



**HEALTH, SAFETY,
ENVIRONMENT, COMPLIANCE
AND RISK**

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SUBJECT:

PROTECTION OF PERSONAL INFORMATION (PoPI) POLICY

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1. INTRODUCTION

Protection of Personal Information Act (PoPI), No 4 of 2013 gives effect to the constitutional right to privacy, regulates the manner in which personal information may be processed, and provides rights and remedies to protect personal information.

PoPI applies to the processing of Personal Information (PI) by a responsible person domiciled in the Republic and where processing happens in the Republic. PI relates to an identifiable, living, natural person and where applicable an identifiable existing juristic person including not limited to:

- Race, gender, marital status, pregnancy, national or ethnic group, sexual orientation, age, physical or mental health, religion, culture, disability, belief, language and birth of a person, identity number, email address, telephone number, cellphone number, physical address, postal address, personal views, views or preferences, education, criminal record, employment history, financial history.

RBCT is obliged to comply with the Protection of Personal Information Act. RBCT guarantees its commitment to protecting personal information and ensuring that it is used appropriately, transparently, securely and in accordance with the Law.

Section 9 of PoPI act states that “Personal Information” may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive. PoPI requires that when processing Personal Information (PI), a Responsible Person (RP) should give effect to privacy by safeguarding PI subject to justifiable limitations that are aimed at balancing the right to privacy against other rights particularly the right of access to information.

2. PURPOSE

The purpose of this policy is to enable RBCT to:

- Comply with the Protection of Personal Information act (PoPI), No 4 of 2013 and good practice;
- Protect the company from the consequences of a breach of its responsibilities with regards to protection of personal information;
- Protect all data subject’s personal information that RBCT handles and respect their right to privacy;
- Ensure that the company takes reasonable measures to safeguard the personal information, during collection, processing and storage.



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3. DEFINITIONS

The following shall bear the same meaning as under PoPI:

- Personal Information or (PI) - Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.
- Consent - A voluntary, specific and informed expression of will in terms of which a Data Subject agrees to the processing of PI relating to him or her.
- Data Subject (DS) - The person to whom personal information relates.
- Private Body - A natural person who carries or has carried on any trade, business or profession in that capacity, a partnership or juristic person.
- Processing - Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information.
- Public body - Any department or state or administration in the national, provincial or local sphere of government or functionary exercising public power.
- Responsible party (RP) - 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.
- De-identify - Delete any information that identifies the data subject.

4. ROLES AND RESPONSIBILITIES

The Information Officer has the following responsibilities at RBCT:

- Developing and maintaining a PoPI Policy that addresses all relevant provisions of the PoPI Act including but not limited;
 - to reviewing the PoPI Act and it's updates,
 - ensure training of staff regarding the Act,
- Ensuring that appropriate procedures and controls are in place to safeguard the personal information.
- Investigate complaints if anyone suspects that personal information is not used for the intended purpose and inform the complainant of the findings and corrective action taken.
- Ensure PoPI compliance within RBCT.
- Ensure that the network security controls where the personal information is stored have integrity.



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The RBCT Management has the following responsibilities at RBCT:

- Ensure that the personal information is protected and the data subject's right to privacy is not breached.
- Develop reasonable security safeguards against risks such as loss, unauthorized access, destruction, use, amendment or disclosure of PI.
- The RP collects; processes and store the personal information in a safeguarded manner.
- The RP treats PI that is collected or processed with the highest care.

The data subject has the following responsibilities at RBCT:

- To give consent for the use of their personal information that specifies the purpose for the collection of the information.
- Take care and protect their own personal information.
- To ensure that the personal information is consistently updated and accurate.

5. CONDITIONS OF LAWFUL PROCESSING OF PERSONAL INFORMATION

5.1 ACCOUNTABILITY

The RP at RBCT will ensure compliance to the conditions of 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 processing and during processing. The RP will ensure that the PI collected, recorded, stored, disseminated, and destroyed is safeguarded whilst in his / her possession or under control. The RP will take steps to prevent the information from being lost, damaged or unlawfully accessed. The conditions of the Acts that the RP will ensure compliance to are:

- Processing limitation
- Purpose specification
- Further processing limitation
- Information integrity
- Openness
- Security Safeguards
- Data Subject participation



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5.2 PROCESSING LIMITATION

RBCT will identify what PI it possess, where this information is stored and what format this information is stored on, including which systems this information may be stored on. A written consent will be obtained where appropriate; alternatively a recording must be kept of verbal consent. The RP will ensure that the PI is processed lawfully and in a reasonable manner that does not infringe the privacy of the data subject. The PI will be collected directly from the data subject.

5.3 PURPOSE SPECIFICATION

RBCT will collect the PI for a specific, explicitly defined and lawful purpose. The PI will only be used for the purposes of which it was collected for. The individual whose information is being collected has the right to know why and what it will be used for. The PI will not be retained longer than is necessary for achieving the purpose for which it was collected for unless:

- Retention is required by law
- The RP reasonably requires the records to be kept
- Retention is required by a contract between the parties
- The data subject consents to the further retention

RBCT will establish retention period of data as per following categories:

- Employees
- Suppliers
- Financial Statements
- Shareholders
- Contractors
- Visitors
- Coal Exporting Parties (CEP's)

The RP will destroy or delete a record of PI or de-identify as soon as no longer required for retention. This will be done in a manner that will prevent its reconstruction.

5.4 FURTHER PROCESSING LIMITATION

RBCT will ensure that further processing of PI will be in accordance or compatible with the initial purpose for which it was collected. RBCT will at times share the PI with third parties, the data subject will be notified of such and if required further consent will be obtained.



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5.5 INFORMATION INTEGRITY

RBCT will take reasonably practicable steps to ensure that the PI is complete, accurate, not misleading and updated where necessary. RBCT will encourage the data subject to regularly update their personal information to maintain its accuracy.

5.6 OPENNESS

The data subject will be made aware that their data is being processed and

- for what purpose it is being processed;
- the information being collected and where it is not collected from the data subject, the source from which it is collected;
- how to exercise their right in relation to the data;
- what type of disclosures are likely;
- Whether or not the supply of information by the data subject is voluntary or mandatory.

5.7 SECURITY SAFEGUARDS

RBCT will ensure that access to PI that is stored in the network computer system is secured; there is limited and controlled access to it. All physical and electronic controls will be put in place in terms of access to PI.

5.8 DATA SUBJECT PARTICIPATION

RBCT will allow data subject to access their personal information by submitting a written request. A data subject may in the prescribed manner; request a RP to correct, delete personal information about the data subject matter in its possession.

6. REVIEW OF THE POLICY

This policy will be reviewed after every 3 years and or when there are changes to legislation or gaps / risks identified.