

fraudcheck

The Power of Knowing

POPI FORMS

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ANNEXURE B: POPI COMPLAINT FORM

POPI COMPLAINT FORM

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

Please submit your complaint to the Information Officer:	
Name	
Contact Number	
Email Address:	

Where we are unable to resolve your complaint, to your satisfaction you have the right to complain to the Information Regulator.

The Information Regulator: Adv Pansy Tlakula

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

Email: complaints.IR@justice.gov.za

Website: <http://www.justice.gov.za/inforeg/index.html>

A. Particulars of Complainant

Name & Surname	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	

B. Details of Complaint

C. Desired Outcome

D. Signature Page

Signature:
Date

ANNEXURE C: POPIA PRIVACY NOTICE

POPIA PRIVACY NOTICE

We understand that your personal information is important to you and that you may be apprehensive about disclosing it. Your privacy is just as important to us and we are committed to safeguarding and processing your information in a lawful manner.

We also want to make sure that you understand how and for what purpose we process your information. If for any reason you think that your information is not processed in a correct manner, or that your information is being used for a purpose other than that for what it was originally intended, please contact our Information Officer.

You can request access to the information we hold about you at any time and if you think that we have outdated information, please request us to update or correct it.

Our Information Officer's Contact Details	
Name	Kevin Cousins
Contact Number	011 262 5252
Email Address:	support@fraudcheck.co.za

In the event where Kevin Cousins is not reachable, please contact Greg Oxley on the same details for assistance.

Our details:

Fraudcheck (Pty) Ltd

Building 2 Pinmill Office Park

164 Katherine Street

Strathavon

Gauteng

2196

Telephone: 011 262 5252

Organisation E-mail address: support@fraudcheck.co.za

The source of collection of your personal information:

We collect personal information from the following data subjects:

- Prospective clients who enquire about our services
- Personal information is collected from our clients and their clients when they request verification checks from us.
- You may also be requested to provide your personal information during your meetings and interactions with the individuals forming part of the Sales, Support and Technical Support Teams who service our customers and prospective customers.
- We may also collect information about you from other sources such as third parties and from cookies on our website.

Personal information is collected directly/ indirectly from you through the completion of a consent & indemnity form. These forms are completed either electronically or in hard copy.

We may also collect information about you from other sources such as external third parties and from cookies on our website.

Law authorising or requiring collecting of the personal information:

We are obligated in terms of the following legislation to collect your personal information insofar as it relates to the rendering of the relevant risk mitigation and online verification services to you:

- Promotion of Access to Information Act 2 of 2000;
- Financial Intelligence Centre Act 38 of 2001;
- Financial Advisory and Intermediaries Services Act 37 of 2002;
- Prevention of Organised Crime Act 121 of 1998;

- Companies Act 71 of 2008;
- Skills Development Act 97 of 1998;
- Protection of Personal Information Act 4 of 2013;
- Income Tax Act 58 of 1962;
- Basic Conditions of Employment Act 75 of 1997;
- Compensation of Occupational Injuries & Diseases Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Value Added Tax 89 of 1991;
- Employment Equity Act 55 of 1998;
- Labour Relations Act 66 of 1995;
- Unemployment Insurance Act 63 of 2001;
- Occupational Health and Safety Act 85 of 1993;
- Trademarks Act 194 of 1993;
- Copyright Act 98 of 1978;
- Prevention and Combatting of Corrupt Activities Act 12 of 2004;
- Electronic Communications and Transactions Act 25 of 2002; and
- Electronic Communications Act 36 of 2005.

Purpose for Processing your Information:

We collect, hold, use and disclose your personal information mainly to provide you with access to the services and products that we provide. We will only process your information for a purpose you would reasonably expect, including:

- Complying with the obligations contained in the contract concluded between yourself and the organisation;
- To verify your identity and to conduct credit reference searches;
- To identify products and services offered by any of our affiliates which might be of interest to you, as well as to inform you of such products and/or services;
- To confirm, verify and update your details;
- To comply with any legal and regulatory requirements;
- For general administration purposes pertaining to your request/s and to reply to you when you contact us for support;
- To investigate and attempt to resolve any queries, complaints or requests;

Some of your information that we hold may include, your full names, identity and passport numbers, registration numbers, email addresses, your home, postal and/ or other physical address particulars, your telephone numbers and other contact information, your title, birth date, gender, occupation, qualifications, past employment, residency status, financial information, including your banking details.

Third parties and your personal information

We may need to share your information to third parties provide advice, reports, analyses, products or services that you have requested. Where we share your information, we will take all precautions to ensure that the third party will treat your information with the same level of protection as required by us.

These third parties may include:

- Your employer (where applicable);
- Analytics and search engine providers assisting in the enhancement of our websites;
- Information Technology specialists assisting us with data storage, security, processing, analytics, etc;
- Auditors of the Organisation;
- Consultants, Compliance Advisors and other Third Party Service providers of the Organisation;
- And Regulatory or Governmental Authorities that FraudCheck will need to adhere to.

The Transfer of your personal information outside of the Republic of South Africa

Your information may be hosted on servers managed by a third-party service provider, which may be located outside of South Africa

Your information may be hosted on servers managed by a third-party service provider, which may be located outside of South Africa. When this happens, we will take all precautions to ensure that the third party will treat your information at a minimum with the same level of protection as required by the POPI Act. If you are interested in who these suppliers are, you are welcome to ask us at any time, we will happily disclose this information to you upon request.

Complaints and objections

As a data subject, you have the right to –

- Request that we confirm, free of charge, whether or not we hold personal information about you;
- Request that we provide you with a description of the personal information we hold about you, and to explain why and how it is being processed (please complete Annexure A);
- Request that we consider your objections to the processing of your personal information (please complete Annexure B);
- Lodge a complaint with the Information Regulator (please complete Annexure B).
- You are more than welcome to lodge a complaint with the information regulator if you feel that we are not complying with POPIA – please do try and speak to us first, but this is a remedy available to you and we want you to be aware of it.

The Information Regulator

In the event that your personal information has not been processed in accordance with the POPI Act and the principles set out above, you have the right to lodge a complaint with the Information Regulator.

For further information regarding the complaints process, please visit the website of the Information Regulator, as indicated below.

Alternatively, you may contact the Information Regulator for further assistance:

The Information Regulator: Adv Pansy Tlakula

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Email: complaints.IR@justice.gov.za

Website: <https://www.justice.gov.za/infoereg/index.html>

If you need to speak with our Information Officer, feel free to contact him. Our Information Officer is Kevin Cousins and any queries or even questions you may have regarding this privacy notice and FraudChecks's POPIA compliance efforts can be directed to him at support@fraudcheck.co.za. In the event where Kevin Cousins is not reachable, please contact Greg Oxley on the same details for assistance.

ANNEXURE D: EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE

EMPLOYEE CONSENT AND CONFIDENTIALITY CLAUSE

- "Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; 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; the views or opinions of another individual about the person whether the information is recorded electronically or otherwise.
- "POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
- The employer undertakes to process the PI of the employee only in accordance with the conditions of lawful processing as set out in terms of POPIA and in terms of the employer's relevant policy available to the employee on request and only to the extent that it is necessary to discharge its obligations and to perform its functions as an employer and within the framework of the employment relationship and as required by South African law.
- The employee acknowledges that the collection of his/her PI is both necessary and requisite as a legal obligation, which falls within the scope of execution of the legal functions and obligations of the employer. The employee therefore irrevocably and unconditionally agrees:
 - That he/she is notified of the purpose and reason for the collection and processing of his or her PI insofar as it relates to the employer's discharge of its obligations and to perform its functions as an employer.
 - That he/she consents and authorises the employer to undertake the collection, processing and further processing of the employee's PI by the employer for the purposes of securing and further facilitating the employee's employment with the employer.
 - Without derogating from the generality of the aforementioned, the employee consents to the employer's collection and processing of PI pursuant to any of the employer's Internet, Email and Interception policies in place insofar as PI of the employee is contained in relevant electronic communications.
 - To make available to the employer all necessary PI required by the employer for the purpose of securing and further facilitating the employee's employment with the employer.
 - To absolve the employer from any liability in terms of POPIA for failing to obtain the employee's consent or to notify the employee of the reason for the processing of any of the employee's PI.
 - To the disclosure of his/her PI by the employer to any third party, where the employer has a legal or contractual duty to disclose such PI.
 - The employee further agrees to the disclosure of his/her PI for any reason enabling the employer to carry out or to comply with any business obligation the employer may have or to pursue a legitimate interest of the employer in order for the employer to perform its business on a day to day basis.
 - The employee authorises the employer to transfer his/her PI outside of the Republic of South Africa for any legitimate business purpose of the employer within the international community. The employer undertakes not to transfer or disclose his/her PI unless it is required for its legitimate business requirements and shall comply strictly with legislative stipulations in this regard.
- The employee acknowledges that during the course of the performance of his/her services, he/she may gain access to and become acquainted with the personal information of certain clients, suppliers and other employees. The employee will treat personal information as a confidential business asset and agrees to respect the privacy of clients, suppliers and other employees.
- To the extent that he/she is exposed to or insofar as PI of other employees or third parties are disclosed to him/her, the employee hereby agree to be bound by appropriate and legally binding confidentiality and non-usage obligations in relation to the PI of third parties or employees.
- Employees may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, either within the organisation or externally, any personal information, unless such information is already publicly known or the disclosure is necessary in order for the employee or person to perform his or her duties on behalf of the employer.

ANNEXURE E: SLA CONFIDENTIALITY CLAUSE**SLA CONFIDENTIALITY CLAUSE**

- "Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; 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; the views or opinions of another individual about the person whether the information is recorded electronically or otherwise.
- "POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.
- The parties acknowledge that for the purposes of this agreement that the parties may come into contact with, or have access to PI and other information that may be classified, or deemed as private or confidential and for which the other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this agreement. Further, it is acknowledged and agreed by the parties that they have the necessary consent to share or disclose the PI and that the information may have value.
- The parties agree that they will at all times comply with POPIA's Regulations and Codes of Conduct and that it shall only collect, use and process PI it comes into contact with pursuant to this agreement in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this agreement.
- The parties agree that it shall put in place, and at all times maintain, appropriate physical, technological and contractual security measures to ensure the protection and confidentiality of PI that it, or its employees, its contractors or other authorised individuals comes into contact with pursuant to this agreement.
- Unless so required by law, the parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, and notwithstanding anything to the contrary contained herein, shall any party in no manner whatsoever transfer any PI out of the Republic of South Africa.

ANNEXURE F: (DEPUTY) INFORMATION OFFICER APPOINTMENT LETTER

DEPUTY / INFORMATION OFFICER APPOINTMENT LETTER

I herewith and with immediate effect appoint you as the Information Officer as required by the Protection of Personal Information Act (Act 4 of 2013). This appointment may at any time be withdrawn or amended in writing.

You are entrusted with the following responsibilities:

- Taking steps to ensure the organisation’s reasonable compliance with the provision of POPIA.
- Keeping the governing body updated about the organisation’s information protection responsibilities under POPIA. For instance, in the case of a security breach, the Information Officer must inform and advise the governing body of their obligations pursuant to POPIA.
- Continually analysing privacy regulations and aligning them with the organisation’s personal information processing procedures. This will include reviewing the organisation’s information protection procedures and related policies.
- Ensuring that POPI Audits are scheduled and conducted on a regular basis.
- Ensuring that the organisation makes it convenient for data subjects who want to update their personal information or submit POPI related complaints to the organisation, to do so. For instance, maintaining a “contact us” facility on the organisation’s website.
- Approving any contracts entered into with operators, employees and other third parties which may have an impact on the personal information held by the organisation. This will include overseeing the amendment of the organisation’s employment contracts and other service level agreements.
- Encouraging compliance with the conditions required for the lawful processing of personal information.
- Ensuring that employees and other persons acting on behalf of the organisation are fully aware of the risks associated with the processing of personal information and that they remain informed about the organisation’s security controls.
- Organising and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of the organisation.
- Addressing employees’ POPIA related questions.
- Addressing all POPIA related requests and complaints made by the organisation’s data subjects.
- Working with the Information Regulator in relation to any ongoing investigations. The Information Officers will therefore act as the contact point for the Information Regulator authority on issues relating to the processing of personal information and will consult with the Information Regulator where appropriate, with regard to any other matter.
- Ensuring that a compliance framework is developed, implemented, monitored and maintained.
- Ensuring that a personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information.
- Ensure that a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- Ensure that internal measures are developed together with adequate systems to process requests for information or access thereto.
- Ensure that internal awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Regulator.
- The information officer shall upon request by any person, provide copies of the manual to that person upon the payment of a fee to be determined by the Regulator from time to time.

I hereby accept the appointment as Deputy / Information Officer	
Name & Surname: Kevin Cousins (Information Officer)	
Signature:	Date:

ANNEXURE F: (DEPUTY) INFORMATION OFFICER APPOINTMENT LETTER

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- Ensuring that POPI Audits are scheduled and conducted on a regular basis.
- Ensuring that the organisation makes it convenient for data subjects who want to update their personal information or submit POPI related complaints to the organisation, to do so. For instance, maintaining a “contact us” facility on the organisation’s website.
- Approving any contracts entered into with operators, employees and other third parties which may have an impact on the personal information held by the organisation. This will include overseeing the amendment of the organisation’s employment contracts and other service level agreements.
- Encouraging compliance with the conditions required for the lawful processing of personal information.
- Ensuring that employees and other persons acting on behalf of the organisation are fully aware of the risks associated with the processing of personal information and that they remain informed about the organisation’s security controls.
- Organising and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of the organisation.
- Addressing employees’ POPIA related questions.
- Addressing all POPIA related requests and complaints made by the organisation’s data subjects.
- Working with the Information Regulator in relation to any ongoing investigations. The Information Officers will therefore act as the contact point for the Information Regulator authority on issues relating to the processing of personal information and will consult with the Information Regulator where appropriate, with regard to any other matter.
- Ensuring that a compliance framework is developed, implemented, monitored and maintained.
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- Ensure that a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- Ensure that internal measures are developed together with adequate systems to process requests for information or access thereto.
- Ensure that internal awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Regulator.
- The information officer shall upon request by any person, provide copies of the manual to that person upon the payment of a fee to be determined by the Regulator from time to time.

I hereby accept the appointment as Deputy / Information Officer

Name & Surname: Greg Oxley (Deputy Information Officer)

Signature: _____ Date: _____

FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....
Signature of data subject/designated person

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p><i>(Please provide detailed reasons for the request)</i></p>

Signed at this day of20.....

.....
Signature of data subject/ designated person

FORM 4

APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 6]

TO: _____

(Name of data subject)

FROM: _____

Contact number(s): _____
Fax number: _____
E-mail address: _____
(Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

.....
Signature of designated person

Date: _____

PART B

I, _____ *(full names of data subject)* hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES:

SPECIFY METHOD OF COMMUNICATION: FAX:
E - MAIL:
SMS:
OTHERS – SPECIFY:

Signed at this day of20.....

.....
Signature of data subject