

XDS Privacy

Policy

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Versioning

Version	Release Date	Changes Made	Author
1.0	29 th June 2021	Policy Creation	Hayden Marimuthu GM Audit and Administration
1.1	1 st August 2022	Revised Policy Version	Tebogo Maroge

1. Introduction

- 1.1. Data protection and privacy through lawful, legitimate and responsible processing and use of personal data is a fundamental human right under the Constitution. This Privacy Policy outlines the core principals which XDS endeavours to pursue in relation to the processing of personal data. The principles set out in this Policy ensure that personal data is processed in line with regulatory requirements, industry-wide best practices and our code of conduct. The Protection of Personal Information Act (POPI Act or POPIA) and the General Data Protection Regulation (GDPR) are the primary pieces of legislation that governs how XDS collects and processes personal data.

2. Scope

- 2.1. This policy applies to XDS, its affiliates and business employees (i.e., employees, directors, senior managers, executives, temporary staff members, agents, consultants, seconded, home-based, casual and agency staff, volunteers and interns), XDS service providers and XDS business associates and partners.
- 2.2. This policy is intended to assist the directors, officers, employees and appointed agents of in assessing the legal position applicable to a particular decision, behaviour, conduct, act or omission.

3. Privacy Commitment

- 3.1. XDS is committed to ensuring that your personal information is processed in accordance with POPIA and applicable Data Processing Legislation. XDS will take all reasonable measures, through the implementation of appropriate policies, procedures, technology and controls to ensure that your personal information is appropriately secured and protected and processed only for lawful purposes.

4. Governance and Implementation

- 4.1. This policy must be approved by the XDS Board of Directors.
- 4.2. This policy must be reviewed every two years or when a significant event occurs, taking into account any changes to regulatory requirements and business operations.
- 4.3. The Executives and Management of XDS are responsible for the successful implementation of the provisions of this policy

5. Roles and responsibilities

- 5.1. Assigning roles and responsibilities are necessary to give effect to the requirements of this policy.

5.1.1. Policy Owner:

The XDS Policy Owner is ultimately accountable for ensuring that XDS and its employees comply with the requirements set out in this process.

5.1.2. Policy Custodian:

The Policy Custodian is responsible for overseeing all dispensations, waivers and breaches to this process.

The Policy Custodian is responsible for facilitating the review(s) as set out in the policies or standards.

5.1.3. Board of Directors and the Executive Committee:

XDS Board of Directors and the Executive Committee are ultimately accountable for ensuring that XDS and its employees comply with the requirements set out in this policy; and

In addition, the board must ensure that XDS complies with all applicable laws, regulations and supervisory requirements.

5.1.4. Business/Function Head:

The business or function head is responsible for the following:

- Ensuring this policy is effectively implemented within their business.
- The Business Head may delegate their responsibility (but not accountability) for implementation of this policy to an appropriate executive within the business.

5.1.5. Employees:

All employees within XDS are responsible for complying with this policy.

6. **Policy Principles**

6.1. Processing of Data

XDS core principles are based on the provisions of POPI and GDPR must ensure that all personal data is:

6.1.1. processed lawfully, fairly and in a transparent manner;

6.1.2. collected only for specified, clear and legitimate purposes;

9.1.3. adequate, relevant and limited to what is necessary in relation to the purposes for which it is to be processed;

6.1.3. accurate and kept up to date where applicable;

6.1.4. not kept in a format which allows identification of a data subject for longer than is necessary for the purposes for which the data is processed;

- 6.1.5. processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage.

Additionally, XDS must ensure that:

- 6.1.6. Personal information is not transferred to another country without appropriate safeguards being in place; and
- 6.1.7. XDS allows people to exercise their rights in relation to their personal data. XDS is responsible for and must be able to demonstrate compliance with all of the above principles.

6.2. Lawfulness, Fairness and Transparency

When collecting and processing personal information for any specific purpose, XDS must always have a lawful basis for doing so. Processing personal information is lawful when at least one of the following circumstances is present:

- 6.2.1. the data subject has given their consent for one or more specific purposes;
- 6.2.2. the processing is necessary for the performance of a contract to which the data subject is a party;
- 6.2.3. to comply with XDS legal obligations;
- 6.2.4. to protect the vital interests of the data subject or another person; or
- 6.2.5. to pursue XDS legitimate interests where those interests are not outweighed by the interests and rights of the person.
- 6.2.6. XDS must document the above lawful reasons relied upon when processing personal information for each specific purpose.

6.3. Consent as a lawful basis for processing

Consent may not always be the only basis for being able to process data. This will depend on the specified circumstance or scenario. A person's consent must be:

- 6.3.1. specific;
- 6.3.2. informed (explained in plain and accessible language);
- 6.3.3. unambiguous;
- 6.3.4. separate and unbundled from any other terms and conditions provided to the data subject;

6.3.5. freely and genuinely given.

6.4. Openness

6.4.1. A person must be able to withdraw their consent without reservation. Once consent has been given, it will need to be updated where XDS wishes to process the personal data for a new purpose that is not compatible with the original purpose for which they were collected.

6.4.2. Chapter 6 of POPIA and Chapter 3 Section 1 of GDPR requires XDS to ensure that any information provided by XDS to people about how their personal data will be processed is concise, easily accessible, easy to understand and written in plain language. (Privacy Notice).

6.4.3. XDS must demonstrate transparency by providing people with the appropriate Privacy Notices before it collects and processes their personal information and at the appropriate times throughout the processing of their personal information.

6.4.4. Where XDS obtains any personal information about a person from a third party (for example, CVs from recruitment or background criminal checks in relation to employee on-boarding) it must check that it was collected by the third party in accordance with this policy's requirements that the sharing of such personal information with XDS was clearly explained to the person.

7. **Information Collection**

7.1. In some instances, when engaging directly with you, XDS acts as a Responsible Party in terms the Protection of Personal Information Act ("**POPIA**") or a Data Controller in terms of the General Data Protection Regulations ("**GDPR**"). In all other instances XDS may be regarded as a Data Processor or Operator. XDS collects your personal information when you register, with XDS for any service or product provided by XDS. This information may be updated to your personal information as held by XDS.

7.2. In terms of the NCA, XDS is authorized to receive, process and store consumer credit information. Personal Information includes consumer credit information.

7.3. The NCA also authorizes a credit bureau to receive consumer credit information from the following sources:

- An organ of State, a court or judicial officer
- Any person who supplies goods, services or utilities to consumers, whether for cash or credit
- A person providing long terms and short terms insurance
- Entities involved in fraud investigation
- Educational Institutions
- Debt Collectors to whom book debt was ceded or sold by a credit provider

- Other registered credit bureau
- The NCR or any source authorized by the NCR
- A consumer for the consumer to correct or challenge information held by a credit bureau

XDS may also receive the following information about you from yourself or an entity that you may have provided consent to, or an entity that is lawful authorized to access your information or who may lawfully share your information with XDS.

Individual

- Identity or Passport number
- Name details
- Contact information
- Biometric Information
- Other lawful information that you may have consented to

Juristic

- Registration Number
- Name details
- Contact information
- Financial Information
- Trade References
- Number of Employees
- Personal details of Directors
- Other lawful information that the Juristic has consented to.

7.4. XDS may make use of cookies, which may be placed on your computer when you both visit and or register on any XDS website or product site. A cookie is a small piece of information sent by a web server to a web browser, which enables the server to collect information back from the browser.

7.4.1. XDS cookies may be used for the following for the following purposes:

- To enable certain features and functions on websites, e.g. remembering user-id, favorite channel selections, browsing and other service preferences;

- To build up a profile of how users experience the website;
- To improve the efficiency of XDS's website;
- To administer services to users and advertisers; and
- To establish usage statistics.

7.4.2. Most internet browsers provide users with the option of turning off the processing of cookies (please see the "help" section of the browser), but this may result in the loss of functionality, restrict use of the website and/or delay or affect the way in which it operates.

7.4.3. Advertisements on the XDS website may be provided by third party advertisers and their agencies. These may generate cookies to track how many people have seen a particular advertisement (or use the services of third parties to do this), and to track how many people have seen it more than once. XDS does not control these third parties and their cookie policies and therefore is not responsible for the Personal Information policies (including Personal Information protection and cookies), content or security of any third-party websites linked to the Website.

7.5. XDS may also collect information that your browser sends whenever you visit XDS websites. This information may include information such as your computer's Internet Protocol ("IP") address, browser type, browser version, and the pages of the XDS website that you visit, the time and date of your visit, the time spent on those pages and other statistics.

8. Information Use and disclosure

8.1. Use and Disclosure as per NCA.

The NCA provides the purposes for which XDS may release consumer credit information. In addition to the NCA, XDS will adhere to processing obligations embodied in POPIA and GDPR. In terms of the NCA, a credit bureau may release consumer credit information for the following purposes: -

- an investigation into fraud, corruption or theft, provided that the South African Police Service or any other statutory enforcement agency conducts such an investigation;
- fraud detection and fraud prevention services;
- considering a candidate for employment in a position that requires honesty in dealing with cash or finances
- an assessment of the debtor's book of a business for the purposes of (i) the sale of the business or debtors book of that business; or (ii) any other transaction that is dependent upon determining the value of the business or debtors book of that business;
- setting a limit of in respect of the supply of goods, services or utilities;
- assessing an application for insurance;
- verifying educational qualifications and employment;

- obtaining consumer information to distribute unclaimed funds, including pension funds and insurance claims;
 - tracing a consumer by a credit provider in respect of a credit agreement entered into between the consumer and the credit provider;
 - developing a credit scoring system by a credit provider or credit bureau;
 - an affordability assessment in respect of a consumer, as required by Section 81 of the Act;
 - a credit assessment in respect of a consumer, as required by section 81 (2) of the Act;
 - investigating an application for debt review made by a consumer
 - a contemplated or permitted purpose as may be envisaged by the NCA
- 8.2. XDS may update your XDS credit bureau records with the personal information you provide or which is provided
- 8.3. XDS may use the information you provide to maintain contact with you in terms of
- Any queries that you may have lodged with XDS
 - Keeping you informed about new developments on or any changes to the services you may have access.
- 8.4. XDS may process your information as may be allowed in terms of POPIA.
- 8.5. XDS may process your personal information for the provision of marketing services when requested to do so by third parties to whom you have provided consent to.
- 8.6. XDS may use cookies to identify you when you access a XDS website and to build up a demographic profile of its users.
- 8.7. XDS may use your Personal Information:
- 8.7.1. to contact you with newsletters, marketing or promotional materials and other information or
 - 8.7.2. to conduct market research and surveys to enable XDS to understand and determine customer location, preferences and demographics in order to develop special offers and marketing programmes, and to improve our service delivery and customer experience;
 - 8.7.3. to provide additional products, services and benefits to users, which include promotions, loyalty and reward programmes from XDS;
 - 8.7.4. to match Personal Information with other data collected for other purposes and from other sources (including third parties) in connection with the provision, marketing or offering of products and services;

- 8.7.5. To administer contests, competitions and marketing campaigns, and personalize user experience;
- 8.7.6. To communicate advertisements involving details of XDS's products and services, special offers and rewards, either to general customers, or to communicate advertisements which XDS has identified as being of interest to specific users (this includes but is not limited to upselling, cross selling and telemarketing).
- 8.8. In relation to particular products and services or user interactions, XDS may also specifically notify users of other purposes for which personal information is collected, used, or disclosed.
- 8.9. Users have a choice to withdraw consent for receiving marketing or promotional materials/communication from XDS. Users may contact XDS Information Officer: informationofficer@xds.co.za to request the withdrawal
- 8.10. Once XDS receives confirmation that a user wishes to withdraw consent for marketing or promotional materials/communication, it may take up to 30 (thirty) working days for the withdrawal to be effected. Therefore, users may continue to receive marketing or promotional materials/communication during that period of time. It may be noted that even upon withdrawal of consent for the receipt of marketing or promotional materials, XDS may still contact users for other purposes in relation to the products and services accessed by users or subscriptions to XDS

9. Cross Border transfer

- 9.1. XDS may transfer your personal information to another country for storage and processing provided that the country has equivalent or better data protection laws in order to adequately protect your personal information in accordance with the requirements as set out in POPIA.
- 9.2. XDS shall transfer your personal information on a processing request originating from a XDS Client located outside of the Republic of South Africa, should you have consented to such processing or if shall processing is in accordance with Data Processing legislation.

10. Data Minimisation

- 10.1. The personal information that the XDS collects, and processes must be adequate, relevant and limited to what is necessary in relation to the purposes for which it is to be processed.
- 10.2. Personal information must only be processed when necessary for the performance of duties and tasks and not for any other purposes.
- 10.3. Accessing of personal information where there is no authorisation to do so, or where there is no reason to access, may result in disciplinary action and in certain circumstances, may constitute a criminal offence.
- 10.4. When collecting personal information, as required for the performance of duties and tasks, there should not be a request that a person provide more personal information than is strictly necessary for the intended purposes.
- 10.5. Where personal information is no longer needed for the specific purposes for which it was collected, such information must be deleted, destroyed and/ or anonymised.

11. Accuracy

11.1. Personal information that XDS collects, and processes must be:

11.1.1. accurate and, where required and kept up to date; and

11.1.2. corrected and/or deleted, without delay, where an error has been discovered.

11.2. Where appropriate, any inaccurate or expired records should be deleted or destroyed.

12. Storage Limitation

12.1. The personal information that XDS collects, and processes must not be kept in a form that identifies a person for longer than what is necessary in relation to the purposes for which it was collected (this is subject to compliance with any legal, accounting or reporting requirements).

12.2. There must be a regular review of any personal information which has been processed in the performance of duties to assess whether the purposes for which the information was collected has expired.

12.3. Where appropriate, reasonable steps must be taken to delete or destroy any personal data that XDS no longer requires in accordance with XDS's Record Management Policies.

12.4. All privacy notices and fair processing notices must inform data subjects of the period for which their personal data will be stored or how such period will be determined.

13. Security of Personal Information

13.1. The security of your Personal Information is important to XDS.

13.2. XDS Information Security Policies guides the processing of personal information and ensures that XDS protects your personal information.

13.3. The personal information that XDS collects and processes shall be secured by appropriate technical and organizational measures against accidental loss, destruction or damage, and against unauthorized or unlawful processing.

13.4. XDS shall regularly evaluate and test the effectiveness of such measures to ensure that they are adequate and effective.

13.5. XDS is a responsibility for ensuring the security of personal information processed throughout the performance of its duties.

14. Persons' Rights

14.1. Right to access your personal information:

You may request, free of any charge, for XDS to confirm if it has personal information on you.

- XDS can provide your personal information in the form of a credit report
- You can make your request by calling XDS on 0860 937 000 or emailing informationofficer@xds.co.za and using the subject : Data subject access request.
- You may also request your credit report by registering on www.splendi.co.za
- You will be required to provide proof of identity as may be determined by XDS and to follow XDS procedures related to your request.
- Once you have received your personal information as above and or should you require the detail of any other personal information that XDS retains, you should complete Form 1 and forward to XDS Call Centre. In accordance with POPIA Section 23 (1)(b), XDS may charge a fee for providing this information and such a request may take up to 20 business days to complete.

When XDS provides you with this report, XDS will be giving effect to your Right to data portability in terms of GDPR.

14.2. Right to challenge and correct the accuracy of your personal information:

- To lodge a challenge, you should complete and email Form 2 to dispute@xds.co.za or alternatively you may call XDS on 0860 937 000 to request that a form be sent to.
- You may also lodge your dispute on www.splendi.co.za you will however be required to register on this service.
- Your rights to challenge detailed here are equivalent to your Right to rectification as per GDPR XDS will give effect to your rights under GDPR with regards to the processing of your personal information provided that there are no applicable exclusions in terms of GDPR.

14.3. Right to object to processing of your personal information:

- You may object to the processing of your personal information by not completing a consent form when requested to do, except where the lawful purpose does not require consent.

- You may also withdraw your consent at any time prior to the processing of your information by informing the company to whom you have provided the consent that, you require that the company stop processing your information.
- You may object to the processing of your personal information unless the processing of your personal information is in accordance with any lawful purpose. You can make your request by calling XDS on 0860 937 000 or emailing informationofficer@xds.co.za and using the subject: Objection to Processing request
- You will be required to provide proof of identity as may be determined by XDS and to follow XDS procedures related to your request.

15. Data Protection

15.1. In order to identify and minimise the data protection risks arising from the organisation's processing of personal information XDS conducts Data Protection Impact Assessment (DPIA), also known as a Privacy Impact Assessment. A DPIA must:

15.1.1. describe the nature, scope, context and purposes of the processing;

15.1.2. assess necessity, proportionality and compliance measures;

15.1.3. identify and assess risks to individuals; and

15.1.4. identify any additional measures to mitigate those risks.

16. Record Retention

16.1. XDS will retain your personal information in accordance with any retention legislation relating to such personal information.

16.2. Consumer Credit Information will be retained in accordance with the National Credit Act, POPIA and any other applicable legislation

16.3. Personal Information including but not limited to Biometric information will be retained with your consent for as long as you may require the use of this information or the information is to be used for your benefit.

16.4. In the absence of any legislation governing a particular type of personal information, XDS shall retain such information for a period of 20 (twenty) years unless (i) you have consented to a longer retention period or (ii) you request the deletion of such personal information, provided that there is no lawful reason for which such personal information must be retained by XDS.

16.5. After 20 years your personal information shall be de-identified and archived for audit and investigation purposes.

- 16.6. You may request the deletion of your personal information as per (6.5) ((ii) by calling XDS on 011 645 9100 or emailing informationofficer@xds.co.za and using the subject : Request deletion.
- 16.7. You will be required to provide proof of identity as may be determined by XDS and to follow XDS procedures related to your request.

17. Consequences of non-compliance

- 17.1. Willful and deliberate non-compliance **with** this policy can expose XDS to significant regulatory sanctions, fines, criminal and/or civil liability. The reputational damage arising from such non- compliance will negatively affect XDS's ability to attract and maintain clients.
- 17.2. Employees who fail to comply with this policy may be subject to disciplinary action including dismissal and personal liability such as fines and/ or imprisonment under the relevant laws.

18. Policy Review

This policy shall be reviewed at least annually or if and when amendments or new regulations are made.