Desk Policy” where all employees shall be required to clear their desks of all Personal Information when leaving their desks for any length of time and at the end of the day;

- 9.8.2.4. Personal Information which is no longer required should be disposed of by shredding;
- 9.8.2.5. Any loss or theft of, or unauthorised access to, Personal Information must be immediately reported to the Information Officer.

### 9.8.3. Electronic Records

- 9.8.3.1. All electronically held Personal Information must be saved in a secure database;
- 9.8.3.2. As far as reasonably practicable, no Personal Information should be saved on individual computers, laptops or hand-held devices;
- 9.8.3.3. All computers, laptops and hand-held devices should be access protected with a password, fingerprint or retina scan, with the password being of reasonable complexity and changed frequently;
- 9.8.3.4. AltGen shall implement and maintain a “Clean Screen Policy” where all employees shall be required to lock their computers or laptops when leaving their desks for any length of time and to log off at the end of the day;
- 9.8.3.5. Electronical Personal Information which is no longer required must be deleted from the individual laptop or computer and the relevant database. The employee must ensure that the information has been completely deleted.
- 9.8.3.6. Any loss or theft of computers, laptops or other devices which may contain Personal Information must be immediately reported to the Information Officer, who shall notify the relevant department, who shall take all necessary steps to remotely delete the information, if possible.

## 10. DIRECT MARKETING

10.1. All direct marketing communications shall contain AltGen’s, and/or the Company’s details, and an address or method for the customer to opt-out of receiving further marketing communication.

### 10.2. Existing Clients

10.2.1. Direct Marketing by electronic means to existing customers is only permitted:

- 10.2.1.1. If the customer’s details were obtained in the context of a service; and
- 10.2.1.2. For the purpose of marketing the same or similar products;

10.2.2. The customer must be given the opportunity to opt-out of receiving direct marketing on each occasion of direct marketing.

### 10.3. Consent

10.3.1. AltGen may send electronic Direct Marketing communication to Data Subjects who have consented to receiving it. AltGen may approach a Data Subject for consent only once.

### 10.4. Record Keeping

10.4.1. AltGen shall keep record of:

10.4.1.1. Date of consent

10.4.1.2. Wording of the consent

10.4.1.3. Who obtained the consent

10.4.1.4. Proof of opportunity to opt-out on each marketing contact

10.4.1.5. Record of opt-outs

## **11. DESTRUCTION OF DOCUMENTS**

11.1. Each department is responsible for attending to the destruction of its documents and electronic records, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by AltGen pending such return.