



## **PROTECTION OF INFORMATION AND PRIVACY POLICY**

### **PURQ (Pty) LTD**

A private company with registration number 2004/030690/07, incorporated in terms of the Companies Act No 71 of 2008

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## 1 Introduction & Overview

### 1.1 About PURQ

PURQ's focus is on a range of products for academic institutions, students, alumni, background screening companies, credit bureaus and banks. PURQ's products and services focus primarily on POPI Act compliance, managing risk, creating value, quick turn-around times and savings with reference to "qualification and enrolment data" for the membership. The membership will also benefit from the revenue generated from the qualification verification services.

PURQ has built up an excellent reputation in delivering verification solutions and electronic platform to provide academic records. PURQ's record of accomplishment in delivering projects successfully to Government and private sector has made PURQ a company of choice when considering projects within PURQ's field of expertise.

PURQ acts as a representative/agent or intermediary as defined in the Electronic Communications and Transactions Act, 2002, of the relevant institutions concerned on whose behalf the data imported on the PURQ data base is administered and disclosed to third parties in compliance with statutory guidelines. Ownership of the data will remain vested in the disclosing institution. In terms of the Protection of Personal Information Act, the Educational Institutions from whom PURQ receive qualification data, are the Suppliers of Personal Information and PURQ and all further Data Users become Responsible Parties

It is necessary to note that the institutions are regarded as public bodies and that in terms of the nature of the contractual relationship between PURQ and the institutions concerned, PURQ acts as an agent of a public body in terms of the rights, duties and obligations bestowed on it by the public body (institution).

Whenever PURQ collects, handles, stores, uses or discloses information about you at the website, it will comply with the applicable privacy principles that apply to protect your personal information. Personal information means information relating to identification information, qualification or enrolment information, physical address, postal address, e-mail address and telephone numbers of an individual.

### 1.2 About this Policy

This Policy describes how we handle confidential and personal information

This Policy was last revised in August 2018

## **2 Policy Application**

2.1 This policy and its guiding principles applies to:

2.1.1 PURQ's governing body

2.1.2 All PURQ branches, business units and divisions of PURQ

2.1.3 All PURQ employees and contractors and other persons acting on behalf of PURQ

The policy's guiding principles find application in all situations and must be read in conjunction with POPIA as well as PURQ's PAIA Policy as required by the Promotion of Access to Information Act (Act No 2 of 2000).

## **3 Terminology**

3.1 Below follows a list of Terminology used in this document:

3.1.1 "consent" means any voluntary, specific and informed expression of will in terms of which a data subject agrees to the processing of personal information relating to him or her;

3.1.2 "data subject" means the person to whom personal information relates;

3.1.3 "personal information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

3.1.3.1 information relating to the race, gender, marital status, national, ethnic or social origin, colour, age, religion, language and birth of the person;

3.1.3.2 information relating to the education, financial, criminal or employment history of the person;

3.1.3.3 any identifying number, symbol, e-mail address, physical address, telephone number or other particular assignment to the person;

3.1.4 "processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

- 3.1.4.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 3.1.4.2 dissemination by means of transmission, distribution or making available in any other form; or
- 3.1.4.3 merging, linking, as well as blocking, degradation, erasure or destruction of information;
- 3.1.4.4 without derogating from the definition as contained in POPI, in relation to this Policy, the term "process" or "processing" shall include access, display, use, download and/or otherwise copy or distribute personal information of students obtained by the User either through the PURQ website or directly as a batch request.
- 3.1.5 "record" means any recorded information, regardless of form or medium, including any of the following:
  - 3.1.5.1 writing on any material;
  - 3.1.5.2 information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
  - 3.1.5.3 label, marking or other writing that identifies or describes any thing of which it forms part, or to which it is attached by any means;
  - 3.1.5.4 in the possession or under the control of a Responsible Party; whether or not it was created by a Responsible Party; and regardless of when it came into existence;
- 3.1.6 "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.
- 3.1.7 "User" means an entity which is a Responsible Party that has been approved and registered by PURQ as a registered buyer of information. The User only becomes a registered User once it complies with PURQ's requirements as contained under the registration section on PURQ's website.
- 3.1.8 "PURQ" means the service provider that provides qualification and enrolment verification information to accredited and approved users or commercial buyers.
- 3.1.9 "Supplier of Information" means any institution of higher education which has contracted with PURQ to

provide and make available, on its behalf and in its stead, personal information relating to students.

3.1.10 "students" are regarded to be Data Subjects who are either registered students, or formally registered students, or prospective students, or alumni.

3.1.11 "POPI" means the protection of personal information act 4 of 2013.

## 4 Privacy Principles

Stewardship of data is critical to us and a responsibility that we embrace. We'll abide by the following principles when collecting, recording, storing, disseminating, and destroying personal information, and responding to government requests for our users' data:

- 4.1 **Choice and Consent:** We will not contact/solicit to a person unless they have given us their consent to do so. When contracting with third parties to receive client data from us, we will ensure that they are contractually bound to continue such consent compliance
- 4.2 **Transparency:** We will keep proper records of data processed by us. We will delete personal information we are no longer contractually permitted to store, except where we are obliged to store such records in compliance with legislation.
- 4.3 **Accountability and Security:** We take measures to ensure data is kept safe and prevent loss of, damage to, or unauthorized destruction of personal information, and unlawful access to or processing of personal information.
- 4.4 **Access:** We'll give an individual access to any of their personal information that they request, unless the request is unlawful.

Subject data is always treated as confidential and for the sole purpose of rendering services agreed to contractually either with a data subject or User.

## 5 Compliance Framework

PURQ is required to maintain protection of personal information in compliance with the following:

- 5.1 Protection of Personal Information Act (POPI)

- 5.2 Consumer Protection Act (CPA)
- 5.3 Electronic Communications Act (ECT)
- 5.4 Contractual obligations between contracted Educational Institutions and with Parties who have entered into a Data Supply Agreement with PURQ

## **6 When does PURQ collect personal information?**

6.1 PURQ collects information in one of the following manners:

6.1.1 Firstly, if a person registers with PURQ directly in order to make use of our web services, PURQ will only collect personal information that the User provides directly, when they register, send PURQ an e-mail or give PURQ personal information when they are using a particular part of the website. Generally, PURQ will only collect personal information that is related to the services that the User request PURQ to provide to them. When you visit the website, the website's server makes a record of your visit. The following information, referred to as click stream data, is logged by the website's server:

6.1.1.1 server address;

6.1.1.2 top level domain name (for example, .za, .com, .gov, .org, .uk, etc);

6.1.1.3 date and time the website was visited;

6.1.1.4 The pages accessed and documents downloaded.

6.1.2 Secondly, PURQ has agreements with a number of Educational Institutions (Personal Information Suppliers) in terms of which PURQ receives qualification and enrolment verification information. This information is then provided to a number of corporate clients such as banks and verification agencies who have registered with PURQ to verify qualification and enrolment information. They may only request such verifications once they have undergone a registration process with PURQ in which their commercial purpose and identity have been verified, they have contractually undertaken to follow our verification request processes and to comply with the POPI requirements relating to the receipt and further processing of personal information.

6.1.3 Thirdly, PURQ may receive both personal information and corporate information from Information Suppliers and Responsible Persons' information for legal or research purposes. For example:

- To gather contact information;
- To confirm and verify the party's identity or to verify that they are an authorised user for security purposes;
- For the detection and prevention of fraud, crime, money laundering or other malpractice;
- To conduct market or customer satisfaction research or for statistical analysis;
- For audit and record keeping purposes;
- In connection with legal proceedings.

## **7 Disclosure of information**

7.1 PURQ may disclose personal information to the Responsible Parties who are involved in the delivery of products or services to Data Subjects. We have agreements in place to ensure that the contracted Responsible Parties comply with the privacy requirements as required by the Protection of Personal Information Act.

7.2 PURQ may also disclose personal information:

7.2.1 Where PURQ has a duty or a right to disclose in terms of law or industry codes;

7.2.2 Where PURQ believes it is necessary to protect our rights.

## **8 Server and Application Security**

8.1 PURQ strives to ensure the security, integrity and privacy of personal information submitted to us and processed by us or any Party with whom we have contracted to be supplied with data. We will review and update our security measures in accordance with future legislation and technological advances. Unfortunately, while no data transmission over the internet (via emails, cloud backups or other transmissions) can be guaranteed to be totally secure, we will endeavour to take all reasonable steps to protect the personal information of the individual or organisation we are providing a service for, whether directly or indirectly.

8.2 PURQ shall employ reasonable technological practices as are necessary to secure the integrity of the Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent:

8.2.1 loss of, or damage to, or unauthorised destruction of the Personal Information;

8.2.2 unlawful access to or processing of the Personal Information.

8.3 PURQ shall take reasonable measures to:

8.3.1 identify all reasonable foreseeable internal and external risks to the Personal Information in its possession or under its control;

8.3.2 establish and maintain appropriate safeguards against the risk identified;

8.3.3 regularly verify that the safeguards are effectively implemented;

8.3.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards,

8.3.5 and shall notify the Supplier of Information, responsible Parties or Data Subjects of the risks identified and the safeguards established and implemented from time to time.

8.4 PURQ shall:

8.4.1 have due regard to generally accepted information security practices and processes which may apply to it;

8.4.2 comply with Supplier of Information's information security practices and procedures and applicable industry or professional rules and regulations, of which PURQ have been informed from time to time.

## **9 Controls and Access to Data**

9.1 Access to subject data from within PURQ is limited to essential staff or specialist contractors that are required to access our systems for client service or maintenance purposes. All our staff and contractors are bound by the requirements of the Compliance Framework referred to in clause 5 above.

9.2 PURQ shall take reasonable steps to ensure the reliability of any of its Staff who have access to the Personal Information;

9.3 PURQ shall limit access to the Personal Information only to those Staff who need to know to enable PURQ

to perform the Services to Responsible Parties or Users and ensure that Staff used by PURQ to provide the Services have undergone training in the care and handling of the Personal Information.

## **10 General**

10.1.1 In addition to the other obligations set out in this policy, PURQ shall:

10.1.1.1 deal promptly and properly with all reasonable inquiries from a Information Supplier relating to its Processing of the Personal Information and provide the Information Supplier with copies of the Personal Information in the format reasonably specified by a Information Supplier;

10.1.1.2 provide an Information Supplier with full co-operation and assistance in relation to any requests for access or correction or complaints made by Data Subjects;

10.1.1.3 at the request of an Information Supplier or any regulatory body, submit its Personal Information Processing facilities for audit of the Processing activities covered by this Agreement.

## **11 Notifications**

11.1 PURQ must notify an Information Supplier or Data Subject in writing:

11.1.1 within 1 (one) Business Day or otherwise as soon as reasonably possible if any Personal Information has been or may reasonably be believed to have been accessed or acquired by an unauthorised person or if a breach has occurred with reference to its use of the Personal Information under an Agreement with a Data Subject or an Information Supplier. The notification must provide sufficient information to allow affected Data Subjects to take measures against the potential consequences of the compromise, including, if known to PURQ, the identity of the unauthorised person who may have accessed or acquired the Personal Information;

11.1.2 within 3 (three) Business Days of receipt thereof, of any request for access to or correction of the Personal Information or complaints received by PURQ from a Data Subject or from an Information Supplier relating to an Information Supplier's obligations in terms of POPI and provide the Data Subject or Information Supplier with full details of such request or complaint;

11.1.3 promptly of any legally binding request for disclosure of Personal Information or any other notice or communication which relates to the Processing of the Personal Information from any supervisory or governmental body.

## **12 Rights of Data Subjects**

Where possible PURQ will endeavour to promote the following Data Subject rights:

### **12.1 The Right to Access Personal Information**

PURQ recognises that a data subject has the right to establish whether PURQ holds personal information related to him, her or it including the right to request access to that personal information.

### **12.2 The Right to have Personal Information Corrected or Deleted**

The data subject has the right to request, where necessary, that his, her or its personal information must be corrected or deleted where PURQ is no longer authorised to retain the personal information.

### **12.3 The Right to Object to the Processing of Personal Information**

The data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information. In such circumstances, PURQ will give due consideration to the request and the requirements of POPIA. PURQ may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information.

### **12.4 The Right to Object to Direct Marketing**

The data subject has the right to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communications.

### **12.5 The Right to be Informed**

The data subject has the right to be notified that his, her or its personal information is being collected by PURQ. The data subject also has the right to be notified in any situation where PURQ has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person.

### 13 Complaints

The POPI Act deals with complaints in some length under chapter 10 (Enforcement).

In terms of section 74, any person may submit a complaint to the Regulator in the prescribed manner and form alleging interference with the protection of the personal information of a data. A complaint to the Regulator must be made in writing.

if a Responsible Party or Data Subject feels that PURQ has acted outside of the requirements of POPI or in terms of the conditions by which PURQ had processed a Data Subjects' Personal Information, we would like to invite such a person to address their complaint to us in writing at the details below. A copy of our complaints resolution process is available on request.

### 14 How to Contact Us

Our Information Officer is: **Danie Strydom**

Please relay any questions you may have pertaining to our above stated policies to us by contacting us at

**Rosen Office PURQ, 8 Invicta Road (Corner Matuka Close), Erand Gardens X49, Midrand, 1682**

**E-mail: [info@PURQ.co.za](mailto:info@PURQ.co.za)**

### 15 Changes to this Policy

Any material changes will be published on our website