

 <p>BOMBELA Operating Company (Pty) Ltd</p>	 <p>GAUTRAIN FOR PEOPLE ON THE MOVE</p>
<p>Element</p> <p>Discipline</p>	<p>Management</p> <p>Legal</p>
<p>Prepared by</p>	<p>Sonja van der Merwe</p>
<p>Document type</p> <p>Area/Section</p> <p>Subject</p>	<p>Policy</p> <p>BOMBELA OPERATING COMPANY</p> <p>Protection of Personal Information (POPI) – PRIVACY POLICY prepared in accordance with the Protection of Personal Information Act 4 of 2013</p>
<p>ISSUER-RECIPIENT-TYPE-SEQUENTIAL NUMBER-REV</p>	
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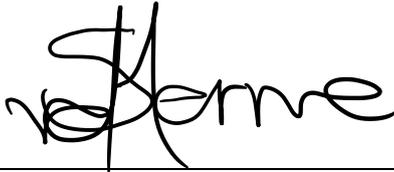
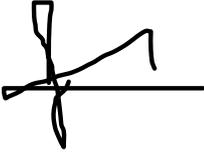
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1 DOCUMENT CONTROL

1.1 Document Approval

Prepared by	Date of signature: <u>07/10/2021</u>
	
	Name: Sonja van der Merwe Title: Legal Assistant
Verified by	Date of signature: <u>07/10/2021</u>
	
	Name: Odette George Title: Legal and Compliance Executive
Approved by	Date of signature: <u>12/10/2021</u>
	
	Name: Nthabiseng Kubheka Title: Chief Executive Officer

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1.2 Document Revision Register

DATE	REVISION	REMARKS
24/10/2018	01	First Issue
27/08/2021	02	Second Issue

1.3 Responsibility

The Legal and Compliance Executive is responsible for the management, implementation and updating of this policy.

1.4 Distribution List

Division	Title	For Action	For Information
Board			X
CEO		X	
All	Executives	X	
All	Level Ds	X	
All	Administrators	X	
All	BOC employees and sub-contractors	X	

1.5 Review of the Document

This document will be reviewed within 60 months of the last date of approval.

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1.6 Reference Documents

Document Number	Document Title
OPE-ALL-MAN-20000002-01	PAIA Manual
OPE-ALL-POL-00010304	Data Breach Incident Policy
OPE-ALL-FRM-20005	Breach Notice
OPE-ALL-POL-00010305	Protection for Employees Policy
OPE-ALL-GUI-00010002	Personal Information Impact Assessment Guide
OPE-ALL-FRM-20003	Data Subject Consent Form
OPE-ALL-FRM-20004	Data Subject Consent Withdrawal Form
OPE-ALL-POL-00010231-02	Data Backup
OPE-ALL-PRD-00010468-07	Document Information Procedure
OPE-ALL-PRD-00010601-01	Information Technology Standards and Procedures

1.7 Definitions and Abbreviations

1.7.1 **BOC** means Bombela Operating Company (Pty) Ltd with registration number 2005/024095/07.

1.7.2 **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information.

1.7.3 **Data Subject** means the person to whom Personal Information relates.

1.7.4 **De-identify**, in relation to Personal Information of a Data Subject, means to delete any information that -

- identifies the Data Subject;
- can be used or manipulated by a reasonably foreseeable method to identify the Data Subject; or
- can be linked by a reasonably foreseeable method to other information that identifies the Data Subject,
- and "De-identified" has a corresponding meaning.

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- 1.7.5 **Operator** means a person who processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that party.
- 1.7.6 **PAIA** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).
- 1.7.7 **Person** means a natural or juristic person.
- 1.7.8 **Personal Information** means information relating to an identifiable Person, including, but not limited to -
- information relating to the race, gender, sex, pregnancy, marital status, national, ethical or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of person;
 - information relating to the education or the medical, financial, criminal or employment history of the person;
 - any identifying number, symbol, e-mail 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 information about the person;
 - the views or opinions of another individual about the person; and
 - 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.
- 1.7.9 **POPI** means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013).
- 1.7.10 **Responsible Party** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and/or means for processing Personal Information.

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2 PURPOSE OF THE DOCUMENT

To identify Personal Information within BOC and specify the conditions that BOC must adhere to in accordance with POPI.

3 SCOPE OF THE DOCUMENT

This policy is applicable to BOC, its employees and affiliates. It is important to understand that BOC, its employees, affiliates and its directors are all regarded as Responsible Parties with regards to the Personal Information that is collected on behalf of BOC. All Responsible Parties are liable and accountable, that means the any person who hinders, obstructs or unlawfully influences the Regulator or person acting on behalf of or under the direction of the Regulator in the performance of the Regulator's duties and functions under POPI, is guilty of an offence. When an employee is found guilty of an offence all the Responsible Parties may be subjected to penalties, administrative fines and, in some cases, imprisonment.

4 INTRODUCTION

- 4.1 When you interact with us, you share Personal Information that we use to make available and improve our services to you. We respect your privacy and are committed to protecting your Personal Information. We want to be transparent with you about how we collect and use your Personal Information in making available our services to you (the **Services**).
- 4.2 This Privacy Policy aims to tell you more about: (i) your privacy rights (ii) how the law protects you and (iii) what information we collect about you, why we collect it, and how you can update, manage, export, and delete any information that you may provide to us through your use of the Services.
- 4.3 This Privacy Policy is also intended to meet our regulatory duties in terms of the Protection of Personal Information Act 4 of 2013 (**POPIA**). The POPIA definition of Personal Information includes information about an individual or business (**data subject**), from which the data subject is either directly identified or can be identified. Some examples of Personal Information are a data subject's name, contact details, identity number and IP address.

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4.4 We review this Privacy Policy regularly. Occasionally, we may need to make changes or additions to this policy that may affect how we handle your data. We will indicate on this page when the policy has last changed. This Policy is available:

4.4.1 at our principal place of business: 1st Floor, Midrand Train Depot, Alsatian Road, Midrand, Gauteng, 1685; and

4.4.2 on our business website, <https://bombelaop.com/>.

5 COMPANY DETAILS

Bombela Operating Company Proprietary Limited is a company incorporated in South Africa under registration number 2005/024095/07. Any mention of “we”, “us” or “our” in this Privacy Policy, refers to this registered company. We are the responsible party that provides the Services and controls the processing of your Personal Information when you use the Services.

6 RIGHTS UNDER POPIA

Under certain circumstances, by law, you have the right to:

- Request access to, and receive a copy of, your Personal Information and check if we are lawfully processing it;
- Report incomplete or inaccurate information, and request the correction of the Personal Information that we hold about you;
- Object to the processing of your Personal Information;
- Request that any or all of your Personal Information is deleted or removed if there is no longer a lawful reason for us to process it;
- Request the transfer of your Personal Information that you initially provided consent for us to use or where we have used this information to perform a contract with you; and/or
- Withdraw your consent for us to process your Personal Information.

If you want to exercise any of the rights described above, please contact us by email at informationofficer@bombelaop.co.za.

You will not have to pay a fee when you request whether or not we hold Personal Information about you. However, if you require a record or a description of the Personal Information that we hold, including information about any third parties with whom we have

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shared or who have access to your Personal Information from us, we may charge a reasonable fee before we are able to comply with your request. We will communicate the exact fee before complying with your request.

We may need to request specific information from you to help us confirm your identity and your right to access your Personal Information (or to exercise any of your other rights). This is a security measure to ensure that Personal Information is not disclosed to any person who has no right to receive it.

7 INFORMATION COLLECTED

7.1 Why do we collect your Personal Information?

We will only use your Personal Information for the purposes for which we collected it, as listed below. There may be circumstances when we will reasonably consider that we need to use your Personal Information for another reason that is compatible with the original purpose that you provided your Personal Information to us.

In respect of each of the purposes for which we use your Personal Information, POPIA requires that we have a legal basis for that use. Most commonly, we will rely on any of the following legal bases:

- 7.1.1 Where we have your specific consent to carry out the processing for the Purpose in question (**Consent**).
- 7.1.2 Where we need to perform a contract we are about to enter into or have entered into with you (**Contractual Necessity**).
- 7.1.3 Where it is necessary for our legitimate interests and your interests and fundamental rights do not override those interests (**Legitimate Interests**).
- 7.1.4 Where we need to comply with a legal or regulatory obligation (**Compliance with Law**).

7.2 What Personal Information we collect and how we use it?

In the course of providing the Services, we collect the following Personal Information, either when it is provided to us by you, where we derive it from your use of the Services, or when it is provided to us through a third party:

- 7.2.1 **Identity data** (first name, surname, company name, trading name): We use this to authenticate you as a customer or service provider and to keep a record of the Personal Information that we process.
- 7.2.2 **Contact details** (telephone number, email address): We use this to communicate with you.
- 7.2.3 **Summaries of conversations**: We use this data that you provide to us when you report a problem or ask a question in respect of our Services or when you request further services from us. If you contact us, we may keep a record of that correspondence. We use this to provide more information about the Services or to help resolve issues experienced using the Services.
- 7.2.4 **Bank account details**: We use this information to process any refunds that may be required through your use of the Services.
- 7.2.5 **Location details**: We use this information to assess the locations of where you make use of the Services, including which train stations and bus stops you depart and arrive at when you use the Services.

7.3 Children

We only collect Personal Information, on the terms set out in this policy, of children under the age of 18 with the explicit consent from their parent or guardian. If you are a parent or guardian of a minor child under the age of 18 who has provided consent for our collection of their Personal Information, you can at any time request us to tell you what Personal Information we have about the minor child and also ask us to delete it at any time. We will ask you to prove your relationship to the minor child and, if you do so, you may (subject to applicable law) request access to the deletion of that minor child's Personal Information.

7.4 Personal Information About Other Individuals

If you give us information on behalf of someone else, you confirm that the other person has appointed you to act on their behalf and has agreed that you can: (i) give consent

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on their behalf to the processing of their Personal Information; (ii) receive any data protection notices on their behalf; and (iii) give consent to the transfer of their Personal Information.

8 THE IMPORTANCE OF PERSONAL INFORMATION

Where we need to process your Personal Information either to comply with law, or to provide the Services to you, or to perform the terms of a contract we have with you, and you fail to provide that data when requested, it may affect the quality and level of service that we can provide to you. This may range from a lack of simple convenience, all the way to not technically being able to provide a service. In this case, we may have to stop you using our Services. We will notify you if this is the case at any time.

9 SHARING OF PERSONAL INFORMATION

The table below describes who we share your Personal Information with, what we share and why we share it.

Recipients	Why we share it
Service Providers	We use a range of partners in order to provide our Services to you. These partners include those that: <ul style="list-style-type: none">• enable us to manage our workflows;• process our accounting transactions;• manage our communications;• collect and store data; and• facilitate payments.
Professional Advisers	Our lawyers, bankers, auditors, BEE advisors, and insurers, to provide consultancy, banking, legal, insurance and accounting services.

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Regulators and other authorities	Authorities may require reporting of processing activities in certain circumstances
Our Client and the Gauteng Provincial Government	<p>We are a private company registered in terms of the company laws of South Africa which was sub-contracted by the Bombela Concession Company (RF) Proprietary Limited to maintain and operate the Gautrain rail system.</p> <p>The Gautrain rail system was implemented as a Public Private Partnership between the Gauteng Provincial Department, as the public partner and Bombela Concession Company (RF) Proprietary Limited, as the concessionaire.</p> <p>We therefore have a duty to report to both these parties in terms of our contractual obligations.</p>
Directors and Shareholders	We are obliged to report back to our shareholders on certain information by law.

10 DATA TRANSFERS

We use all reasonable efforts to ensure that people with whom we share or transfer your Personal Information hold it subject to appropriate safeguards and controls.

11 SECURITY OF PERSONAL INFORMATION

We take your privacy seriously and as such we have policies and technical measures in place to safeguard and protect your personal information against unauthorised access, accidental loss, improper use and disclosure.

We also limit access to your information only on a need-to-know basis to people in our company, and to any third parties who need to have access to the relevant information for the purposes set out in this Privacy Policy.

We have put in place procedures to deal with any actual or suspected Personal Information breaches. We will notify you and guide you through steps to mitigate any damage and stay better protected. In the event of any such breach, we have systems in place to work with the Information Regulator. In addition, in certain circumstances (e.g.,

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where we are legally required to do so) we may notify you of breaches affecting your Personal Information.

12 STORING OF PERSONAL INFORMATION

We keep all of your Personal Information only as long as we need it for the purpose for which you gave us consent and as long as it is legally required if the latter requires us to keep it longer. We have policies in place which we review regularly to ensure that we do not hold on to unnecessary Personal Information.

13 QUERIES

If you have any questions, comments or concerns regarding our use of your Personal Information, you can contact us by email at informationofficer@bombelaop.co.za, or by telephone on the WiseCall toll free number 0800 227 007. We will reply to your complaint as soon as we can.

If you feel that your complaint has not been adequately resolved, POPIA gives you the right to contact the Information Regulator. You can contact the Information Regulator at infoereg@justice.gov.za.