

POPIA Act.

INFORMED CONSENT NOTICE

CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA)

*The Protection of Personal Information Act, No 4 of 2013 promotes the protection of personal information
by public and private bodies.*

POLICY

iMbobo

(Imbobo App NPC)

NPC Reg No.: 2021/539541/08

Protection, monitoring & enforcement

of

compliance by Public and Private bodies

Attention:

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Email:

Tel:

INFORMED CONSENT NOTICE

CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013 (POPIA)

Document by:

Imbobo App NPC

Unit A1, A2, A3 Halfway Gardens Office Park

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South Africa

(Effective Date: 01 July 2021)



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1. **ABOUT POPIA**

The Protection of Personal Information Act, 4 of 2013, ("POPIA") regulates and controls the processing of a person or legal entity's Personal Information, which processing includes the collection, use, and transfer of a person or legal entity's Personal Information.

2. **POPIA DEFINITIONS**

In order to understand the implications of this document and the objectives of POPIA the reader is to take note of the definitions which are set out under POPIA and which will be used throughout this Informed Consent Notice and which may be used in the interpretation of this document.

3. **EXPLANATORY NOTES**

In order to understand the implications of this document and the objectives of POPIA the reader is to take note of the definitions which are set out under POPIA and which will be used throughout this Informed Consent Notice and which may be used in the interpretation of this document.

3.1 In terms of POPIA, where a Responsible Party processes a Data Subject's Personal Information, the Responsible Party has a legal duty to protect that Data Subject's Personal Information in a lawful, legitimate and responsible manner and in accordance with the provisions of POPIA read together with the 8 core processing conditions set out under POPIA.

3.2 Furthermore, unless the processing-

3.2.1 is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party; or

3.2.2 is required and complies with an obligation imposed by law on either the Data Subject or the Responsible Party; or

3.2.3 is necessary to protect the legitimate interest (s) of the Data Subject or the Responsible Party; or or

3.2.4 is necessary for the proper performance of a public law duty by a public body; or

3.2.5 is necessary for pursuing the Data Subject or the Responsible Party's legitimate interests, or that of a third party to whom the Personal Information is supplied, all processing of a Data Subject's Personal Information must be done with the Data Subject's express and informed consent and permission - i.e. the Data Subject has to consent to the processing of his/her/ its Personal Information.

3.3 Imbobo App NPC does and will from time to time process Personal Information which belongs to, or which is held by a Data Subject.

3.4 Following this, in order to comply with POPIA, Imbobo App NPC in its capacity as the Responsible Party, requires your / the Data Subject's consent and express and implied permission to process your / the Data Subject's Personal Information.



4. PURPOSE OF THIS INFORMED CONSENT DOCUMENT

4.1 This Informed Consent Notice explains and sets out.

- 4.1.1 what Personal Information belonging to you / the Data Subject will be processed by Imbobo App NPC;
- 4.1.2 why Imbobo App NPC needs your / the Data Subject's Personal Information;
- 4.1.3 what Imbobo App NPC will be doing with your / the Data Subject's Personal Information;
- 4.1.4 who Imbobo App NPC will be sharing your / the Data Subject's Personal Information with;
- 4.1.5 what Imbobo App NPC will do with your / the Data Subject's Personal Information once the purpose for the processing comes to an end.

5. APPLICATION OF THIS INFORMED CONSENT NOTICE

5.1 This Informed Consent Notice will apply to

- Imbobo App NPC,
- to you / the Data Subject, and
- to your / the Data Subject's Personal Information,

which is processed or may be processed or further processed by Imbobo App NPC including any processing or further processing of your / the Data Subject's Personal Information by any Operators duly appointed by Imbobo App NPC.

6. APPLICATION OF THIS INFORMED CONSENT NOTICE

6.1 In order for Imbobo App NPC to engage with you / the Data Subject, Imbobo App NPC needs to process your / the Data Subject's Personal Information including certain Special Personal Information pertaining to you/ the Data Subject, which Personal Information will be used for a number of legitimate purposes, including, inter alia, the following:

- 6.1.1 *To comply with contractual relationship between Imbobo App NPC and yourself regarding Software & Mobile App Development, Cloud & Web Computing (SaaS, Paas & IaaS), Systems Integration, Data Migration, ICT Infrastructure Support & Supply, Dedicated & Managed Server Hosting, Backup & Disaster Recovery, Records Management, Document Warehousing, Hardware Manufacturing, Microchip Programming, Engineering Services and Research & Development (RnD) services pursuant to the relationship between Imbobo App NPC and yourself from time to time.*



- 6.2 You / the Data Subject agree and give Imbobo App NPC permission to process and further process all Personal Information which you / the Data Subject will or have provided to Imbobo App NPC, including all Personal Information which has been requested by Imbobo App NPC or provided by you/ the Data Subject on a voluntary basis.
- 6.3 Imbobo App NPC in turn undertakes that it will only use your / the Data Subject's Personal Information referred to above for the purposes set out under this Informed Consent document and for no other purpose, unless with your / the Data Subject's express and prior permission.

7. CONSEQUENCES OF YOU WITHHOLDING CONSENT OR PERSONAL INFORMATION

- 7.1 Should you / the Data Subject refuse to provide Imbobo App NPC with your Personal Information, which information is required by Imbobo App NPC for the purposes indicated above, together with the required and requisite consent to process the aforementioned Personal Information, then Imbobo App NPC will be unable to engage with you / the Data Subject.

8. UNDERPINNING PRIVACY POLICY

For further information you can access the Imbobo App NPC Privacy Notice on www.imbobo.org.za/privacy-policy. The Imbobo App NPC Privacy Notice deals specifically with the following aspects regarding the processing of your personal information-

- 8.1 storage and retention and destruction of information
- 8.2 access by others and cross border transfer
- 8.3 Right to object and complaints
- 8.4 accuracy of information and onus
- 8.5 access to the information by the data subject
- 8.6 amendments to the privacy notice

9. OBLIGATION OF THE DATA SUBJECT

- 9.1 It is the responsibility of the Data Subject to provide to Imbobo App NPC personal information that is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then, in such an event, the Data Subject undertake to advise the Imbobo App NPC or its Operator (s) of these changes.
- 9.2 By providing the required Personal Information to Imbobo App NPC and / or to its Operator (s), the Data Subject consent and give Imbobo App NPC and informed permission to process and further process the Data Subject's Personal Information as and where required and acknowledge that the Data Subject understand the purposes for which the Personal Information is required and for which it will be used.



9.3 Furthermore, should any of the Personal Information which has been provided by the Data Subject concern or pertain to a legal entity whom you represent, you confirm that you have the necessary authority to act on behalf of such legal entity/ Data Subject and that you have the right to provide the Personal Information and / or the required consent to use said Personal Information to Imbobo App NPC, on behalf of the aforementioned legal entity.

For further information you can contact us at "information.officer@imbobo.org.za".

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Rudzani A. Mulovhedzi

Signatory: Chief Financial Officer (CFO) / Information Officer

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01 July 2021
(*Effective Date*)

Organization:

Authorised Signatory:

Authority / Position:

Date:

