



Protection of Personal Information (POPI) Policy

Recode Media: POPI Policy

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1 About the Recode Media

The Recode Media (“**Recode**”) was registered as a for profit company in 2019 and operates in the video content creation, distribution and digital media space.

2 Purpose of this Policy

The Protection of Personal Information Act 4 of 2013 (“POPI”) gives effect to the constitutional right to privacy, regulates the manner in which personal information may be processed and provides rights and remedies to protect personal information.

2.1 As an employer as well as service provider, the collection and processing of personal information is directly aligned to the execution of Recodes mandate.

2.2 This Policy provides for what must and must not be done at Recode as regards personal information to which Recode becomes privy. The Policy in addition provides procedural guidelines, where appropriate, outlining how the Policy is to be implemented.

2.3 This POPI Policy must be adhered to by all key individuals including directors’ employees and service providers.

3 Principles

3.1 The primary purpose of the POPI Act is to regulate the collection and processing of personal information in a manner that will safeguard such information against unauthorised access and usage.

- 3.2 The purpose of this POPI Policy is to establish the requirements and conditions for the collection, distribution and retention of personal information, in line with the prescripts of the POPI Act and the Promotion of Access to Information Act 2 of 2000 (“**PAIA**”).
- 3.3 This Policy articulates the parameters in the collection, processing, storage, distribution and destruction of personal information by Recode, as aligned to the POPI Act. In addition, this Policy sets out how Recode deals with data subjects’ personal information as well as the purposes for which personal information will be used. This Policy is made available on Recodes website (<https://recodemedia.co.za/>) and by request from our Information Officer, whose details are provided below.

4 **Definitions**

- 4.1 “**consent**” – any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
- 4.2 “**data subject**” – a person to whom the personal information relates. This will include directors, employees, and clients as well as prospective clients of Recode, as well as persons and/or organisations who supply goods or services to Recode, as well as any persons or organisations which communicate and/or conclude any agreement with Recode as well as any persons we are engaged by our clients to communicate with on their behalf;
- 4.3 “**operator**” – as defined in POPIA: 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;
- 4.4 “**person**” – a natural or juristic person.

- 4.5 “**personal information**” – any information in any form (including electronic and paper-based files) relating to an identifiable, living, natural person and, where applicable, an identifiable, existing juristic person. This can include, but is not limited to information relating to the race, 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 a person. It also includes information relating to the education, medical, identifying and biometric information of an individual.
- 4.6 “**processing**” – any activity, automated or manual, concerning personal information. Such activity may include, but is not limited to, collection, receipt, recording, organisation, storage, collation, retrieval, alteration, updating, distribution, dissemination by means of transmission, erasure or destruction of personal information.
- 4.7 “**special personal information**” – this is very sensitive personal information that requires stringent protection. Special personal information includes, but is not limited to, religious beliefs, political affiliations, race and ethnic origin, health, sex life and biometric information;
- 4.8 “**responsible party**” - as defined in POPIA: a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

5 **Collection of personal information**

- 5.1 Recode collects and receives personal information directly and indirectly from data subjects through various sources.
- 5.2 Information is collected by Recode as follows:
- 5.2.1 directly from the data subject;

- 5.2.2 from clients or prospective clients' who may seek Recodes assistance and/or services;
 - 5.2.3 from Recode's suppliers and service providers;
 - 5.2.4 from Recode's own records relating to its previous provision of assistance or responses to the data subject's request for services; and
 - 5.2.5 from third party providers engaged by our clients to manage their contact databases as well as bulk sms and email services;
- 5.3 Recode will not collect personal information regarding a child or individual's religious or philosophical beliefs, trade union membership, political opinions, health or sexual life unless permitted by law or with consent from the data subject or their legal guardian as the case may be.

6 Purpose specification

- 6.1 POPI requires that the data subject be informed of the purpose or reason for the collection of their data so that they may either give consent or refuse it. The purpose for which personal information is collected should be specified at the time the information is being collected. In addition, any further use of the collected personal information should be compatible with the initial purpose of collection.
- 6.2 Recode needs to collect personal information for the following purposes:
- 6.2.1 assessing, processing and entering into employee agreements;
 - 6.2.2 training and assessment purposes;
 - 6.2.3 marketing and advertising;

- 6.2.4 confirming and verifying a prospective clients' credit worthiness, suitability as a client and identity;
- 6.2.5 assessing, entering into agreements with and payment of suppliers and service providers;
- 6.2.6 confirming and verifying a person's identity;
- 6.2.7 providing personalised communication;
- 6.2.8 providing media services to clients including customer relationship management, content creation, digital media management, production services, casting, animation and such other services as Recode may offer from time to time;
- 6.2.9 contacting data subjects on behalf of clients (through client contact databases and the clients third party bulk email and sms services as shall be described below) for the purposes of social media, email and sms campaigns and competitions;
- 6.2.10 audit and record-keeping purposes;
- 6.2.11 in connection with legal proceedings including debt collection;
- 6.2.12 in connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law; and/or
- 6.2.13 for a purpose that is ancillary to the above and for any other purpose for which consent is provided by the data subject;

6.3 This purpose will be explained to the data subject when the information is collected and they may then decide whether to grant Recode, or where applicable their client, consent to collect and process personal information or not.

6.4 In the event that Recode seeks to use the information for another purpose which is different to the purpose for which the information was collected initially, then Recode will contact the data subject to obtain their consent for further processing.

7 Processing limitation and sharing of personal data

7.1 Recode will ensure that the personal information collected from data subjects will be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

7.2 Furthermore, information will be collected directly from the data subject by Recode or third parties authorised by Recode only after consent from the data subject concerned.

7.3 Where Recode acts as operator and processes information of data subjects on behalf of clients for the purposes of digital media campaigns and competitions, Recode shall ensure that consent has been obtained from the data subject concerned, that a suitable opt-out option exists and that the personal data is not processed for longer than necessary for the purpose specified;

7.4 Recode will not process a data subject's personal information without consent unless:

7.4.1 it is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;

7.4.2 the processing complies with an obligation imposed on Recode by law;

7.4.3 the processing protects a legitimate interest of the data subject;

7.4.4 the processing is in the public interest;

7.4.5 Recode's legitimate interests or the legitimate interests of a third party to whom the information is supplied.

8 Consent

8.1 Unless one of the additional conditions listed in paragraph 7.4 above applies, Recode will not collect or process personal information without the consent of the data subject. Consent is normally sought explicitly by Recode, however, there are also some actions and behaviour that may amount to consent. This includes signing an agreement or application or ticking a tick box on an application form whether physical or online.

8.2 No person is compelled to consent to Recodes collection or processing of their personal information, however a refusal to consent may result in a restriction of that person's participation in activities and opportunities coordinated by Recode. Data subjects will be advised of the consequences of not giving consent to Recode for the collection and processing of their personal information as required by law. Data subjects will be made aware that failure to give written consent will result in the data subject's record being invalid and not subject to any performance on the part of Recode.

8.3 The procedure undertaken is that data subjects will be informed of the purpose for which information is being collected and thereafter prompted to give consent to having the information collected and processed. Once consent has been granted to Recode the information will be collected and may only be used for the purpose for which the consent was obtained and purpose which are compatible with that initial purpose.

8.4 In the event that Recode seeks to process a data subject's information for a different purpose to that which consent has been granted, additional consent will be sought for the further processing.

8.5 The data subject may withdraw or revoke their consent at any time. This withdrawal of consent must be communicated to the Information Officer in writing with reasonable notice. The withdrawal of consent is subject to the terms and conditions of any contract that is in place. Should the withdrawal of consent result in the interference of legal obligations, then the withdrawal will only be effective if Recode agrees to same in writing. Recode will inform the data subject of the consequences of the withdrawal where it will result in Recode being unable to provide the requested information and/or services and/or financial or other benefits. The revocation of consent is not retroactive and will not affect disclosures of personal information that have already been made.

9 Disclosure and/or distribution of personal information

9.1 Recode will only use a data subject's personal information for business purposes and in a manner which is consistent with the purpose for which consent has been given.

9.2 In the case of personal information being collected indirectly or distributed to third parties, it will be used in line with the purpose for which the information was collected. No personal information will be disclosed or distributed to third parties unless the disclosure or distribution satisfies any of the conditions listed in paragraph 7.4 above, or prior consent or approval has been given by the data subject.

9.3 Recode may also de-identify personal information and use it for research, surveys and communication in order to improve Recodes offering. This will work solely to improve Recodes operations and broader reach and is not information which can be directly attributed to one person in particular.

9.4 Recode may nevertheless disclose data subjects' personal information where it is required to do so in terms of applicable legislation, or where it may be necessary in order to protect Recodes rights.

9.5 In the event that Recode does share personal information with a third party, it shall take all reasonable steps to ensure that the third party treats the information in a manner which is consistent with this Policy.

10 Recode as Operator

10.1 Recode provides digital media campaign and competition services to certain of its clients. Here Recode runs digital media campaigns under the name and likeness of its client and facilitates the collection of personal information from data subjects such as names, contact numbers, email addresses through online forms. Where Recode does so it:

10.1.1 Specifies the purpose for which data is collected and shall be processed through its client's competition or campaign terms and conditions;

10.1.2 Shall include an opt-in if such personal data is to be used for marketing or advertising purposes;

10.1.3 Provides adequate opt-out functionality from future messaging which results in deletion of personal information from the client database;

10.1.4 Does not store the personal data collected on its own infrastructure. The information so collected is held on data bases of the clients third party bulk email and SMS services providers being Mailchimp and Blazon respectively. Their privacy policies can be accessed at <https://mailchimp.com/legal/privacy/> and <https://www.byblazon.com/privacy>. Only one Recode employee has

password protected and limited access to such client third party service providers;

10.1.5 does not control the purpose for which the data is collected, its storage, period for which the data is retained or deletion which, among other privacy related issues, is subject to the responsible party/client's privacy policy.

11 Retention of personal information

11.1 Where Recode collects personal information for a specific purpose, it will not keep it for longer than is necessary to fulfil that purpose, unless:

11.1.1 further retention is required by law;

11.1.2 Recode reasonably requires it;

11.1.3 retention is required by a contract between the parties; and/or

11.1.4 the data subject consents to further retention.

11.2 Once the purposes for collection have been fulfilled, the personal information may be destroyed in accordance with POPI.

11.3 Where Recode runs digital media campaigns and competitions for its clients as set out in paragraph 10 above, data subjects are given the option to unsubscribe. Once a data subject unsubscribes to the clients SMS or email database their personal information is deleted.

11.4 Where the law requires Recode to keep personal information post its use for a specified period of time, all personal information will be kept securely for the duration specified by law.

12 Safeguards, security and incident management

12.1 Recode strives to ensure the security, integrity and privacy of personal information submitted.

12.2 While no data transmission over the Internet can be guaranteed to be totally secure, Recode will endeavour to take all reasonable steps to protect personal information submitted it online;

12.3 The following methods of protection are in place to ensure that personal information disclosed to Recode is protected:

12.3.1 Recode makes use of cloud servers with adequate security measures in place;

12.3.2 Recode uses Google Drive for company wide document management. Access to files is further restricted on to personnel on a need to know or authority basis. Each manager is responsible for ensuring that the employees under their authority take note of the policies on the implementation and maintenance of document management;

12.3.3 Password protection is active on computers that may contain personal information thereby limiting access to authorised Recode personnel only.

12.3.4 Physical security measures are in place such as the limitation of access to the building which are rented. Only certain key employees have individual offices which are locked with individual keys and no-one is allowed to enter the premises without authorisation. Security measures such as scanning of drivers' licenses occur before access is granted to the premises by the premises personnel;

- 12.3.5 Personal information can only be accessed by employees and management of Recode who deal with the particular record;
- 12.3.6 Recode makes use of a third party project management tool called Chase which provides access to certain personnel of personal information relating to employees and potentially clients and suppliers. The information on Asana is secured through third party security. Chase's privacy policy can be viewed here: <https://www.chasesoftware.biz/>;
- 12.3.7 Recode manages client digital media campaigns and competitions as set out above in clause 10. Recode is given access to clients' Mailchimp (a third party bulk email service) and Blazon (a third party bulk SMS service) on which the client's contact data base is hosted. The Mailchimp and Blazon accounts are managed by the client, are password protected and accessible to the client and only one Recode employee: Rochelle Hendry.
- 12.3.8 Recodes employees are obliged to respect the confidentiality of any personal information held by Recode;
- 12.3.9 Third parties who provide these services are obligated to respect the confidentiality of any personal information;
- 12.3.10 We make use of Afrihost for our email hosting and web hosting. Their privacy policy can be viewed here: https://www.afrihost.com/site/page/privacy_policy.
- 12.4 Recode's Information Officer, whose contact details are provided below, is responsible for the encouragement of compliance with POPI.

12.5 Recode will review and update its security measures in accordance with future legislation and technological advances.

13 Accountability

13.1 Management and Information Officer of Recode are responsible for administering and overseeing the implementation of this Policy and any applicable supporting guidelines and procedures.

13.2 Recode remains responsible for all personal information collected and stored. This includes all and any information collected directly from a data subject and from any other source or authorised third parties. Where we act as operator and process information on behalf of a responsible party our responsibilities shall be that of an operator in terms of the POPI Act.

14 Data subject's access to and correction of personal information

14.1 Data subjects have the right to be informed whether Recode holds their personal information and to view any such personal information Recode may hold. Furthermore, data subjects have the right to be informed as to how that information was collected and to whom their personal information has been disclosed.

14.2 Data subjects may at any time, request disclosed information by contacting Recodes Information Officer using our PAIA request form which is available on our website here: [INSERT HYPERLINK];

14.3 Information requested will be provided to a data subject within a reasonable time.

14.4 Data subjects are entitled to, at any time, inform Recode of any changes to their personal information in the possession of Recode. Upon receipt of any changes to personal

information, Recode will, within a reasonable period, update the personal information. Where Recode acts as an operator for its client as responsible party it shall inform its client of any request for changes to personal information if Recode is not able to make such changes itself. Recode relies largely on data subjects to ensure that their personal information is correct.

14.5 Data subjects have the right to ask Recode to amend or delete their personal information on reasonable grounds.

14.6 Data subjects may be prompted periodically by a representative to update the personal information that Recode holds. Failure to reply to the prompts to update personal information will result in the assumption that all information that is on Recode's systems is accurate.

15 Cross border transfers

As Recode makes use of cloud servers and online document management we envisage that cross border transfers of personal data may occur. We obtain suitable consent for such cross-border transfers.

16 Violations

Violations of this Policy and of POPI will be dealt with by the Information Regulator. A data subject who has a complaint against Recode, either concerning its conduct or this Policy, may refer a complaint to the Information Regulator in terms of sections 63(3) and 74 of POPI.

17 Effective date

This Policy is effective as of 1 July 2021.

18 Queries and objections

18.1 Recodes Information Officer's details are as follows:

- Name: Rochelle Hendry
- Telephone number: +27 72 569 7059
- Postal address: 28 Harley Street, Ferndale, Randburg, 2194
- Physical address: 28 Harley Street, Ferndale, Randburg, 2194
- Website: <https://recodedia.co.za/>
- Email address: info@recode.media.co.za

18.2 All questions and queries relating to personal information must be directed the Information Officer using the contact information listed above and in terms of our Promotion of Access to Information Act ("PAIA") Manual which can be accessed here:
[INSERT HYPERLINK]

18.3 All questions and queries relating to personal information must be directed the Information Officer using the contact information listed above. The Information Regulator has issued the following useful forms for applications for information and granting forms of consent which may be useful for you:

<http://www.justice.gov.za/infoereg/docs/InfoRegSA-RegulationsDraft-Aug2017.pdf>.

18.4 The contact details for the Information Regulator are:

- Name: Adv Pansy Tlakula
- Telephone number: +27 (0) 10 023 5207
- Email address: infoereg@justice.gov.za
- Address: 33 Hoofd Street, Forum III, 3rd Floor Braampark
- Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

19 **Amendments to this Policy**

19.1 Recode will amend this policy periodically.

Data subjects are advised to check Recode's website periodically to ascertain whether any changes have been made. Recode will communicate any material changes to the policy to the data subjects directly

