



PROTECTION OF PERSONAL INFORMATION COMPLIANCE FRAMEWORK

Prepared in terms of the Protection of Personal Information Act, No. 4 of 2013

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1. Introduction

The purpose of this policy is to ensure compliance by GB Bearings with the Protection of Personal Information Act (POPIA) which requires the lawful processing of personal information.

The purpose of POPIA is to give effect to the constitutional right to privacy by regulating the manner in which personal information is processed by public and private bodies. It aims to provide individuals with rights and remedies to protect their personal information from unlawful processing.

In accordance with POPIA, this policy promotes the protection of personal information being processed by GB Bearings and outlines the minimum requirements for that processing.

2. Definitions

- 2.1. **“Data Subject”** means the person to whom personal information relates;
- 2.2. **“Information Officer”** in relation to a private body, means the head of a private body, and the person responsible for encouraging compliance with the conditions of lawful processing and for dealing with requests made pursuant to POPIA;
- 2.3. **“Personal Information”** means information relating to an identifiable, living, natural person including, but not limited to—
 - a) information relating to 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 education or the medical, financial, criminal, or employment history of the person;
 - c) any identifying number, symbol, e-mail addresses, physical address, telephone number, location information, online identifiers 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;
- 2.4. **“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 forms; or
 - c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 2.5. **“Regulator”** or Information Regulator means the independent, public body responsible for monitoring and enforcing compliance by public and private bodies with the provisions of POPIA; and
- 2.6. **“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.

3. Conditions of Lawful Processing

POPIA outlines eight conditions necessary for the lawful processing of personal information.

To comply with POPIA, GB Bearings observes each of these conditions when processing the personal information of its data subjects.

Data subjects of GB Bearings include its employees and prospective applicants as well as its suppliers and clients and processing of personal information is done both electronically (soft copy) and manually (hard copy).

3.1. Accountability

GB Bearings, as the responsible party, will ensure that all the conditions of POPIA and the measures to give effect to such conditions are complied with when processing the personal information of its data subjects.

3.2. Processing Limitation

POPIA limits the processing of personal information by requiring that personal information–

- 3.2.1. must be processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject;

- 3.2.2. may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive;
- 3.2.3. may only be processed with the consent of the data subject or if processing is necessary for contractual purposes¹;

The data subject may withdraw consent at any time provided that the lawfulness of the processing and the processing of information necessary for the conclusion or performance of a contract to which the data subject is a party is not affected.

- 3.2.4. must be collected directly from the data subject or from another source if doing so will not prejudice the legitimate interests of the data subject².

In accordance with this condition, GB Bearing will only collect personal information–

- a) directly from the data subject;
- b) from a third party, as authorised by the data subject and where proof of authorisation is provided;
- c) from the company’s existing records relating to employment and/or the previous supply of services;
- d) from a relevant public or equivalent entity.

3.3. Purpose Specification

- 3.3.1. POPIA requires that personal information must be collected for a specific, explicitly defined and lawful purpose related to a function or activity of the responsible party.

Accordingly, GB Bearings may require the collection and usage of personal information for the following business reasons–

Purpose of collection and usage	Details of personal information and/or its processing
Recruiting and on-boarding of employees, issues relating to the on-going employment of employees and details relating to the termination of employees. The personal information collected includes but may not be limited to–	Personal contact details
	Details pertaining to race and gender
	Details relating to marital, family status and emergency contact details (extending to family)
	Financial information for payroll purposes including garnishees and other statutory deductions and/or SARS information
	Medical aid and health status information (extending to family) and pension/provident information (extending to family)

¹ Further exceptions to the requirement of consent are outlined in section 11(1) in POPIA.

² Other exceptions to the requirement of direct collection from the data subject can be found in section 12(2) of POPIA.

	Membership of trade unions and other organizations
	Photos, voice recording, CCTV footage, biometric data and reporting methods attached to these
	Special personal information which encompasses aspects of beliefs, religion, political persuasion, philosophical ideas, values related to their sex, sex life and or gender, biometric information
	Alleged criminal behaviour and processing relating to allegation proceedings
External, purpose-specific business or operational reporting to third responsible parties including–	Relevant SETAs to apply for grant applications
	The Department of Labour (and appointed agents e.g., RMA) for the purposes of UIF & uFiling, employment equity, workman’s compensation claims, return of earnings, TERS and occupational health and safety
	Relevant trade unions or other associations
	Relevant collective bargaining council
	SARS and related accounting services providers
	Provident/pension fund investment providers
	The Department of Justice and the Information Regulator regarding POPIA
	The Department of Trade and relevant auditors for BBBEE
	The National Institute of Occupational Health (NIOH) and the National Institute of Communicable Disease (NICD) concerning Covid-19
	Medical aid service providers
	Company-engaged external service providers (HR/payroll/IT)
Internal, purpose-specific business or operational reporting to identified personnel within GB Bearings including, but not limited to–	Human resources
	Payroll
	Customer and supplier accounts
Information and communication technology purposes. The personal information collected includes but may not be limited to–	Email addresses, IP addresses, geographic or location information
	Email and internet usage
	Phone records (via Telkom/cell phone statements)
Compliance with the law and/or for a purpose that is ancillary to compliance with the law	As required

3.3.2. POPIA also requires that records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed³.

³ Exceptions to this requirement are described in section 13(1) and (2) of POPIA.

Furthermore, the responsible party must destroy, delete or de-identify a record, in a manner that prevents its reconstruction in an intelligible form, as soon as reasonably practicable after the responsible party is no longer authorized to retain it.

As such, GB Bearings will retain records of personal information only as long as is necessary and will destroy records in a timely manner when they are no longer required.

3.4. Further Processing Limitation

POPIA mandates that further processing of personal information must be in accordance or compatible with the purpose for which it was originally collected. However, further processing is not incompatible with the purpose of collection if the data subject consents to the further processing⁴.

In accordance with this condition, GB Bearings will not process personal information for a purpose other than those identified without obtaining consent for further processing beforehand.

3.5. Information Quality

In compliance with this condition of POPIA, GB Bearings will take reasonable steps to ensure that the personal information it processes is complete, accurate, not misleading and updated where necessary.

3.6. Openness

- 3.6.1. POPIA requires the responsible party to maintain documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act, No.2 of 2000 (PAIA). This refers to the obligation to compile a manual comprising of the information necessary for data subjects to request access to records or personal information held by the body.

The information officer of GB Bearings has ensured that a PAIA manual was compiled. It is available on the company website (gbbearings.co.za) and at its head offices (Pinemead Industrial Park, 47 Gillitts Road, Pinetown, Kwa-Zulu Natal) for public inspection during normal business hours.

- 3.6.2. The responsible party is also required to take reasonably practicable steps to ensure its data subjects are aware of the information being collected and any relevant details around its processing⁵.

As such, GB Bearings will ensure all its data subjects are made aware when any personal information is collected and will take reasonable measures to notify data subjects of the details regarding the processing of that information including–

- a) requiring employees to sign consent forms for the collection of personal information;
- b) conducting training to ensure awareness of POPIA rights and obligations; and

⁴ Other ways in which further processing is not incompatible with the purpose of collection are outlined in section 15(3) of POPIA.

- c) ensuring customers and suppliers are aware of processing procedures by making this policy accessible on the company website.

3.7. Security Safeguards

POPIA requires responsible parties to secure the integrity and confidentiality of personal information in its possession and under its control by taking appropriate and reasonable technical and organizational measures to prevent the loss, damage or unauthorized destruction of personal information as well as the unlawful access to or processing of that information.

To this effect, the responsible party must identify reasonably foreseeable internal and external risks to its personal information, establish and maintain appropriate safeguards, regularly verify their effectiveness and ensure their continual updating. Where there are reasonable grounds to believe the security of personal information has been compromised, the responsible party must notify the Regulator and the data subjects as soon as reasonably possible⁶.

The measures taken by GB Bearings to maintain the integrity and confidentiality of its records of personal information, include–

- 3.7.1. conducting a personal information impact assessment to identify the personal information being processed and in what manner. This assessment comprises two parts–
 - a) an internal review of the type of personal information collected and processed; and
 - b) an external high-level risk assessment conducted for a better understanding of risk areas with respect to POPIA.
- 3.7.2. updating the IT policy with reference to POPIA and to establish digital security measures with respect to processing personal information, including–
 - a) maintaining anti-virus solutions on all devices;
 - b) keeping firewall protections in place;
 - c) considering a remote backup site for data; and
 - d) encrypting onsite backups and ensuring these backups remain inaccessible to users.
- 3.7.3. updating the HR handbook with reference to POPIA and to establish best practices with regards to the processing of personal information, including–
 - a) treating personal information as confidential;

⁵ The full list of details that the responsible party must make sure data subjects are aware of with regards their personal information is available in section 18(1) of POPIA.

⁶ Specifics regarding the notification of security comprises are detailed in section 22 of POPIA.

- b) restricting the personnel who have access to personal information;
 - c) ensuring employees are made aware of their rights and obligations with regards to their personal information;
 - d) updating employee files with signed consent forms for data collection; and
 - e) ensuring deletion, destruction and de-identifying of personal information records (including electronic copies) within the correct time frame.
- 3.7.4. only entering into a written contract with an operator once it has been established that the operator maintains the appropriate and reasonable technical and organizational security measures to ensure integrity and confidentiality of personal information; and
- 3.7.5. committing to notify its data subjects, as soon as reasonably possible, in the event of a security compromise to the personal information in its possession.

3.8. **Data Subject Participation**

According to POPIA, the data subject has the right to request a responsible party to confirm whether or not it holds personal information and to provide a description or record of that information. The data subject also has the right to request the correction or deletion of any personal information held by the body that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained. The way in which a data subject can exercise these rights must be detailed in the PAIA manual compiled by the responsible party.

As mentioned, GB Bearings has compiled a PAIA manual that is available on the company website and at its head offices for public inspection during normal business hours. The manual provides a description of the categories of data subjects of GB Bearings and the type of personal information being processed as well as an explanation on how to request access to a record of personal information.

Requests for access to records of personal information and/or requests to correct/delete personal information held must be made on the relevant forms (available from the HR department) and submitted to the information officer of GB Bearings–

Name:	Greg Piggott
Tel:	031 792 5900
Email:	greg.piggott@gbbearings.co.za
Fax number:	031 700 3613

It should be noted that a request for access to a record of GB Bearings may be declined for any of the reasons listed in chapter 4 of PAIA.

4. Processing Special Personal Information

Special personal information refers to information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information, or criminal behaviour of a data subject.

POPIA requires that processing of special personal information be done with the consent of the data subject⁷. As such, GB Bearings will obtain consent from its data subjects if/when it processes special personal information.

5. Additional Rights and Remedies

Section 5 of POPIA outlines additional rights of the data subject, including the right to–

- a) object, on reasonable grounds relating to their particular situation, to the processing of personal information unless legislation provides for such processing.

In order to object, the necessary form (available on request from the HR department) must be completed and submitted to the information officer of GB Bearings

- b) submit a complaint to the regulator, in the prescribed manner and form, regarding any alleged interference with the protection of personal information⁸; and
- c) institute civil proceedings regarding the alleged interference in a court having jurisdiction against the responsible party⁹.

6. Updating the Policy

This policy will be updated in accordance with any changes in relevant legislation and/or company policy.

Issued by



Greg Piggott
Managing Director

⁷ Other general justifications for processing special personal information are listed in section 27 of POPIA. Specific conditions to process each category of special personal information are found in sections 28 to 33.

⁸ Procedure regarding a complaint to the Regulator is outlined in section 74 of POPIA.

⁹ Details for civil remedies can be found in section 99 of POPIA.