



## **Consent to Process Personal Information in Terms of the Protection of Information Act, 4 of 2013 (POPIA)**

### **(Informed Consent Notice)**

This Informed Consent Notice will apply to **Immemploy Recruitment Agency CC**, including its divisions, wholly owned subsidiaries, and business and/or trading partners, ("**Immemploy**") on the one hand,

AND

**Immemploy Employees and / or any other person** including without detracting from the generality thereof, any juristic or natural person, full time, fixed term, part time and temporary Immemploy employees, prospective Immemploy employees, employment candidates, bursary and study recipients, Immemploy service providers, Immemploy Operators, governmental, provincial and municipal agencies or entities, regulators, persons making enquiries and / or other third parties, including all associated, related and /or family members of such Data Subjects or any person who may be acting on behalf of /or in a representative capacity in respect of the DATA Subject, and from whom Immemploy receives Personal Information, on the other hand, ("**Data Subject**").





## 1. INTRODUCTION

- 1.1. The Protection of Personal Information Act, 4 of 2013, (“POPIA”) regulates and controls the processing, including the collection, use, and transfer of a person’s personal information.
- 1.2. In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroys (process) another’s (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and the 8 processing conditions set out under POPIA.
- 1.3. Furthermore unless the processing is –
  - 1.3.1. Necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party; or
  - 1.3.2. required and complies with an obligation imposed by law on either the Data Subject or the Responsible Party; or
  - 1.3.3. necessary to protect the legitimate interest (s) of the Data Subject or the Responsible Party; or
  - 1.3.4. necessary for the proper performance of a public law duty by a public body; or
  - 1.3.5. necessary for pursuing the Data Subject or the Responsible Party’s legitimate interests, or that of a third party to whom the Personal Information is supplied.
  - 1.3.6. all processing of a Data Subject’s Personal Information must be done with the Data Subject’s permission–i.e. the Data Subject has to consent to the processing of its Personal Information.
- 1.4. Immploy does and will from time to time process Personal Information which belongs or is held by a Data Subject.
- 1.5. Following this, in order to comply with POPIA, Immploy in its capacity as the Responsible Party, requires your / the Data Subject’s permission to process your / the Data subject’s Personal Information.





## 2. EXPLANATORY NOTES AND POPIA DEFINITIONS

2.1. This Informed Consent Notice explains and sets out -

- 2.1.1. what Personal Information belonging to you / the Data Subject will be processed by Immploy;
- 2.1.2. why Immploy needs your / the Data Subject's Personal Information;
- 2.1.3. what Immploy will be doing with your / the Data Subject's Personal Information;
- 2.1.4. who Immploy will share your / the Data Subject's Personal Information with;
- 2.1.5. what Immploy will do with your / the Data Subject's Personal Information once the purpose for the processing comes to an end.

2.2. In order to understand the implications of this document and the objectives of POPIA the reader is to take note of the following explanatory notes and POPIA definitions which will be used throughout this Informed Consent Notice and which may be used in the interpretation of this document:

2.2.1. **“biometrics”** means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;  
ImmPLOY may from time to time make use of your / the Data Subject's Biometrics for security access control and related identification procedures

2.2.2. **“child”** means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself;  
ImmPLOY will from time to time have to process Personal Information of a child who may belong to you/ a Data Subject, for amongst other reasons employment and benefit related purposes, which use will require the competent person's consent as defined below.

2.2.3. **“competent person”** means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;





2.2.4. **“consent”** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;

All Personal Information which you / the Data Subject provides to ImmPLOY will be subject to this Informed Consent Notice and when / by providing ImmPLOY with your / the Data Subject’s Personal Information, you / the Data Subject gives us, ImmPLOY your / the Data Subject’s implied consent to use your / the Data Subject’s Personal Information in accordance with this Informed Consent Notice.

2.2.5. **“Data Subject”** means you, the person who will provide ImmPLOY or its Operator (s) with Personal Information and who consents when providing such Personal Information, to ImmPLOY’s use thereof in accordance with this Informed Consent Notice.

A Data Subject will include you, / the Data Subject, the reader of this notice who will be providing ImmPLOY with your/ or your business’s / the Data Subject’s Personal Information and which you and your business, / the Data Subject by virtue of you / the Data Subject providing such Personal Information to ImmPLOY, give ImmPLOY the required consent to use the Personal Information, in accordance with this Informed Consent Notice.

2.2.6. **“Operator”** means a natural person or a juristic person who processes your/ a Data Subject’s Personal Information on behalf of ImmPLOY in terms of a contract or mandate, without coming under the direct authority of ImmPLOY;

ImmPLOY will, in order to pursue and protect its legitimate interests and in many cases to protect you/ the Data Subject, will under a written contract ask Operators to process certain categories of your/ the Data Subject’s Personal Information on its behalf including without detracting from the generality thereof, advertising agencies, research companies, PR agencies, Relevant Industry Associations (where applicable), Payroll service providers, Core Benefits Providers, Medical Aid/Cover providers, Retirement Funding Providers, Auditors, Legal Practitioners, and Government and Provincial Departments (e.g. Department of Labour and Department of Health)





2.2.7. “**person**” means a natural person or a juristic person;

2.2.8. “**Personal Information**” means information relating to any identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, namely the Data Subject, including, but not limited to –

2.2.8.1. 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;

ImmPLOY will need to process 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 birthdates of all potential and actual employees for security, employment and benefit related purposes.

ImmPLOY will need to process race, gender, pregnancy, marital status, national, ethnic or social origin, colour, age, physical or mental health, well-being, disability, language and birthdates of all potential and actual sole proprietors and individual service providers who intend or do provide products and services to ImmPLOY for security, business and contractual, related purposes.

ImmPLOY will need to process race, gender, marital status, national, ethnic or social origin, colour, age, language and birthdates of all potential and actual customers and consumers and / or beneficiaries, who intend or do use the ImmPLOY products and services for security, business, contractual and marketing and promotional related purposes.

ImmPLOY will need to process race, gender, marital status, national, ethnic or social origin, colour, age, language and birthdates of persons who ask ImmPLOY for information or in order for ImmPLOY to reply to any query or request made by such person.





- 2.2.8.2. information relating to the education or the medical, financial, criminal or employment history of the person;

ImmPLOY will need to process information relating to the education, medical, financial, criminal and employment history of all potential and actual employees for security, employment and benefit related purposes.

ImmPLOY will need to process information relating to the financial, criminal and employment history of all potential and actual sole proprietors and individual service providers who intend or do provide products and services to ImmPLOY for security, business and contractual related purposes or who apply for any form of funding or assistance.

ImmPLOY will need to process information relating to the financial and criminal history of all potential and actual service providers who are legal entities, who intend or do provide products and services to ImmPLOY for security, business and contractual related purposes.

- 2.2.8.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

ImmPLOY will need to process all Data Subjects' identity or registration numbers, e-mail address, physical and postal address, telephone and contact numbers, location information, and other required identifiers pertaining to a Data Subject from time to time for security, employment, business, marketing, promotional and contractual related purposes or in order for ImmPLOY to attend to a person's request, or enquiry for information, including any person or Data subject who applies for funding or assistance of any kind.

- 2.2.8.4. the biometric information of the person;

ImmPLOY may from time to time make use of a Data Subject's Biometrics for security access control, employment, contractual and related identification procedures.





- 2.2.8.5. the personal opinions, views or preferences of the person;

ImmPLOY may from time to time make use of personal opinions, views or preferences of a Data Subject for business, sponsorship, funding, marketing, and promotional, security, employment, and / or contractual purposes.

- 2.2.8.6. 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;

ImmPLOY may from time to time make use of private or confidential correspondence received from a Data Subject for business, investigative and / or security purposes as well as for employment, or contractual purposes.

- 2.2.8.7. the views or opinions of another individual about the person; and

ImmPLOY may from time to time make use of views or opinions of another individual about the Data Subject for business, marketing, promotional, security, employment, or contractual purposes.

- 2.2.8.8. 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;

2.2.9. **“processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –

- 2.2.9.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 2.2.9.2. dissemination by means of transmission, distribution or making available in any other form; or
- 2.2.9.3. merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 2.2.9.4. sharing with, transfer and further processing , to and with such information.







2.2.10. “**record**” means any recorded information

2.2.10.1. Regardless of form or medium, including any of the following:

2.2.10.1.1. Writing on any material;

2.2.10.1.2. 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;

2.2.10.1.3. label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;

2.2.10.1.4. book, map, plan, graph or drawing;

2.2.10.1.5. 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;

2.2.10.2. in the possession or under the control of a responsible party;

2.2.10.3. whether or not it was created by a responsible party; and

2.2.10.4. regardless of when it came into existence;

ImmPLOY and its Operators will from time to time process Personal Information pertaining to you/ a Data Subject for business, marketing, promotional, investigations, security, employment, and contractual purposes.

All Personal Information processed by ImmPLOY and its Operators will be housed under a record.

2.2.11. “**responsible party**” means ImmPLOY including without detracting from the generality thereof, its directors, management, executives, HR practitioners, payroll department, core benefits provider, medical aid department, retirement funding department, internal auditors, legal practitioner and compliance officers, company secretary, and all other employees and Operators who need to process a Data Subject/your personal Information for ImmPLOY business purposes.







2.2.12. **“Special Personal information”** includes any information relating to an individual’s:

Ethnicity, Gender, Religious or other beliefs, Political opinions, Membership of a trade union, Sexual orientation, Medical history, Offences committed or alleged to have been committed by that individual, Biometric details, and Children’s details.

ImmPLOY and its Operators will from time to time process Special Personal Information pertaining to you / a Data Subject for business, security, employment, and contractual purposes.

2.2.13. **“you”** means the person who is reading this Informed consent notice, namely the Data Subject, who by providing ImmPLOY with your Personal Information, gives ImmPLOY and its Operators consent to use and process your Personal Information in accordance with the provisions of this Informed Consent Notice and the word “your/yours” bears a corresponding meaning as the context may indicate.

### 3. APPLICATION OF THIS INFORMED CONSENT NOTICE

3.1. This Informed Consent Notice will apply to ImmPLOY, and to you / the Data Subject, and / or your / the Data Subject’s Personal Information which is processed or may be processed by ImmPLOY including any processing of your / the Data Subject’s Personal Information by any Operators duly appointed by ImmPLOY.





#### 4. PURPOSE FOR THE COLLECTION

4.1. In order for Immploy to pursue its business objectives and strategies, Immploy needs to process your Personal Information which Personal Information will be used for a number of legitimate purposes, including, inter alia, the following:

4.1.1. for the purposes of complying with a variety of lawful obligations, including without detracting from the generality thereof:

- Administrative laws,
- Company laws,
- Corporate governance codes,
- Communication laws,
- Customs and Excise laws,
- Environmental laws,
- Financial and Tax laws,
- Health and Safety laws,
- Labour and Employment laws,
- Medical Aid laws,
- Pension fund laws.

4.1.2. for the purposes of carrying out actions for the conclusion and performance of a contract as between Immploy and yourself / the Data Subject;

4.1.3. for the purposes of protecting you/ the Data Subject's and/or Immploy's legitimate interest (s);

4.1.4. where required by law or company policy receiving from or providing to any credit bureau or credit provider or credit association information about your / the Data Subject's credit record, including personal information about any judgement or default history;





- 4.1.5. for the purposes of any proposed or actual merger, acquisition or any form of sale of some or all ImmPLOY's assets, providing your / the Data Subject's Personal Information to third parties in connection with the evaluation of the transaction and related due diligence procedures;
- 4.1.6. for the purposes of making contact with you / the Data Subject and attending to your / the Data Subject's enquiries and requests;
- 4.1.7. for the purpose of providing you/ the Data Subject from time to time with information pertaining to ImmPLOY, its directors, employees, services and goods and other ad hoc business related information. Should you / the Data Subject not want to receive these specific communications please specifically decline the opportunity by contacting [info@immploy.com](mailto:info@immploy.com);
- 4.1.8. for the purposes of pursuing your / the Data Subject's and / or ImmPLOY's legitimate interests, or that of a third party to whom the Personal Information is supplied;
- 4.1.9. for the purposes of providing, maintaining, and improving the ImmPLOY Services, and to monitor and analyse various usage and activity trends pertaining thereto;
- 4.1.10. for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR and IR functions, call centres, customer care lines and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required;
- 4.1.11. for the purpose of preventing fraud and abuse of ImmPLOY processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.





- 4.2. You / the Data Subject agree that Immploy may use all the Personal Information which you / the Data Subject provides to Immploy which Immploy requires for the purposes of pursuing its business objectives and strategies.
- 4.3. Immploy in turn undertakes that it will only use your / the Data Subject's Personal Information for the aforementioned purposes and for no other, unless with your / the Data Subject's prior permission.

## **5. CONSEQUENCES OF YOU WITHOLDING CONSENT OR PERSONAL INFORMATION**

Should you/ the Data Subject refuse to provide Immploy with your Personal Information which is required by Immploy for the purposes indicated above, and the required consent to process the aforementioned Personal Information then Immploy will be unable to engage with you / the Data Subject or enter into any agreement or relationship with you/ the Data Subject.

## **6. STORAGE AND RETENTION AND DESTRUCTION OF INFORMATION**

- 6.1. Your / the Data Subject's Personal Information will be stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within Immploy on a need to know and business basis, save that where appropriate, some of your / the Data Subject's Personal Information may be retained in hard copy.
- 6.2. All Personal Information which you / the Data Subject provide to Immploy will be held and / or stored securely. In this regard Immploy undertakes to conduct regular audits regarding the safety and the security of your / the Data Subject's Personal Information.
- 6.3. Once your / the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for a period of 7 years, as per the requirements of the Companies Act, 71 of 2008 or longer should this be required by any other law applicable in South Africa. Immploy thereafter will ensure that such Personal Information is permanently destroyed.





## 7. ACCESS BY OTHERS AND CROSS BORDER TRANSFER

- 7.1. Immploy may from time to time have to disclose your / the Data Subject's Personal Information to other parties, including its group companies or subsidiaries, joint venture companies, client companies and entities, and or approved product or third party service providers, regulators and or governmental officials, overseas service providers and related companies or agents, but such disclosure will always be subject to an agreement which will be concluded as between Immploy and the party to whom it is disclosing your/ the Data Subject's Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.
- 7.2. Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, your / the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations that those imposed by POPIA.

## 8. RIGHT TO OBJECT AND COMPLAINTS

- 8.1. You / the Data Subject's are encouraged to make immediate contact with the Immploy Information Officer at any time if you are not comfortable or satisfied with the manner in which Immploy is processing your / the Data Subject's Personal Information. On receipt of your / the Data Subject's objection Immploy will place a hold on any further processing until the cause of the objection has been resolved. If you / the Data Subject is not satisfied with such process, you / the Data Subject has the right to lodge a complaint with the Information Regulator.

## 9. ACCURACY OF INFORMATION AND ONUS

- 9.1. POPIA requires that all your / the Data Subject's Personal Information and related details, as supplied are complete, accurate and up-to-date. Whilst Immploy will always use its best endeavours to ensure that your / the Data Subject's Personal Information is reliable, it will be your / the Data Subject's responsibility to advise Immploy of any changes to your / the Data Subject's Personal Information, as and when these may occur.





## 10. ACCESS TO THE INFORMATION BY THE DATA SUBJECT

10.1. You / the Data Subject has the right at any time to ask Immploy to provide you / the Data Subject with details of the Personal Information which Immploy holds on your/ the Data Subject's behalf; and/or the purpose for which it has been used provided that such request is made using the standard section 51 Immploy PAIA process, which procedure can be accessed by requesting and completing the standard request for information form, from the Immploy Information Officer.

## 11. AMENDMENTS AND BINDING ON SUCCESSORS IN TITLE

11.1. Immploy reserves the right to amend this Informed Consent Notice from time to time.

11.2. You/ the Data Subject are requested to please check the Immploy website or contact the Immploy Information Officer periodically to inform yourself/ the Data Subject of any changes.

11.3. The rights and obligations of the parties under this Informed Consent Notice will be binding on, and will be of benefit to, each of the parties' successors in title and / or assigns where applicable, i.e. in the case of a sale or transfer of business by the Data Subject to another.





## 12. DECLARATION AND INFORMED CONSENT

- 12.1. I/ the Data Subject confirm that my / the Data Subject's Personal Information, provided is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then in such an event, I/ the Data Subject undertake to advise Immploy or its Operator (s) of these changes.
- 12.2. I, / the Data Subject, in providing the required Personal Information to Immploy and / or to its Operator, consent and give Immploy permission to process and further process my /the Data Subject's Personal Information as and where required and acknowledge that I/ the Data Subject understand the purposes for which the Personal Information is required and for which it will be used.
- 12.3. Furthermore, should any of the Personal Information which has been provided by myself concern or pertain to a legal entity whom I represent, I confirm that I have the necessary authority to act on behalf of such legal entity/ Data Subject and that I have the right to provide the Personal Information and / or the required consent to use said Personal Information, on behalf of the aforementioned legal entity.
- 12.4. Furthermore, should any of the Personal Information belong to any of my dependants and/or beneficiaries who are under age, I in my capacity as their legal guardian and competent person give Immploy the appropriate permission to process their Personal Information for the purposes for which these details were given.







By signing this agreement, you confirm that you have read and understood the meaning and effect of this agreement and that you agree to be bound by it from the date of signature. If you do not understand the meaning or effect of any of the clauses contained in this agreement, you must request that it be explained to you before accepting and concluding this agreement, by contacting the Immemploy Information Officer.

| CLIENT                    | IMMPLOY                                  |
|---------------------------|--|
| Company_____              | Company: Immemploy Recruitment Agency CC |
| Registration Number_____  | Registration Number: 2009/088597/23      |
| Signed_____               | Signed_____                              |
| Name_____                 | Name_____                                |
| Designation_____          | Designation_____                         |
| Date_____                 | Date_____                                |
| Witness_____              | Witness_____                             |
| (Full name and signature) | (Full name and signature)                |

