

Our reference : Privacy Notice  
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## PRIVACY NOTICE

### Introduction

This privacy notice has been adopted as part of our Personal Information Protection Compliance Framework.

During your interactions with us, it may happen that we need to process some information about you which may constitute personal information for purposes of POPI, which may include accessing it, storing it, merging it with other information, deleting or destroying it, and possibly sharing it with third parties.

In terms of s18 of POPI we are required to bring to your attention certain matters relating your personal information, which we set out in this notice document. **By interacting with us and providing your personal information to us, you acknowledge that you have read and understood this notice and have agreed to the contents hereof. You furthermore authorise us to take any of the actions described herein insofar as your personal information is concerned.**

### Definitions used in this Privacy Notice

Below is a list explaining some of the commonly used terms in this framework and the individual policies forming part hereof:

<b>Data Subject</b>	The person whose personal information is being processed by us or on our behalf. In this document also referred to as "you."
<b>Information Officer</b>	The person internally tasked with ensuring compliance by the Responsible Party, whose duties may be delegated to one or more deputy information officers.
<b>Information Regulator</b>	The office established in terms of POPI to oversee the implementation of, and compliance with POPI.
<b>PAIA</b>	The Promotion of Access to Information Act 2 of 2000.
<b>Personal Information</b>	Any information that pertains to an identifiable Data Subject. POPI lists many examples. These include things like contact information, information about a person's identity, health, religion, education, employment, biometric data, etc.
<b>POPI</b>	The Protection of Personal Information Act 4 of 2013.
<b>Processing</b>	The actions taken in respect of personal information by the responsible party or on their behalf. This includes most forms of interaction with the records containing such information, such as creating new records, transmitting information, storing it, updating it and deleting or destroying it.

<b>Operators</b>	Third party service providers who process personal information on our behalf.
<b>Responsible Party</b>	The person who decides the reason and means by which personal info will be processed. In the context of this policy, we are the responsible party.
<b>Special Personal Information</b>	Certain types of personal information are classified as “special”, which means in most cases that their processing is restricted and subject to additional requirements. This includes information about children, a data subject’s religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal record.

## WHAT POPI REQUIRES OF US

This privacy notice has been developed with specific reference to our duties in terms of POPI and constitutes our commitment to uphold the following conditions:

### Accountability

This condition makes it a requirement for all responsible parties to comply with the other seven conditions. In practice, this is mostly the responsibility of the information officer and his or her deputies. This includes:

- Encouraging compliance within LEGACY ENVIRONMENTAL MANAGEMENT CONSULTING (PTY) LTD.
- Handling information requests.
- Co-operating with the Information Regulator if there is an investigation or query.
- Taking such other measures as may be prescribed by regulation.

### Limitations on processing

This condition is aimed at ensuring that processing of personal information is as limited as possible, with reference to the purpose for which it is processed. It requires that:

- Processing must be done in a lawful manner (i.e. comply with POPI or other applicable laws) and in a reasonable manner, which does not unreasonably infringe on the data subject’s privacy.
- The extent of the personal information that is processed must be limited to such information as is relevant, adequate and not excessive in relation to the reason for processing the information.
- Personal information may be processed if necessary in order to provide a service to a data subject, or if they consent to its processing. The data subject may withdraw this consent, but it may then become impossible to provide them with services.
- Lastly, as far as reasonably possible, personal information must be collected directly from the data subject to whom it pertains and not from third parties, although this is subject to other applicable laws (e.g. FICA), which may require verification with third parties.

### Reasons for processing

This condition relates to the purpose for which personal information is being processed. In most cases, a responsible party must explain to the data subject, what their reason is for needing the information and what they are going to use it for.

## **Quality of information**

A responsible party is required to take “reasonably practicable” steps to ensure that the information it processes is complete, accurate, not misleading and updated where necessary, with reference to the purpose for which the information is being processed. In other words, reasonable systems must be put in place to make it as simple and easy as possible to keep information accurate and up to date.

## **Notices and communication**

This condition relates to communication and notifications to data subjects, which helps them to understand what their information is being used for and how to exercise their rights in respect of their information.

## **Security**

A responsible party is required to take “appropriate, reasonable technical and organisational measures” to prevent loss, damage, unauthorised destruction and unauthorised access to or processing of personal information.

Where a responsible party allows information to be processed by an operator in its behalf, it is required to have a written contract with such operator, wherein the operator agrees to comply with the same security requirements as the responsible party. The Operator must furthermore notify the Responsible Party in the event of a suspected data breach.

In the event of a suspected data breach, a responsible party is required to notify the Information Regulator, as well as affected data subjects.

## **Participation**

This condition relates to a data subject’s rights to access personal information about them and to request corrections, deletion or destruction thereof. The manner in which information may be requested is actually not regulated by POPI, but by PAIA, which is why POPI requires responsible parties to prepare or update their PAIA manuals.

## **CONTACT INFORMATION**

### **Information Officer**

We have appointed an Information Officer in terms of s56 of POPI, read with s17 of PAIA. The Information Officer should be the first point of contact for any queries regarding this framework or any of the policies contained herein. The Information Officer’s details are as follows:

#### **Kim Pontac**

Tel: 021 887 4000

Email: [Kim@legacyemc.co.za](mailto:Kim@legacyemc.co.za)

### **The Information Regulator**

The Information Regulator’s office may be contacted for any queries regarding POPI in general, or to lodge formal documentation. According to the Information Regulator’s website, their contact details are as follows:

**Information Regulator**

33 Hoofd Street  
 Forum III, 3rd Floor Braampark  
 Braamfontein, Johannesburg

Mr Marks Thibela  
 Chief Executive Officer  
 Cell No. +27 (0) 82 746 4173  
 Email: [Mthibela@justice.gov.za](mailto:Mthibela@justice.gov.za)  
[infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

**INFORMATION THAT WE PROCESS**

We process various types of information relating to various data subjects, which will differ depending on your relationship with us.

Please refer to Schedule 1 of this notice for a breakdown of the personal information commonly processed by us.

**HOW WE PROCESS YOUR PERSONAL INFORMATION**

We process personal information by way of digital and physical means. Certain information is processed only by digital means – especially if it was provided to us only in digital format or using one of our digital platforms – and is subject to the safeguards contained in our ICT Security Policy. Other information is captured manually by way of standard application forms. These records are kept in physical format and secured physically, in accordance with our Physical Information Security Policy. Such information is also captured digitally and stored on our digital infrastructure in accordance with the provisions of our ICT Security Policy.

**REASONS FOR PROCESSING PERSONAL INFORMATION**

The proper functioning of LEGACY ENVIRONMENTAL MANAGEMENT CONSULTING (PTY) LTD as a registered company established for the purposes of environmental consulting requires us to process certain personal information. This could be for any of the following reasons:

- To provide information about our organisation and activities to you.
- To provide employment to our staff and interns and to interact with them in the context of the employment relationship.
- To engage with existing clients, customers, organs of state and interested and affected parties about our services and processes.
- To market our services to existing and potential customers or clients.
- To procure services and manage relationships with service providers.
- Any other reason which is integral to our functioning properly as an organisation.

**If requested personal information is not provided to us, we may not be able to properly fulfil the above-mentioned functions, which may result in the relevant interaction being interrupted, or our not engaging in such interaction at all, in our sole discretion. We accept no responsibility for any such interruptions if personal information was requested by us but not provided.**

## **WHERE WE MAY OBTAIN PERSONAL INFORMATION FROM**

In most cases, we will request your personal information directly from you. However, in some cases we may need to obtain it from third parties. This will be the case if you have authorised us to do so, or where the law or the nature of our interaction with you reasonably requires us to do so. If we process your personal information on behalf of one of our customers or clients, then we do so because the said customer or client has warranted to us that they have obtained your authorisation to share such information with us.

We may also be legally required to independently verify some of the information provided to us in terms of applicable anti-terrorism and anti-money laundering legislation (including, but not limited to, the Financial Intelligence Centre Act 38 of 2001, as amended), which may include our accessing government or public directories in order to obtain certain personal information about you.

In some cases, especially if you are an organisation, we may need to obtain personal information relating to third parties (such as your office bearers or employees) from you. You hereby warrant that you have the express and informed consent of such third parties to provide us with any such information and indemnify us against any liability to such third parties, or any other party, as a result of a lack of such authorisation.

If you are a parent or legal guardian of person under the age of 18, you hereby consent to our processing the personal information of your children for the reasons set out above. If you are a person over the age of 18 whose parents previously consented to our processing of your personal information, such consent will remain valid after you turn 18, unless you explicitly revoke it.

Where we need to process information classified as “special” personal information (e.g. medical information or information relating to children) for any of the reasons specified above, you hereby consent to our processing of such special personal information.

## **SHARING PERSONAL INFORMATION WITH THIRD PARTIES**

We may need to share your personal information with third parties. In general, this is limited to transmitting or storing such information through, or on, electronic communication and storage infrastructure administered by third party service providers, which is subject to reasonable security safeguards. However, depending on the nature of our interaction with you, we may need to share some of your personal information with other third parties.

## **INFORMATION LEAVING THE COUNTRY**

We may need to transmit your personal information to a location outside of the country, where it may be processed by third parties. This may, for example, happen while we are communicating with you while you are not in the country, in which case it happens at your behest and on your instruction. It may also happen where our backup infrastructure is located in or administered from another country. In such cases, the transmission and processing of such information is subject to the provisions of s72 of POPI, meaning that the third party to which we may transmit your information will either be subject to laws, or a contract with us, or corporate binding rules, which requires them to employ the same reasonable safeguards in respect of your personal information that we are required to comply with in terms of POPI.

## **RETENTION OF PERSONAL INFORMATION**

In general, we only retain your personal information for the duration of our interactions with you and for a reasonable period thereafter, in order to facilitate further similar interactions. We are, however, in some cases legally required to keep certain information for specific periods of time, which usually does not exceed

a period of 5 years. Please refer to **Schedule 2** of this notice for instances where specific retention periods apply.

Information that we retain for marketing or statistical purposes may be retained indefinitely, provided that you have authorised us to use the information for marketing purposes or, in the case of use for statistical purposes, that the information has been anonymised.

## **INFORMATION SECURITY**

As required by s19 of POPI, the confidentiality and integrity of any personal information processed by us is subject to reasonable technical and organisational safeguards to prevent loss, damage, destruction or unauthorised access, having due regard to generally accepted information security practices and procedures. We will notify you, and the Information Regulator, should we suspect that a data breach has occurred.

**We are not liable to you, or any other person, for any harm, loss, damage, destruction or unauthorised access that may occur despite our implementation of such reasonable safeguards.**

## **YOUR RIGHTS**

In terms of sections 23 and 24 of POPI, you have the right to access, and to request us to correct, any personal information retained by us, subject to the provisions of those sections. Please refer to our **PAIA manual**, for more information on the process to follow in this regard.

You furthermore have the right, in terms of section 11(3) of POPI, to object to our holding of your personal information. Please refer to our **PAIA manual**, for more information on the process to follow in this regard.

Should you wish to lodge a complaint, you may contact the office of the Information Regulator, whose contact details are included above.

## SCHEDULE 1 – TYPES OF PERSONAL INFORMATION PROCESSED

Information type	Why we process it
Identifying and age information, e.g. name, surname, ID number	To identify the data subjects that we interact with or, in some cases, to contact persons related to them (such as next of kin) in the case of an emergency.
Contact information, e.g. telephone numbers, email addresses, etc.	To contact the data subject (or in some cases their next of kin), if necessary.  To enter names on I&AP registers.
Educational and employment information	To assess suitability of job seekers.
Information relating to gender, nationality and ethnicity of employees	To report legally required statistics to the Department of Labour.
Financial information relating to our employees, tenants, clients / customers or service providers	To provide employment-related benefits or remuneration to our employees; or to screen potential employees; or to invoice clients or customers for services rendered; or to pay service providers; and to execute contracts with tenants.
Criminal history of potential employees	To screen potential employees before hiring them.
Contact numbers and addresses of patrons	To communicate in regard to our activities.

## **SCHEDULE 2 – SPECIFIC RETENTION PERIODS IN RESPECT OF CERTAIN INFORMATION**

<b>Information type</b>	<b>Retention period</b>
Information relating to prospective employees	From application date, to the date that a decision is made to hire or not and up to 1 year thereafter.
Employee records	For duration of employment and up to a maximum of 5 years thereafter.
Client information	For the duration of our contract and up to a maximum of 5 years thereafter.
Service provider information	For the duration of our contract and up to a maximum of 5 years thereafter.
Financial records	As long as required in terms of relevant tax laws, as advised by our accountants.
IAP database information	For the duration of the NEMA process and for 1 year after the operation phase or closure of a project or facility.