

Respiratory Care Africa

Reg No: 1998/17606 | VAT No: 4940179676 | [www.rca.co.za](http://www.rca.co.za)

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## COMPANY SECRETARY PROCESSING NOTICE

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## 1. PURPOSE OF THIS NOTICE AND TERMS USED

1.1 In order to do business, Respiratory Care Africa, and its subsidiaries and affiliated companies as well as its trading partners (hereinafter referred to as “we”, “us”, “Company” or “the company”) in our capacity as a Responsible Party, will have to process Personal Information, and in doing so, will have to comply with a law as the Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as “POPIA”), which regulates and controls the processing of a legal entity's and/or an individual's Personal Information in South Africa, (hereinafter referred to as a “Data Subject”), which processing includes the collection, use, and transfer of a Data Subject's Personal Information.

1.2 In terms of POPIA, where a person processes another's Personal Information, such processing must be done in a lawful, legitimate, and responsible manner and in accordance with the provisions, principles and conditions set out under POPIA.

1.3 In order to comply with POPIA, a Responsible Party processing a Data Subject's Personal Information must:

1.3.1 provide the Data Subject with several details pertaining to the processing of the Data Subject's Personal Information, before such information is processed; and

1.3.2 get permission or consent, explicitly or implied, from the Data Subject, to process his / her / its Personal Information, **unless** such processing:

- is necessary to carry out actions for the **conclusion or performance of a contract** to which the Data Subject of the Personal Information is a party;
- is required to comply with an **obligation imposed by law**; or
- **is for a legitimate purpose or is necessary to protect the legitimate interest** (s) and/or for pursuing the legitimate interests of i) the Data Subject; ii) the Responsible Party; or iii) that of a third-party to whom the Personal Information is supplied; or
- is necessary for the proper performance of a **public law duty**.

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1.4 In accordance with the requirements of POPIA, and because your privacy and trust is important to us, we set out below how we, the Company collect, use, and share your Personal Information and the reasons why we need to use and process your Personal Information.

## 2. APPLICATION

2.1 This Processing Notice applies to the following persons:

2.1.1 **Interactors:** persons who interact with us, physically or via email or via our websites, applications, mobile applications, or social media portals or platforms, or who come onto our sites and/or who enter our offices or facilities.

2.1.2 **Users of our Sites:** persons who use our websites, applications, mobile applications, email, or social media portals or platforms whether to simply communicate with us, find out more about us, to make enquiries about us, or our products or services or where persons want to do business with us, be it providing

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or selling to us certain goods and services or receiving or buying from us, certain goods, and services.

2.1.3 **Applicants:** persons who wish to apply to do business with us, including the sale or provision of goods or services to us, or who want to purchase from us certain goods or services, including persons or entities who are submitting applications to do business with us, responses to requests for Proposals or tenders, (RFQ/T's) or who are submitting credit applications and/or quotations or estimates;

2.1.4 **Customers and Clients - potential and actual:** persons who are desirous of, or who do use and or purchase our products or services, who receive marketing communications and/or who communicate with us physically or via email or via our websites, applications, mobile applications, or social media portals or platforms, and/or who come onto our sites, facilities and/or who enter our offices.

2.1.5 **Contractors, Vendors and Service Providers - potential or actual:** persons who are desirous of, or who do provide us with goods, and services, or who we provide goods and services to, including consultancy and infrastructure related services and who we interact and communicate with, either physically or via email or via our websites, applications, mobile applications, or social media portals or platforms, and/or who come onto our sites, facilities and/or who enter our offices.

2.1.6 **Regulators and Public Bodies:** persons who we engage with to discharge legal and public duty obligations, including as an example SARS, National Treasury, Department of Labour, the Financial Sector Conduct Authority, The Information Regulator, etc.

2.1.7 **Business partners:** whether in their capacity as an Operator or not, who provide services, goods and other benefits to us, our employees or to our customers, clients and service providers, such as medical aids, pension or provident funds, insurances, financial service providers, providers of administration related services, financial service providers, advertising, marketing or PR agencies, wellness, health and/or medical providers, auditors and attorneys.

2.1.8 **Recipients of marketing and promotional materials and communications:** persons who have given us permission, as a customer, or permission in the context of a sale of our goods or services, or who have entered a competition or

COMPANY Procurement and Supply Chain Processing Notice 2021 Page 3 promotion carried out by the Company, **permission to provide them with various marketing materials**, including direct marketing materials and/or other promotional related materials and communications and who have not opted out of such communications.

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### 3. PURPOSE FOR PROCESSING YOUR PERSONAL INFORMATION

3.1 Your Personal Information will be processed by us for the following purposes:

SUMMARY OF THE PURPOSE OF COLLECTION	<b>Lawfulness</b> <b>Consent required</b>
<p><b>Due diligence purposes – legitimate purpose:</b> To carry out a due diligence before we decide to engage or interact with you, including obtaining and verifying your credentials, including your personal details, medical status, health history and related records, education and employment history and qualifications, credit and financial status and history, tax status, B-BBEE status, and or any performance or employee related history.</p> <p><b>Lawfulness - YES</b>  <b>Consent required – NO</b></p>	
<p><b>Contract purposes - assessment and conclusion of a contract:</b> To investigate whether we are able or willing to conclude a contract with you based on the findings of any due diligence detailed above, and if the assessment is in order, to conclude a contract with you.</p> <p><b>Lawfulness - YES</b>  <b>Consent required - NO</b></p>	
<p><b>Attending to administration and financial matters - conclusion of a contract and legitimate interest:</b> To manage and operate the activities of the Company, including providing director, trustee committee member or executive and/or shareholder details to third parties, including banks, regulators and trading partners and service providers or third parties who may request same, to administer company secretarial records, books, Company records, accounts, or profiles, which may be related to you as a director, trustee, executive, committee member or a security or share holder including registrations,</p> <p>subscriptions, issuing of share scripts, documenting, and recording the purchase, sale and issuing of shares or securities, sending out meeting agendas and notices, recording meeting minutes and resolutions, attending to billing fees, costs and charges, carrying out calculations, quoting, invoicing, receiving payments or paying dividends or refunds, attending to tax payments, paying executive, trustee or director fees or expenses, and related taxes on their behalf, and / or performing reconciliations and financial management in general.</p> <p><b>Lawfulness - YES</b>  <b>Consent required – NO</b></p>	

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**Legal obligations, litigation, insurance, and public duties:** To comply with the law and to perform or discharge legal obligations, including the requirement to register with regulators, obtain and hold permits and certificates, register for VAT, Tax, PAYE, SDL, COIDA and UIF etc. and to pay levies and fees due in respect thereof, by the Company or on behalf of others, To submit legal or statutory reports or provide various regulatory or statutory notices or returns, to litigate and/or to pursue or defend legal claims or collections, to attend to insurance claims and related procedures, to respond to a request or order from a SAPS official, investigator or court official, regulator, or public authority.

**Lawfulness - YES**

**Consent required – NO**

**Occupational health - compliance with laws:** To manage in the case of directors, executives, committee members, and trustees, occupational health, time and attendances, absences, and fitness for roles and if applicable, notifying next of kin or family members of any incident or accident, especially in any case of emergency.

**Lawfulness - YES**

**Consent required – NO**

**Travel - contractual:** To facilitate travel requirements and related travel-related arrangements and support including booking of flights, car hire, accommodation, conference attendances, meal arrangements, insurance, and emergency support services.

**Lawfulness - YES**

**Consent required - NO**

**B-BBEE - compliance with laws:** To comply with B-BBEE, implement B-BBEE policy and procedures and initiatives, to monitor or report on B-BBEE matters, to manage B-BBEE opportunities and related diversity issues, including but not limited to processing age, gender, ethnicity, nationality, religion, disability, sexual orientation, and marital or family status.

**Lawfulness - YES**

**Consent required – NO**

**Security purposes - legitimate purpose and to comply with laws:** to permit you access to our offices, facilities, manufacturing or parking areas, as well as to controlled areas, for the purposes of monitoring via CCTV, your interaction and access in and from our facilities described above, and for general risk management, security, and emergency incident control purposes as well as for data and cybersecurity purposes.

**Lawfulness – YES**

**Consent required - NO**

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**Marketing and electronic communications related thereto – consent required:** To provide you with communications regarding us, our goods, and services and or to provide you with other notifications, competitions, programs, events, or updates that you may have registered or asked for, and to send you offers, advertising, and marketing materials, including providing personalized advertising to you, save where you have opted out of this activity.

**Consent required****COMPANY Procurement and Supply Chain Processing Notice 2021 Page 6**

**Internal research and development purposes - consent required:** To conduct internal research and development for new content, products, and services, and to improve, test, and enhance the features and functions of our current goods and services.

**Lawfulness - YES****Consent required - NO**

**Sale, merger, acquisition, or other disposition of our business - our Legitimate interest-** To proceed with any proposed or actual sale, merger, acquisition, or other disposition of our business (including in connection with any bankruptcy or similar proceedings).

**Lawfulness - YES****Consent required - NO**

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To engage and/or interact with you, for the purposes described above, we will have to process certain types of your Personal Information, as described below:

**Contact information**, such as name, alias, address, identity number, passport number, security number, phone number, cell phone number, vehicle make and registration number, social media user ID, email address, and similar contact data, serial numbers of equipment, details regard the possession of dangerous weapons, and other contact information including details of your employer, memberships, or affiliations, such as the name of your employer or organization that you are a member of, information about your colleagues or those within your organization, your status with an organization, and similar data, which are required for various legitimate interest, contractual and/or lawful reasons.

**Lawfulness - YES****Consent required - NO**

**Specific identifiers**, which are required to protect legitimate interests, comply with legal obligations or public legal duties, or to accommodate you in our workplaces, such as your race (B-BBEE related), sexual and medical history including any medical conditions (to comply with laws and related to correct and fair treatment issues), trade union matters (To comply with laws and related to correct and fair treatment issues), and financial, credit, deviant and criminal history (to protect our legitimate interests and to perform risk assessments).

**Lawfulness - YES****Consent required - NO**

**Financial and Account Information**, such as billing address, billing contact details, and similar data, tax numbers and VAT numbers, banking details and similar data, which are required to perform financial and contractual matters and to comply with laws.

**Lawfulness - YES****Consent required - NO**

**Your Image**, such as still pictures, video, voice, and other similar data, which are required to perform contractual matters and/or to provide you access to services or attend to queries or to ensure that security safeguards are in place.

**Lawfulness - YES****Consent required – NO**

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**Career, Education, and Employment Related Information**, such as work performance and history, nationality and immigration status, demographic data, disability-related information, professional licensure information and related compliance activities, accreditations and other accolades, education history (including schools attended, academic degrees or areas of study, academic performance, and rankings), and similar data, which are required for contractual or consultancy related matters or which are required to comply with laws and public duties.

Lawfulness - YES

Consent required - NO

**Health records** such as medical status and history, examinations, blood type, medical aid history, disability-related information, biometrics, medicals, psychometrics, and similar data, which are required for contractual related matters, or which are required to comply with laws and public duties.

**Lawfulness - YES****Consent required - NO**



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## **5. SOURCES OF INFORMATION - HOW AND WHERE DO WE COLLECT YOUR PERSONAL INFORMATION FORM**

5.1 Depending on your requirements, we will collect and obtain Personal Information about you either directly from you, from certain third parties, or from other sources which are described below:

### **Direct collection**

You provide Personal Information to us when you:

- express an interest in us;
- respond to our communication sent to you;
- make contact with or interact with us; and invited to become or are appointed as a director, shareholder, trustee, committee member, or executive;
- create or maintain a profile or account with us;
- conclude a contract with us;
- purchase or subscribe to our goods or services, including our shares or securities;
- register for or attend one of our events or locations;
- request or sign up for information, including marketing material.

### **Automatic collection:**

We collect Personal Information automatically from you when you:

- make contact with us electronically;
- search for, visit, interact with, or use our websites or social media portals or platforms;
- use our goods or services (including through a device);
- access, use, or download content from us;
- open emails or click on links in emails or advertisements from us;
- otherwise interact or communicate with us (such as when you attend one of our events or locations, when you request support or send us information, or when you mention or post to our social media accounts).

### **Collection from third parties:**

We collect Personal Information about you from third parties, such as:

- Those who a relationship with or that provide or publish Personal Information related to you.
- Regulators, professional or industry organizations and certification / licensure agencies that provide or publish Personal Information related to you.
- Third parties and affiliates who deal with or interact with us or you.

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- Service providers and business partners who work with us and that we may utilize to deliver certain content, products, or services.
- Marketing, sales generation, and recruiting business partners.
- SAPS, Home Affairs, Credit bureaus and other similar agencies.
- Other government agencies, regulators and others who release or publish public records.
- Other publicly or generally available sources, such as social media sites, public and online websites, open databases, and data in the public domain.

## 6. HOW WE SHARE INFORMATION

We share Personal Information for the purposes set out in this Privacy Notice with the following categories of recipients:

**Company employees, directors, trustees, executives, committee members, and affiliates.** We may share your Personal Information amongst our employees, directors, trustees, executives and affiliates and our subsidiary companies for business, legal and operational purposes.

**Lawfulness – YES**

**Consent required – NO**

**Business Partners.** We may share your Personal Information with our business partners.

**Lawfulness – YES**

**Consent required – NO**

**Third Party Service Providers.** We may share your Personal Information with our third-party service providers to perform tasks on our behalf and which are related to our relationship with you.

**Lawfulness – YES**

**Consent required – NO**

**IT and Cyber Third-Party Service Providers.** We may share your Personal Information with our cyber service providers to perform tasks on our behalf and which are related to our relationship with you.

**Lawfulness – YES**

**Consent required – NO**

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**PR Agencies and Advertisers.** We may share your Personal Information with advertisers, advertising exchanges, and marketing agencies that we engage for promotional, advertising and marketing activities or who we use for the printing of our reports, brochures, and other communications.

**Lawfulness – YES**

**Consent required – NO**

**Regulators and law enforcement agencies.** We may disclose your Personal Information to regulators and other governmental bodies and agencies, including organs of state and parastatals, to comply with any applicable law or regulation, to comply with or respond to a legal process or law enforcement or governmental request.

**Lawfulness – YES**

**Consent required – NO**

**Merger, Sale, or Change of Control.** We may share your Personal Information to a third-party entity as part of a merger, acquisition, sale, or other change of control activity.

**Lawfulness – YES**

**Consent required – NO**

**Other Disclosures.** We may disclose your Personal Information to third parties if we reasonably believe that disclosure of such information is helpful or reasonably necessary to enforce our terms and conditions or other rights (including investigations of potential violations of our rights), to detect, prevent, or address fraud or security issues, or to protect against harm to the rights, property, or safety of the group, our employees, any users, or the public.

**Lawfulness – YES**

**Consent required – NO**

## 7. SECURITY OF INFORMATION

7.1 The security of your Personal Information is important to us. Taking into account the nature, scope, context, and purposes of processing Personal Information, as well as the risks to individuals of varying likelihood and severity, we have implemented technical and organizational measures designed to protect the security of Personal Information. In this regard we will conduct regular audits regarding the safety and the security of your Personal Information.

7.2 Your Personal Information will be stored electronically and in some cases in hard copy in files and records, which information, for operational reasons, will be accessible to and or provided to persons employed or contracted by us on a need to know basis.

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7.3 Once your Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end, such Personal Information will be retained in accordance with the Company records retention schedule, which varies depending on the type of processing, the purpose for such processing, the business function, record classes, and record types. We calculate retention periods based upon and reserve the right to retain Personal Information for the periods that the Personal Information is needed to: (a) fulfil the purposes described in this Processing Notice, (b) meet the timelines determined or recommended by regulators, professional bodies, or associations, (c) comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and (d) comply with your requests.

7.4 Notwithstanding the contents housed under clauses 7 and 8, please note that no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable measures designed to protect Personal Information, we cannot guarantee its absolute security.

**8. ACCESS BY OTHERS AND CROSS BORDER TRANSFER**

8.1 The Company may from time to time have to disclose your Personal Information to other parties, including the Company subsidiaries, trading partners, agents, auditors, organs of state, regulatory bodies and/or national governmental, provincial, or local government municipal officials, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing your Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

8.2 Where Personal Information and related data is transferred to a country which is situated outside South Africa, your Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information concludes an agreement which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which will be to a no lesser set of standards than those imposed by POPIA.

**9. YOUR RIGHTS**

9.1 You as a Data Subject have certain rights, which are detailed below:

- The right of access - You may ask the Company (free of charge) to confirm that we hold your Personal Information, or ask us to provide you with details, (at a fee) on how we have processed your Personal Information, which request must be done by following the process set out under the Company PAIA Manual.
- The right to rectification - You have the right to ask us to update or rectify any inaccurate Personal Information which we hold of yours, which can be done by accessing the update / rectification request.
- The right to object to and restrict further processing - Where we do not need your consent to process your Personal Information, but you are not in agreement with such processing, you may lodge an objection to such processing by accessing the objection request.

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- The right to withdraw consent - Where you have provided us with consent to process your Personal Information, you must right to subsequently withdraw your consent, which can be done by accessing the withdrawal of consent request.

9.2 These rights may be exercised by using the relevant forms housed on the Company website at: <https://rca.co.za/legal/>

**10. CHANGES TO THIS PRIVACY STATEMENT**

10.1 As the Company changes over time, this Processing Notice is expected to change as well.

10.2 The COMPANY reserves the right to amend the Processing Notice at any time, for any reason, and without notice to you other than the posting of the updated Processing Notice on the Company Website.

10.3 We therefore request that you to visit our website frequently to keep abreast with any changes.

**11. PROCESSING OTHER PERSONS PERSONAL INFORMATION**

11.1 If you process another's Personal Information on the Company's behalf, or which we provide to you to perform your contractual or legal obligations or to protect any legitimate interest, you will:

- if you are processing such Personal Information as our Operator as defined under POPIA, process all and any such Personal Information in compliance with the obligations set out under our standard "Operator Agreement" housed on our website; or
- where not acting as an Operator, nonetheless, keep such information confidential and secure as per POPIA and you will not, unless authorized to do so, process, publish, make accessible, or use in any other way such Personal Information unless in the course and scope of your duties, and only for the purpose for which the information has been received and granted to you, and related to the duties assigned to you.

**12. COMPLAINTS OR QUERIES - CONTACT US**

12.1 Any comments, questions or suggestions about this Processing Notice or our handling of your Personal Information should be emailed to our Information or Deputy Information officers housed under ANNEXURE "INFORMATION OFFICER" below.

12.2 Should you wish to discuss a complaint, please feel free to contact us using the details provided above. All complaints will be treated in a confidential manner.

12.3 Our offices are open 9:00 am – 4:00 pm GMT, Monday to Friday.

12.4 Should you feel unsatisfied with our handling of your Personal Information, or about any complaint that you have made to us, you are entitled to escalate your complaint to the South African, Information Regulator who can be contacted at <https://www.justice.gov.za/inforeg/>

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### 13. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT

13.1 By providing the Company with the Personal Information which we require from you as listed under this Processing Notice:

- you acknowledge that you understand why your Personal Information needs to be processed
- you accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information cross border; where consent is required for any processing as reflected in this Processing notice, you agree that we may process this Personal Information.

13.2 Where you provide us with another person's Personal Information for processing, you confirm that that you have obtained the required permission from such person(s) to provide us with their Personal Information for processing.

13.3 The rights and obligations of the parties under this Processing Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable.

13.4 Should any of the Personal Information 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 and that you have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organization or entities' Personal Information.