

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



Approval	Name and Surname	Designation	Signature	Date
Document Owner	Ashael Ramiah	Director: Laboratory		03/04/2023
Reviewed By	Paresh Narsai	Director: Health and Safety		03/04/2023
Approved By	Roshni Dhanjee	Director: Compliance		03/04/2023

1 PURPOSE

The purpose of this Policy is to:

- set a framework to satisfy the standards contained in POPIA;
- set out how QESH processes Personal Information; and
- provide the standards that must be met when processing Personal Information.

2 SCOPE & APPLICABILITY

This Policy applies to:

- QESH's employees, contractors, part-time and temporary workers, and any persons who are employed by other entities to perform work for or on behalf of QESH and are granted access to Personal Information.
- QESH's clients, service providers, and other stakeholders who are in possession of, or have been granted access to Personal Information for which QESH is a Responsible Party or an Operator.
- Anyone from the public who, by accessing QESH's website, has access to Personal Information.

QESH's clients are encouraged to adhere to this Policy to ensure a secure relationship with QESH's operating environment. QESH's clients may use this Policy as a guideline, when doing business with QESH.

This Policy applies to all Processing of Personal Information, both manually and by automatic means, when the Personal Information relates to customer, employee, and supplier data.

This Policy does not replace any policy and should be read in conjunction with other QESH's policies dealing with privacy and data protection.

3 NORMATIVE REFERENCE

The following policy includes provisions and guidelines which, through reference in this text, constitute provisions and guidelines of this QESH Policy. Latest issue¹ of the references shall be used unless otherwise agreed. Other recognised policies may be used provided it can be shown that they meet or exceed the requirements and guidelines of the Policy referenced below.

4 LEGISLATIVE COMPLIANCE

The Company is required to manage its policy documentation within a legislative framework. The legislation directing this Policy is the:

¹ Check the Microsoft Teams Channel to verify that this is the correct version before use.

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



- Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996)
- Protection of Personal Information Act, 2013 (Act No. 4 of 2013)
- Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002)
- King IV Report on Corporate Governance for South Africa
- Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

5 TERMS, DEFINITIONS AND ABBREVIATIONS

5.1 TERMS

For purposes of this Policy, unless otherwise stated, the following definitions relevant to this document shall apply:

Company	means QESH Advisory Services (Pty) Ltd
Data	means the South African legal framework as listed in section 4 above on how to obtain, use and store data of Data Subjects.
Privacy Laws	
Data Subject	means the person to whom Personal Information relates.
Information Officer	means the Chief Executive Officer or delegated official/s of QESH.
Information Regulator	means the Regulator in South Africa tasked with ensuring compliance with POPIA.
Operator	means a person who processes Personal Information for and on behalf of the Responsible Party in terms of a contract or mandate, without coming under the direct authority of the Responsible Party.
Personal Information	means information relating to an identifiable, living natural person and where applicable, an identifiable, existing juristic person as defined under POPIA.
Personal Information of Children	means Personal Information concerning a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him or herself.
Processing	includes the collection, receipt, recording, organization, collation, storage, updating, modification, retrieval, alteration, consultation or use of Personal Information.
Responsible Party	means 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.
Special Personal Information	means Personal Information concerning the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject, or the criminal behaviour of a Data Subject.

5.2 ABBREVIATIONS

The following tables provides abbreviations relevant to this document.

POPIA	Protection of Personal Information Act, 4 of 2013
QESH	QESH Advisory Services (Pty) Ltd
PAIA	Promotion of Access to Information Act, 2 of 2000

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



6 POLICY CONTENT AND GUIDELINES

6.1 POLICY TITLE

The policy is known as [4.2.QESH-0410-PL02 POPIA Compliance - Privacy Policy](#)

6.2 POLICY STATEMENT

POPIA is the law which provides for the protection of the right to privacy. The right to privacy is a constitutional right found under section 14 of the Constitution of the Republic of South Africa, 1996. POPIA has put in place minimum requirements or conditions which must be complied with by public and private bodies when processing Personal Information. It also provides persons with rights and remedies to protect their Personal Information from processing that is not in accordance with the provisions of POPIA.

Information security and data protection is an integral part of QESH's daily responsibilities. QESH has a duty to protect all Personal Information and ensure that only authorised individuals have access to it. Should employees fail to comply with this Policy, QESH could be exposed to security breaches, theft of intellectual property, and/or identity fraud.

Failure to comply with this Policy may also constitute a breach of legislative and/or regulatory requirements.

As QESH, we value people's Personal Information. This Policy establishes QESH's approach to the protection and management of Personal Information when processing that information for its own purposes or on behalf of its customers. This policy focuses on achieving compliance with Applicable Data Privacy Laws, including POPIA.

6.3 GENERAL

All employees share a responsibility in ensuring that this Policy is implemented properly and adhered to in order to ensure the kind of working environment that you wish to work in. This Policy may be amended once the principle has been established to ensure consistency throughout the Company.

This Policy applies in all cases where QESH collects, uses, records, updates, modifies, alters, stores and transfers Personal Information as a Responsible Party.

QESH must provide appropriate training to employees who:

- have permanent or regular access to Personal Information;
- are involved in the collection of Personal Information; or
- are involved in the development of tools used to process Personal Information.

QESH must ensure that modifications, updates to data protection and information sharing policies, legislation, or guidelines are brought to the attention of all staff.

POPIA has 8 Conditions (set out below) that the person must comply with when processing the Data Subject's Personal Information and the Special Personal Information.

6.4 CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION

6.4.1 Condition 1 - Accountability

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



QESH will always comply with any applicable legislation relating to Personal Information (e.g., in South Africa, it is POPIA) and will ensure that, where Personal Information is collected and used, this is done in accordance with such law.

QESH will take measures to ensure that POPIA's Conditions are complied with when it initially determines why and how it processes Personal Information and during the processing itself (section 8 of POPIA).

In cases where QESH is operating in jurisdictions where there are no adequate data protection and privacy laws, it must ensure that the processing of Personal Information in these jurisdictions complies with this Policy.

QESH's Information Officer will be responsible for ensuring that QESH, its employees and service providers all comply with this Policy and with POPIA.

Non-compliance with POPIA presents high risks for QESH: all employees and service providers need to take compliance seriously.

6.4.2 Condition 2 - Processing Limitation

QESH will process Personal Information lawfully and in a way that does not infringe Data Subjects' privacy (section 9 of POPIA).

QESH will only process Personal Information if it is adequate, relevant and not excessive i.e., we will only lawfully collect that amount of Personal Information that is necessary for our purposes (section 10 of POPIA). For example, it is not necessary to request visitors to provide their date of birth when they sign in to access our premises.

We will only process Personal Information if:

- we have obtained consent from the Data Subject;
- we need to do so to ensure completion of a contract with a Data Subject;
- another law obliges us to do so;
- it protects the Data Subject's legitimate interest (e.g. giving out Personal Information to medical staff in an emergency); or
- it is in our or a third party's legitimate interest (e.g. we conduct research and obtain Personal Information of a supplier that has defaulted in order to sue them).

We will allow a Data Subject to withdraw consent to processing or object to processing at any time. If the law permits, we will stop such processing (section 11 of POPIA).

We will always collect Personal Information directly from a Data Subject unless the law permits us to do so in other ways (e.g. if the information is publicly available or the Data Subject has published the Personal Information him/herself) (section 12 of POPIA).

6.4.3 Condition 3 - Purpose Specification

QESH will not collect Personal Information unless it is for a specific and lawful purpose and related to our activities. We will ensure that the Data Subject knows why we are collecting such information, unless the law excuses us from doing so (e.g. it may defeat the objective of a criminal investigation to do so) (section 13 of POPIA).

We will not keep a Data Subject's Personal Information for longer than is necessary to satisfy the purpose for which it was collected and processed. Records of Personal Information can only be retained for longer if the

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



law requires or has authorised us to do so; if we need the record to carry out our activities; if a contract with the Data Subject requires us to; or if the Data Subject has provided us with their consent to retain the record. For further information on principles and conditions to retain or destroy a record, please see our records retention and destruction and records management policies.

We will ensure that we keep records of any Personal Information, used to make a decision, about a Data Subject, for any period required by law, or for a period that will give the Data Subject a reasonable opportunity to request the information.

As soon as we do not have a reason to keep a record of Personal Information, we will dispose the record in line with the Records Retention and Destruction Policy. When disposing a record, we must ensure that the record cannot be reconstructed.

6.4.4 Condition 4 - Further Processing Limitation

If QESH engages in further processing of Personal Information, it will only do so if this is compatible with the original purpose for which the Personal Information was collected or if it is permitted or required by law. An example of further processing is when QESH wishes to share Personal Information with one of its subsidiary companies or affiliates.

Further Processing will be regarded as compatible with the purpose of collection if:

- Data Subject has consented to the further Processing;
- Personal Information is contained in a public record;
- Personal Information has been deliberately made public by the Data Subject;
- Further Processing is necessary to maintain, comply with or exercise any law or legal right; or
- Further Processing is necessary to prevent or mitigate a threat to public health or safety, or the life or health of the Data Subject or a third party.

6.4.5 Condition 5 - Information Quality

QESH will keep Personal Information complete, accurate and up-to-date.

Employees should as far as reasonably practicable use the following guidance when collecting Personal Information:

- Personal Information should be dated when received;
- a record should be kept of where the Personal Information was obtained;
- any updates or changes to Personal Information records should be dated;
- if Personal Information is not necessary, it should be deleted or destroyed; and
- Personal Information should be stored securely using the best security measures offered by QESH.

6.4.6 Condition 6 - Openness

QESH will ensure, that Data Subjects are always told in a clear and comprehensive way how their Personal Information will be used.

QESH must provide Data Subjects with the following information:

- what Personal Information is collected;
- the purpose of collection and Processing of the Personal Information;
- QESH's name, address and contact details;
- whether the supply of their information is voluntary or mandatory;
- the consequences of failing to provide the information;
- the relevant and applicable laws that authorise or require the collection of the information;

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



- whether QESH intends on transferring the information to a third country;
- information about a Data Subject's rights in respect of their Personal Information (including the rights to access and rectify information, to object to the processing of their information and to lodge complaints);
- the uses and disclosures made of their Personal Information (including the secondary uses and disclosures of the information); and
- the recipients or categories of recipients of their Personal Information.

This information must be provided before QESH collects the Personal Information from the Data Subject or, if not practicable to do so at the point of collection, as soon as possible after that.

Where QESH obtains a Data Subject's Personal Information from a source other than that Data Subject, QESH will disclose the source from which the information is collected to the Data Subject when their Personal Information is first recorded or, if it is to be disclosed to a third party, no later than the time when the data is first disclosed (see sections 17 and 18 of POPIA).

6.4.7 Condition 7 - Security Safeguards

QESH will implement appropriate technical and organisational measures to protect Personal Information against accidental or unlawful destruction, being lost or damaged, and from unauthorised disclosure or access.

Written records

- Personal Information records should be kept in locked cabinets.
- Personal Information records should not be left unattended in areas where unauthorised people may access them.
- QESH shall implement and maintain a Clean Desk Policy where all employees shall be required to clear their desks of all Personal Information when leaving their desks for any length of time and at the end of the day.
- Personal Information which is no longer required should be disposed of by shredding; and
- Any loss or theft of, or unauthorised access to, Personal Information must be immediately reported to the Information Officer.

Electronic Records

- All electronically held Personal Information must be saved in a secure database.
- As far as reasonably practicable, no Personal Information should be saved on individual computers, laptops or hand-held devices.
- All computers, laptops and hand-held devices should be access-protected with a password or biometrics scan, with the password being of reasonable complexity and changed frequently.
- QESH must ensure that its Electronic Data Usage Policy is implemented, and that all employees are aware that they are required to lock their computers or laptops when leaving their desks for any length of time and to log off at the end of the day.
- QESH's employees or service providers should use a secure environment on which Personal Information is held.
- QESH's employees must ensure that a memory stick is encrypted where a Personal Information is shared via USB memory stick.
- Electronic Personal Information that is no longer required must be deleted from the individual laptop or computer and the relevant database. The employee must ensure that the information has been completely deleted and is not recoverable; and

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



- Any loss or theft of computers, laptops or other devices which may contain Personal Information must be immediately reported to the Information Technology (IT) department, in line with the Information Security Incident Management and Response Policy.

Relationship with Operators

QESH will ensure that providers of services to QESH also adopt appropriate and reasonable security measures. QESH must enter into written contracts with its Operators to ensure that the Operators process Personal Information in line with POPIA and have adequate and reasonable security safeguards to protect Personal Information they process on behalf of QESH.

6.4.8 Condition 8 - Data Subject participation

Data Subjects are entitled to be supplied with a record of their Personal Information held about them by QESH.

Data Subjects have a right to make a written request to QESH in the manner set out in our PAIA Manual.

Data Subjects are entitled to request rectification, deletion, blocking or completion, as appropriate, of their Personal Information, which is shown to be inaccurate or incomplete and, in certain circumstances, to object to the processing of their Personal Information.

6.5 PROCESSING OF SPECIAL PERSONAL INFORMATION

QESH will only use Special Personal Information if it is necessary to use it.

QESH will assess whether Special Personal Information is required for the proposed use and if it is absolutely necessary in the context of the business. Where QESH is required to process Special Personal Information, specific authorisation is required based on the type of Special Personal Information concerned.

QESH will only use Special Personal Information where the Data Subject's express consent has been obtained, unless QESH has an alternative legitimate basis for doing so consistent with POPIA (see sections 26 to 33 of POPIA).

Further guidance is provided in the Special Personal Information and Personal Information of Children Policy.

6.6 PROCESSING OF PERSONAL INFORMATION OF CHILDREN

QESH will only process Personal Information of Children if it is necessary to use it.

QESH will assess whether Personal Information of Children is required for the proposed use and when it is necessary in the context of the business.

QESH will ensure that the Personal Information of Children is processed in accordance with the Conditions contained in this Privacy Policy and POPIA.

QESH will only use Personal Information of Children where the express consent of a competent person has been obtained, unless QESH has an alternative legitimate basis for doing so consistent with POPIA (see sections 34 and 35 of POPIA).

Further guidance is provided in the Special Personal Information and Personal Information of Children Policy.

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



6.7 DIRECT MARKETING

QESH will not use the Personal Information of Data Subjects for the purpose of direct marketing, unless QESH has obtained the consent of the Data Subject, or the Data Subject is an existing customer of QESH.

QESH can only approach a Data Subject once to obtain the required consent. If the Data Subject objects or does not provide their consent, QESH should not send any further direct marketing communications to such Data Subject.

6.8 AUTOMATED DECISION MAKING

Where decisions are made by automated means, Data Subjects will have the right to know the logic involved in the decision and QESH will take the necessary measures to protect the legitimate interests of such Data Subjects.

No evaluation of, or decision about, a Data Subject which significantly affects them can be based solely on the automated processing of Personal Information, unless measures are taken to protect the legitimate interests of such Data Subjects.

6.9 TRANSFERS OF PERSONAL INFORMATION OUTSIDE THE REPUBLIC

QESH will not transfer Personal Information to third parties outside South Africa, without ensuring adequate protection for the information in accordance with the standards set out by this Privacy Policy.

In principle, transborder transfers of Personal Information to third parties are not allowed without appropriate steps being taken, such as ensuring that the third party is subject to a law, binding corporate rules or binding agreement, which provide an adequate level of protection, signing up to appropriate contractual agreements, or obtaining the consent of Data Subjects, which will protect the Personal Information being transferred in accordance with the standards set out by this Policy.

6.10 OFFENCES AND PENALTIES

Any employee who is found to be in breach of QESH's procedures and policies, will be disciplined based on the company's Disciplinary Code and may lead to dismissal if continually ignored.

Failure to comply with this Policy may further result in:

- the restriction, suspension or termination of the user's access to the network, information, information assets and facilities, including immediate suspension of his or her access or rights pending further investigations; and
- the institution of legal proceedings by QESH, including but not limited to criminal prosecution under applicable laws that may prevail in South Africa from time to time.

7 ROLES AND RESPONSIBILITIES

7.1 Information Officer

The Information Officer is accountable for compliance with Applicable Data Privacy Laws and the Policy.

The Information Officer must ensure that adequate resources are allocated to the privacy awareness and that this Policy is successfully publicised and implemented.

Reference No.	:	4.2.QESH-0410-PL02
Description	:	PRIVACY POLICY
Functional Area	:	0400 Organisation
Document Owner	:	Ashael Ramiah
Effective Date	:	01 Mar 2022
Revision	:	0



Any deviations or exceptions must be approved by the Information Officer.

7.2 IT Department

The IT department must provide appropriate IT facilities/mechanisms to facilitate compliance with this Policy.

7.3 All employees

All employees are responsible for monitoring their compliance with the principles or procedures detailed in this Policy. Departmental managers and supervisors should also monitor compliance on a regular basis.

8 APPROVAL BODY

The Board of Directors of QESH is the authorising body within the Company that provides final approval to the document and any amendments there-of.

9 CONTACT PERSON

If you have any questions regarding the provisions of this Policy, your rights under this Policy or any other data privacy issues, you can contact QESH's Information Officer at the address below, who will either deal with the matter or forward it to the appropriate person or department within QESH.

Postal Address: P.O. Box 70803, Overport, Durban,
KwaZulu-Natal, South Africa, 4067

Street Address: 10 Kyalami Road, Park 2000, Suite 1,
Westmead, Pinetown KwaZulu-Natal, 3610

Telephone Number: 031-700-2500
Fax Number: 031-940-4243
Email: info@qeshsa.com

The Information Officer is responsible for ensuring that changes to this Policy are notified to the business units and to individuals whose Personal Information is processed by QESH.

If you are unhappy about the way in which QESH processed your Personal Information, please approach our Information Officer through the procedure set out in our PAIA Manual.

10 VERSION CONTROL

The following applicable changes applies to the document.

Revision	Paragraph	Description	Change Requested By	Date