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AFRO MIAKI GROUP (Pty) Ltd

Department	Human Resources
Procedure Title	Data Privacy Policy
Document & Revision No.	
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	Compliance Reviewer	Process Owner	Approver
Name and Surname			
Title			
Signature			
Date		AFROMIAKI GROUP	

Purpose and Scope of the Procedure

1. SCOPE

The purpose of this Policy is to set out key data protection principles that Afro Miaki Group(Pty) Ltd¹ will adhere to.

Afro Miaki Group (Pty) Ltd, is a major supplier of Recruitment and Executive Search solutions in South Africa and the nature of our business requires us to transfer, access and use personal information across different jurisdictions.

We understand that personal information is valuable, important and sensitive information that needs to be properly dealt with and protected at all times and in all places, which is why we have implemented this Policy.

This Policy applies to all employees of Afro Miaki Group (Pty) Ltd and in all cases where we process personal information both by automatic and manual means, irrespective of whether the personal information relates to our employees, contractors, clients, business contacts or other third parties.

¹ Use of the term Afro Miaki Group(Pty) Ltd covers all firms affiliated with the Afro Miaki Group of Companies


Procedure Title	Procedure / Doc No & Rev	Pages
Data Privacy Policy	Number 1 – 29 April 2021	Page 1 of 8

It is essential that all Afro Miaki Group(Pty) Ltd employees are familiar with this Policy and comply with all of its terms. This Policy should be read alongside our other policies that relate to data retention and usage.

Definitions

2. DEFINITIONS

In this Policy:

- (a) **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;
- (b) **Data subject** means the person to whom the personal information relates;
- (c) **Deputy Information Officer** means the person designated by the Information Officer to ensure compliance with the provisions of applicable data protection laws, and to whom the powers and duties of the Information Officer are delegated. In this context, the Deputy Information Officer is the IT Manager;
- (d) **Information Officer** means the head of Afro Miaki Group (Pty) Ltd, being the General Manager; 
- (e) **Personal Information** takes the meaning ascribed to it in terms of the Protection of Personal Information Act 4 of 2013 and means information relating to an identifiable, living, natural person or, where applicable, an identifiable, existing juristic person;
- (f) **Processing** means the operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including, but not limited to, collection, receipt, recording, organization, storage, updating, modification, dissemination, erasure or destruction;
- (g) **Responsible Party** in this context refers to Afro Miaki Group (Pty) Ltd which determines the purpose of and means for processing personal information; and
- (h) **Special Personal information** means personal information within the purview of section 26 of the Protection of Personal Information Act 4 of 2013.

Procedure Title	Procedure / Doc No & Rev	Pages
Data Privacy Policy	Number 1 – 29 April 2021	Page 2 of 8

Responsibilities and Authorities

3. OUR RESPONSIBILITY

In almost all instances, we process personal information in our capacity as a responsible party.

In particular, we process personal information in our capacity as a responsible party when we provide services to our candidates and clients and/or in interacting with our employees (i.e., Afro Miaki Group (Pty) Ltd processes personal information as a responsible party both in respect of internal stakeholders such as our employees, but also in respect of our external stakeholders which includes, but is not limited to, our candidates and clients). These stakeholders are regarded as being data subjects for purposes of information processing.

We are responsible for ensuring that we comply with relevant data protection laws when processing personal information as a responsible party.

Procedure Title	Procedure / Doc No & Rev	Pages
Data Privacy Policy	Number 1 – 29 April 2021	Page 3 of 8

4. PURPOSE

In our capacity as responsible party, we will process personal information fairly, lawfully and transparently.

In processing personal information of data subjects, we take all reasonable measures to ensure compliance with the conditions for information processing, namely:

- (a) Accountability. In other words, we will ensure that our processing of personal information is lawful and does not unnecessarily infringe upon the privacy of data subjects;
- (b) Processing limitation. In other words, we will ensure that all acts of processing are lawful and reasonable, that it does not infringe the privacy of the data subject and that such personal information is obtained consequent upon having obtained the data subject's consent or through appropriate justification. Personal information will, as far as possible, be obtained directly from the data subject, unless processing can be otherwise justified within the purview of the Protection of Personal Information Act 4 of 2013 (as amended);
- (c) Purposeful processing. In other words, we will ensure that personal information is collected for a clear, specific purpose and that it is only retained for as long as is necessary to achieve said purpose;
- (d) Purposeful further processing. In other words, we will ensure that any additional/further processing of a data subject's personal information is conducted in line with the purpose of the collection;
- (e) Information Quality. We will ensure that the information quality of any personal information processed by Afro Miaki Group (Pty) Ltd as responsible party is complete, accurate, not misleading and updated where necessary;
- (f) Openness. We will ensure transparency in the processing of any personal information. In particular, we will take steps to ensure that the data subject is aware of any personal information collected on the data subject;
- (g) Appropriate security safeguards. We will ensure that adequate security measures are implemented to ensure the integrity and confidentiality of personal information processed by Afro Miaki Group (Pty) Ltd; and
- (h) Data subject participation. We will ensure that the data subject is not only aware of the processing of their personal information, but that he/she/it has a right to participate in the processing of personal information pertaining to him/her/it.

We will only process special personal information where we think it is necessary to do so and where it is permitted under applicable data protection laws.

Procedure Title	Procedure / Doc No & Rev	Pages
Data Privacy Policy	Number 1 – 29 April 2021	Page 4 of 8

5. DATA QUALITY

We will keep personal information accurate and up to date and we encourage individuals to inform us when their personal information changes.

We will rectify any inaccuracy in the personal information we hold promptly upon becoming aware of such inaccuracy.

We will only keep personal information that is adequate, relevant and not excessive, to properly fulfil the purpose for which the personal information is processed.

We will only keep personal information for as long as is necessary for the purpose or purposes for which the personal information is processed, taking into account any applicable legal and regulatory requirements to retain the personal information for a minimum period, limitation, periods for taking legal action, good practice and our business purposes.

6. AVAILABILITY

A copy of this Policy will be made available to all of our employees on our Shared Drive, and any changes hereto will be promptly communicated to our employees.

A copy of this Policy will be provided to our customers, business contractors or third parties upon request.

7. RIGHTS OF PERSONS

We will respect and comply with the rights persons have under applicable data protection laws in respect of the personal information we process in our capacity as a responsible party.

On receipt of a request from a person whose personal information we process in our capacity as a responsible party, unless there is a legitimate reason for not doing so, we will:

- (a) Inform the person of the personal information we hold and process about them;
- (b) Provide the person with a description of the personal information we hold about them, the purpose(s) for which the personal information is held and the recipients or classes of recipients to whom the personal information is, or may be, disclosed; and
- (c) Provide to the individual a copy of the personal information held by us, in intelligible form.
- (d) We may ask an individual for any information that we reasonably require to confirm the identity of the individual making the request and to help us locate the relevant information to which the request relates.

Procedure Title	Procedure / Doc No & Rev	Pages
Data Privacy Policy	Number 1 – 29 April 2021	Page 5 of 8

On receipt of a request from a person, we will promptly rectify or complete their personal information that they have identified is inaccurate or incomplete.

We will not use persons' personal information for marketing purposes where they have indicated to us that they do not want their personal information used for such purposes.

Insofar as requests for personal information is concerned, data subjects and/or third parties are referred to the Information Manual of Afro Miaki Group (Pty) Ltd published in accordance with the provisions of the Promotion of Access to Information Act 2 of 2000 as published on www.afromiaki.com

8. PRIVACY PROTECTION BY DESIGN AND DEFAULT

We will implement the principle of data protection by design and by default across our business.

In particular, we will:

- (a) Take into account data protection compliance in all that we do;
- (b) Carry out data protection impact assessments to assess the impact of our processing operations on the protection of personal information;
- (c) Look to use anonymous data where practicable; and
- (d) Look to ensure that our use of personal information is not excessive and limited to only what we need to provide our services and run our business properly.

9. SECURITY AND CONFIDENTIALITY

We will take appropriate technical and organizational measures to protect personal information against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access, in particular where the processing involves the transmission of information over a network, and against all other unlawful forms of processing (including taking reasonable steps to ensure the reliability of our employees who have access to personal data).

Our employees are under a duty to keep personal information confidential. Such information includes, but is not limited to, personal information of customers, suppliers, service providers and other employees. Any employee who breaches their confidentiality obligation may be subject to disciplinary action up to and including dismissal (where applicable). In this regard, every employee is required to sign a confidentiality undertaking upon commencing employment with Afro Miaki Group (Pty) Ltd.

Procedure Title	Procedure / Doc No & Rev	Pages
Data Privacy Policy	Number 1 – 29 April 2021	Page 6 of 8

10. DATA BREACHES

Where an employee becomes aware of any:

- (a) Actual or potential breach of applicable privacy protection laws; or
- (b) Actual or suspected data breach,

They are under an obligation to notify the Information Officer or Deputy Information Officer immediately (i.e., within 24 hours of gaining awareness of such breach) so that appropriate action may be taken.

11. THIRD PARTY PROCESSORS AND DATA TRANSFERS

If we use a third-party processor to process personal information on our behalf, we will obtain contractual commitments to safeguard the security of the personal information to ensure that the third party only acts on our instructions when using the personal information and that the third party has in place appropriate technical and organizational security measures to safeguard the personal information.

Where we transfer personal data intra-group, we have appropriate safeguards in place to adequately protect the personal information.

We will not transfer personal information to third parties without ensuring that appropriate safeguards are in place to adequately protect the personal information.

12. TRAINING

We will provide appropriate training to our employees to ensure that they are aware of their and our obligations under this Policy and applicable data protection laws.

13. COMPLIANCE

We have Information and Deputy Information Officers who oversee data privacy compliance, including compliance with this Policy.

The Information Officer is able to raise significant data privacy issues with the Board, as he deems fit.

We will keep and maintain appropriate records and documentation to help demonstrate our compliance with this Policy and applicable data protection laws.

We will co-operate with relevant data protection supervisory or regulatory authorities in the performance of their tasks.

Procedure Title	Procedure / Doc No & Rev	Pages
Data Privacy Policy	Number 1 – 29 April 2021	Page 7 of 8

14. DEALING WITH COMPLAINTS

We will look to deal promptly and fairly with any complaints we receive about how we process personal information or our compliance with this Policy.

15. UPDATES OF THIS POLICY

We will communicate any substantive changes to this Policy to all employees.

We will ensure that any new employees are made aware of this Policy upon commencement of employment.

Procedure Change Control

Revision	Date	Nature of Change

