

**30 JUNE 2021**

## **POPI POLICY – MELKI GROUP**

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### **1. DEFINITIONS AND INTERPRETATION**

In this Policy, unless the context otherwise requires, the following terms shall have the meanings assigned to them below:

- 1.1. "**POPI**" means the Protection of Personal Information Act 4 of 2013;
- 1.2. "**Policy**" means this POPI policy;
- 1.3. "**Melki**" means the Melki Group including all its majority-owned group subsidiaries and parent companies or fellow subsidiaries where applicable;
- 1.4. "**Employee**" means any employee working for Melki;
- 1.5. "**Customer**" means any supplier, purchaser, hirer or client that deals with Melki;
- 1.6. "**Personal Information**" means information relating to a customer being an identifiable, living, natural person, and where applicable, an identifiable, existing Juristic Person, including:
  - 1.6.1. 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;
  - 1.6.2. information relating to the education or the medical, financial, criminal or employment history of the person;
  - 1.6.3. any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 1.6.4. the biometric information of the person;
  - 1.6.5. the personal opinions, views or preferences of the person;
  - 1.6.6. 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;
  - 1.6.7. the views or opinions of another individual about the person; and

- 1.6.8. 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.
- 1.7. "**Data Subject**" means all living, identifiable natural or Juristic Persons about whom Melki holds Personal Information;
- 1.8. "**Juristic Person/s**" means any juristic person of whatever nature including a body corporate, association, company, close corporation, trust or partnership (whether or not having separate legal personality);
- 1.9. "**Parties**" means the Responsible Party and the Operator and "Party" means either one of them, as the context may indicate;
- 1.10. "**Processing**" means any operation or activity, whether or not by automatic means, concerning Personal Information, including:
  - 1.10.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
  - 1.10.2. dissemination by means of transmission, distribution or making available in any other form; or
  - 1.10.3. merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 1.11. "**Signature Date**" means the date of Signature of this Agreement by the Party Signing last in time;
- 1.12. "**Third Party**" means any natural or Juristic Entity other than the Parties; and
- 1.13. References to "clauses" and "sub-clauses" are references to the clauses and sub-clauses of this policy;
- 1.14. The headings of clauses and sub-clauses are included for convenience only and shall not affect the interpretation of this policy;
- 1.15. Words importing the singular number shall include the plural and vice versa, and words importing either gender shall include both genders;
- 1.16. Reference to "days" shall be construed as calendar days unless qualified by the word "business", in which instance a "business day" will be any day other than a Saturday, Sunday or public holiday as gazetted by the government of the Republic of South Africa from time to time. References to "months" shall be construed as calendar months;

- 1.17. Unless specifically otherwise provided, the number of days indicated to commit an act or indicated for any other purpose, is calculated by excluding the first day and including the last day;
- 1.18. No provision in this Agreement is intended to contravene or limit any applicable legislation or POPI.

## 2. **INTRODUCTION**

- 2.1. The terms and conditions set out within this policy will apply to the Melki Group and will extend to all its majority-owned group subsidiaries and parent companies or fellow subsidiaries where applicable.
- 2.2. Melki is obliged to comply with The Protection of Personal Information Act.
- 2.3. POPI requires Melki to inform its customers and those that it deals with, as to how their personal information is processed.
- 2.4. Melki is committed to protecting its customer's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with all applicable laws.
- 2.5. This Policy sets out how Melki deals with its customer's personal information and, in addition, the purposes for which such information is used.
- 2.6. Melki accepts joint responsibility and accountability with the customer to responsibly manage and protect the personal information exchanged when providing our services and solutions.
- 2.7. Melki undertakes to collect and process only such personal information which is necessary given the purpose for which it is processed and to assist the customer with their required solutions, conclude the necessary related agreements and consider the legitimate legal interests of everyone concerned, as required by the act.
- 2.8. Melki will at all times respect the customer's right to withdraw their consent for the processing of personal information.
- 2.9. Melki will undertake reasonable and practical steps to ensure that personal information is complete, accurate, not misleading and, where necessary, is updated and to freely confirm what personal information we have of you in our possession, to update and rectify the personal information upon request and to keep it for no longer than required.

- 2.10. By the customer providing us with their personal information, the customer agrees to this Policy and authorises Melki to process such information and/or by third parties (where applicable) for the purposes set out herein.
- 2.11. Melki will not use your personal information for any other purpose than that which is set out in this Policy, and we will take the necessary steps to secure the integrity and confidentiality of such personal information in our possession and under our control, by taking appropriate and reasonable measures to prevent loss of, damage to or unauthorised destruction of your personal information and to prevent the unlawful access to, or processing of personal information.

### 3. **REASONS FOR PROCESSING PERSONAL INFORMATION**

Melki needs to process your personal information as prescribed by relevant legislation and regulations and for reasons such as:

- 3.1. To provide all relevant services in accordance with our mandate to you;
- 3.2. To respond to your queries;
- 3.3. To confirm and verify your identity or to verify that you are an authorised user for security purposes;
- 3.4. To comply with all legislative or regulatory requirements related to services provided to you by us;
- 3.5. To fulfil our contractual obligations to you, for example:
  - 3.5.1. Updating of contact information;
  - 3.5.2. Verification of your identity that you are an authorised user for security purposes;
  - 3.5.3. Conducting of market or customer satisfaction research;
  - 3.5.4. Auditing and record keeping purposes;
  - 3.5.5. Legal proceedings/action;
  - 3.5.6. Confirmation of your banking details in respect of any payments being made to you.
- 3.6. For any other operational purposes required to assist you with the solutions you require;
- 3.7. To comply with our legal obligations to you, for example, health and safety obligations whilst on any of our premises, or to a third party;

3.8. In connection with possible requirements by the Information Regulator or other Government agencies allowed by law, legal proceedings, or court rulings.

#### 4. **DISCLOSURE OF PERSONAL INFORMATION**

4.1. Our employees will have access to your personal information to administer and manage our services and internal business processes. In general, we do not share your personal information with third parties (other than service providers acting on our behalf), unless we have a lawful basis for doing so and this will only be done in strict adherence to the requirements of the Act.

4.2. Melki may disclose your personal information where it has a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect its rights and carry out its obligations and where it is reasonably necessary to enable it to discharge its contractual mandate to its customers.

4.3. We also endeavour to enter into agreements with third parties that ensure they comply with the privacy requirements as required by the Act and relevant legislation.

4.4. We may also disclose your personal information:

4.4.1. Where we believe it is necessary to protect our rights;

4.4.2. When explicitly requested by you;

4.4.3. With professional advisers, for example, law firms, as necessary to establish, exercise or defend our legal rights and obtain advice in connection with the running of our business. Personal information may be shared with these advisers as necessary in connection with the services they have been engaged to provide.

4.4.4. To law enforcement, regulatory and other government agencies as required by and/or in accordance with applicable law or regulation.

#### 5. **SAFEGUARDING PERSONAL INFORMATION**

5.1. It is a requirement of POPI to adequately protect your personal information and to avoid unauthorised access and use of your personal information. Melki continuously reviews its security controls and processes to ensure that your personal information is secure.

5.2. Our security policies and procedures cover:

5.2.1. Physical security;

5.2.2. Computer network and server security;

5.2.3. Acceptable usage of personal information;

5.2.4. Monitoring access and usage of personal information;

5.2.5. Investigating and reacting to a security breach.

5.3. Melki's Information Officer is Mr M H Khan, whose details are available below and who is responsible for the encouragement of compliance with the conditions of the lawful processing of personal information and other provisions of POPI.

5.4. This policy is in place throughout Melki and training on this policy and POPI has taken place and been overseen by the Information Officer;

5.5. Employees are required to sign Acceptance of this policy;

5.6. A Security Incident Management Register will be kept to log any security incidents and to report on and manage said incidents. This register will be maintained by the Information Officer.

5.7. All employees are instructed to follow Melki's POPI procedures for client information to be processed accurately and securely;

## 6. **RETENTION OF PERSONAL INFORMATION**

6.1. Melki will only retain and store personal information for the period for which the data is required to serve its primary purpose or as per its internal storage policy or for the period required to comply with an applicable legal requirement, whichever is longer.

## 7. **ACCESS, AMENDMENT AND CORRECTION OF PERSONAL INFORMATION**

7.1. You have the right to request access to the personal information we hold about you.

7.2. You have the right to ask us to update, amend, correct or delete your personal information on reasonable grounds. It is your responsibility to make sure that all your personal information that is provided is accurate.

7.3. We may require you to provide proof of authorisation or a copy of your ID document to confirm your identity before processing any details of your personal information.

7.4. Please note that any such access request may be subject to a payment of a legally allowable fee determined from relevant legislation from time to time.

7.5. Once you object to the processing of your personal information, Melki shall no longer process same save and except where Melki is obliged to by law or when it is common practice to do so.

7.6. The details of Melki's Information Officer are as follows:

7.6.1. Name: Mahomed Hussain Khan

7.6.2. Telephone Number: 031 700 3661

7.6.3. Fax Number: 031 700 6691

7.6.4. Postal Address: P O Box 15465, Westmead, 3608

7.6.5. Physical Address: 2 Hillclimb Road, Westmead, 3610

7.6.6. e-mail Address: [hussain@melki.co.za](mailto:hussain@melki.co.za) / [info@melki.co.za](mailto:info@melki.co.za)

7.6.7. web site: [www.melki.co.za](http://www.melki.co.za)

## 8. **AMENDMENTS TO THIS POLICY**

8.1. Melki reserves its right to amend this policy on an ad hoc basis as and when it is required.

8.2. Customers are advised to check Melki's website periodically to make themselves familiar with any changes or they may direct their enquiries to the Information Officer.

## 9. **DECLARATION**

9.1. Should you not agree to the terms and conditions as set out in this policy you must notify Melki immediately failing which it will be deemed that you accept and agree to the terms and conditions set out above.