



PRIVACY NOTICE

INTRODUCTION

This privacy notice has been adopted as part of Clarent (Pty) Ltd's ("we" / "us") Personal Information Protection Compliance Framework, in terms of the Protection of Personal Information Act 4 of 2013 ("POPIA").

During your interactions with us, it may happen that we need to process some information about you which may constitute personal information for purposes of POPIA, which may include accessing it, storing it, merging it with other information, deleting or destroying it, and possibly sharing it with third parties.

In terms of section 18 of POPIA we are required to bring to your attention certain matters relating to your personal information, which we set out in this notice document. **By interacting with us and providing your personal information to us, you acknowledge that you have read and understood this notice and have agreed to the contents hereof. You furthermore authorize us to take any of the actions described herein insofar as your personal information is concerned, to the extent that such authorization is not already included in a contractual relationship as a result of the services that we provide to you.**

TERMS USED IN THIS NOTICE

Below is a list explaining some of the commonly used terms in this privacy notice:

Data Subject	The person whose personal information is being processed by or on our behalf.
Information Officer	The person internally tasked with ensuring compliance by the Responsible Party, provided that such role may have been delegated to one or more Deputy Information Officers.
Information Regulator	The office established in terms of POPIA to oversee the implementation of, and compliance with POPIA.
PAIA	The Promotion of Access to Information Act 2 of 2000.

Personal Information

Any information that pertains to an identifiable Data Subject. POPIA lists many examples. These include things like contact information, information about a person's identity, health, religion, education, employment, biometric data, etc.

POPIA

The Protection of Personal Information Act 4 of 2013.

Processing

The actions taken in respect of Personal Information by the Responsible Party or on their behalf. This includes most forms of interaction with the records containing such information, such as creating new records, transmitting information, storing it, updating it and deleting or destroying it.

Operators

Third party service providers who process personal information on our behalf.

Responsible Party

The person who decides the reason and means by which personal info will be processed. In the context of this privacy notice, we are the Responsible Party.

Special Personal Information

Certain types of personal information are classified as "special", which means in most cases that their processing is restricted and subject to additional requirements. Most relevant for the purposes of this privacy notice is information relating to children. Other categories that are classified as "special" include information about a Data Subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal record.

WHAT POPIA REQUIRES OF US

This privacy notice constitutes our commitment to uphold the following conditions when working with your Personal Information:

Accountability

We are committed to fulfilling our requirements in respect of implementing POPIA. This includes:

- Encouraging compliance within our organisation.
- Handling information requests.
- Co-operating with the Information Regulator if there is an investigation or query.
- Taking such other measures as may be prescribed by regulation.

Limitations on processing

This condition is aimed at ensuring that processing of Personal Information is as limited as possible, with reference to the purpose for which it is processed. It requires that:

- Processing must be done in a lawful manner (i.e. comply with POPIA or other applicable laws) and in a reasonable manner, which does not unreasonably infringe on the Data Subject's privacy.
- The extent of the Personal Information that is processed must be limited to such information as is relevant, adequate and not excessive in relation to the reason for processing the information.
- Personal Information may be processed if necessary in order to provide a service to a Data Subject, or if they consent to its processing. The Data Subject may withdraw this consent, but it may then become impossible to provide them with services.
- Lastly, as far as reasonably possible, Personal Information must be collected directly from the Data Subject to whom it pertains and not from third parties, although this is subject to other applicable laws (e.g. FICA), which may require verification with third parties.

Reasons for processing

This condition relates to the purpose for which personal information is being processed. In most cases, a Responsible Party must explain to the Data Subject, what their reason is for needing the information and what they are going to use it for.

Quality of information

A Responsible Party is required to take “reasonably practicable” steps to ensure that the information it processes is complete, accurate, not misleading and updated where necessary, with reference to the purpose for which the information is being processed. In other words, reasonable systems must be put in place to make it as simple and easy as possible to keep information accurate and up to date.

Notices and communication

This condition relates to communication and notifications to Data Subjects, which helps them to understand what their information is being used for and how to exercise their rights in respect of their information. That is the purpose of this privacy notice.

Security

A Responsible Party is required to take “appropriate, reasonable technical and organisational measures” to prevent loss, damage, unauthorized destruction and unauthorized access to or processing of personal information.

Where a Responsible Party allows information to be processed by an Operator on its behalf, it is required to have a written contract with such Operator, wherein the Operator agrees to comply with the same security requirements as the Responsible Party.

In the event of a suspected data breach, a Responsible Party is required to notify the Information Regulator, as well as Affected Data Subjects.

Participation

This condition relates to a Data Subject’s rights to access Personal Information about them and to request corrections, deletion or destruction thereof. The manner in which information may be requested is actually not regulated by POPIA, but by PAIA, which is why POPIA requires responsible parties to prepare or update their PAIA manuals.

PROCESSING OF PERSONAL INFORMATION

Information that we process

We process various types of information relating to various Data Subjects, which will differ depending on your relationship with us.

Please refer to **Schedule 1** of this notice for a breakdown of the Personal Information commonly processed by us.

How we process it

We only process personal information digitally.

Reasons for processing personal information and consequences of not doing so

The proper functioning of our business operations requires us to process certain personal information. This could be for any of the following reasons:

- To interact with our customers and end-users, through authentication and authorization mechanisms.
- To procure services and manage relationships with service providers.

If requested Personal Information is not provided to us, we may not be able to properly fulfil the above-mentioned functions, which may result in the relevant interaction being interrupted, or our not engaging in such interaction at all, in our sole discretion. We accept no responsibility for any such interruptions if Personal Information was requested by us but not provided.

Where we may obtain your personal information from

In most cases, we will request your personal information directly from you. However, in some cases we may need to obtain it from third parties. This will be the case if you have authorized us to do so; or where the nature of our interaction with you reasonably requires us to do so; or where you have authorised a third party to share your personal information with us. If we process your personal information on behalf of a third party then we do so on their express authorisation and on the understanding that they have obtained your consent, or that they have the legal authority to provide us with your Personal Information.

We may also be legally required to independently verify some of the information provided to us in terms of applicable anti-terrorism and anti-money laundering legislation (including, but not limited to, the Financial Intelligence Centre Act 38 of 2001, as amended), which may include our accessing government or public directories in order to obtain certain personal information about you.

In some cases, especially if you are an organisation, we may need to obtain personal information relating to third parties (such as your office bearers or employees) from you. You hereby warrant that you have the express and informed consent of such third parties to provide us with any such information and indemnify us against any liability to such third parties, or any other party, as a result of a lack of such authorization.

If you are a parent or legal guardian of a person who is younger than 18, you hereby consent to our processing the Personal Information of your child for the reasons set out above. If you are a person whose parents previously consented to our processing of your Personal Information and you have subsequently turned 18, you hereby confirm that your parents' previous consent remains valid, unless you specifically withdraw your consent.

Where we need to process information classified as "special" personal information for any of the reasons specified above, you hereby consent to our processing of such special personal information.

Sharing of your personal information with third parties

We may need to share your Personal Information with third parties in order for our services to function properly.

Information leaving the country

We may need to transmit your Personal Information to a location outside of the country, where it may be processed by third parties. This may, for example, happen when we are communicating with you while you are not in the country.

It may also happen where our backup infrastructure is located in, or administered from another country or where we share personal information with third parties located in another country. In such cases, the transmission and processing of such information is subject to the provisions of S72 of POPIA, meaning that the third party to which we may transmit your information will either be subject to laws, or a contract with us, or corporate binding rules, which requires them to employ the same or similar reasonable safeguards in respect of your Personal Information that we are required to comply with in terms of POPIA.

Retention of your personal information

In general, we only retain your personal information for the duration of our interactions with you and for a reasonable period thereafter, in order to facilitate further similar interactions or to keep required information on record. Please refer to **Schedule 2** of this policy for instances where specific retention periods apply.

Information that we retain for marketing or statistical purposes may be retained indefinitely, provided that you have authorised us to use the information for marketing purposes or, in the case of use for statistical purposes, that the information has been anonymized.

Information Security

As required by s19 of POPIA, the confidentiality and integrity of any Personal Information processed by us is subject to reasonable technical and organisational safeguards to prevent loss, damage, destruction or unauthorised access, having due regard to generally accepted information security practices and procedures. We will notify you, and the Information Regulator, should we suspect that a data breach has occurred.

We are not liable to you, or any other person, for any harm, loss, damage, destruction or unauthorized access that may occur despite our implementation of such reasonable safeguards.

Your rights

In terms of sections 23 and 24 of POPIA, you have the right to access, and to request us to correct, any personal information retained by us, subject to the provisions of those sections. Please refer to our **PAIA manual**, for more information on the process to follow in this regard.

You furthermore have the right, in terms of section 11(3) of POPIA, to object to our holding of your personal information. Please refer to our **PAIA manual**, for more information on the process to follow in this regard.

Should you wish to lodge a complaint, you may contact the office of the Information Regulator, whose contact details appear above.

CONTACT INFORMATION

Information Officer

We have appointed an Information Officer in terms of s56 of POPIA, read with s17 of PAIA. The Information Officer should be the first point of contact for any queries regarding this framework or any of the policies contained herein. The Deputy Information Officer's details are as follows:

Michael Pitman

Email: mike@ubiquitech.co.za

The Information Regulator

The Information Regulator's office may be contacted for any queries regarding POPIA in general, or to lodge formal documentation. According to the Information Regulator's website, their contact details are as follows (this may change and you are advised to find their most up to date details on their website at www.justice.gov.za/inforeg/):

Information Regulator

JD House

27 Stiemens Street

Braamfontein, Johannesburg 2001

SCHEDULE 1 – TYPES OF PERSONAL INFORMATION PROCESSED

Information type	Why we process it
Identifying and age information, e.g. name, surname, job title, ID number, employee number;	To identify the data subjects that we interact with;
Contact information, e.g. telephone numbers, physical addresses, email addresses, etc.	To contact the data subject;
Financial information relating to our directors / shareholders or service providers	To provide information or remuneration to our directors or shareholders; or to screen potential employees; or to pay service providers;

SCHEDULE 2 – SPECIFIC RETENTION PERIODS IN RESPECT OF CERTAIN INFORMATION

Information type	Retention period
Information relating to our employees	No more than 5 years after termination of employment.
Service provider information	For the duration of our contract and up to a maximum of 5 years thereafter.
Financial records	As long as required in terms of relevant tax laws, as advised by our accountants.
Information relating to our customers / users	No more than 5 years after termination of the customer relationship, or 2 years after the user profile is de-activated.