



**ONGEZA LIFE (PTY) LTD**

**TRADING AS**

**ONGEZA LIFE**

**PROTECTION OF PERSONAL INFORMATION POLICY**

<b>Objective:</b>	Ongeza Life (Pty) Ltd (“Ongeza Life”) must ensure that it complies with the newly promulgated POPI Act not only to ensure compliance with legislation and to ensure that the letter, spirit and purport of the POPI Act is adhered to by Ongeza Life, its employees as well as third party contractors, but also to ensure that personal information of all its employees, customers and contractors is safeguarded against abuse by unauthorized parties.
<b>Purpose:</b>	<p>The purpose of this policy is to:</p> <ol style="list-style-type: none"> <li>1. Give effect to the Protection of Personal Information Act 04 of 2013;</li> <li>2. Protect each person’s constitutional right to privacy, by safeguarding personal information when processed by Ongeza Life;</li> <li>3. Follow good practice; and</li> <li>4. Protect Ongeza Life from the consequences of any breach of its legislative responsibilities.</li> </ol>
<b>Scope:</b>	Ongeza Life (Pty) Ltd
<b>Responsibilities:</b>	<p>Information Officer (IO);  Deputy Information Officers (DIO); and  Compliance Officers</p>
<b>Definitions:</b>	Refer to clause 1.
<b>Legislative Context:</b>	Protection of Personal Information Act No.4 2013

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## 1. DEFINITIONS

- “Data subject” means** : a customer, employee and/or contractor whose personal information is collected and processed by Ongeza Life.
- “Ongeza Life” means** : Ongeza Life (Pty) Limited.
- “personal information” means** : information relating to an identifiable, living, natural person and a company, including, but not limited to:-
- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - (b) Information relating to the education or the medical, financial, criminal or employment history of the person;
  - (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - (d) The biometric information of the person (example finger prints, blood samples);
  - (e) The personal opinions, views or preferences of the person;
  - (f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - (g) The views or opinions of another individual about the person; and
  - (h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- “processing” means** : any operation or activity concerning personal information, including: -
- (a) the collection, receipt, recording, organization, collation, storage, Updating or modification, retrieval alteration, consultation or use; (electronic and physical);
  - (b) Dissemination by means of transmission, distribution or making available in any other form; or
  - (c) Merging, linking, as well as restriction, degradation, erasure or destruction of information;
- “special personal information” means:-** : (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- (b) The criminal behaviour of a data subject if that information relates to -
    - i. the alleged commission by a data subject of any offence; or
    - ii. Any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
- “responsible party”** : means Ongeza Life.

## 2. INTRODUCTION

2.1. POPI has eight conditions that require that personal information (PI) of both individuals and juristic entities is sufficiently protected and also used in a manner that facilitates transparency around the following:

- **What** is done with the personal information;
- **Why** and how it is processed (i.e. this covers all phases of a typical information management lifecycle – from collection, to usage, sharing, disposal, archiving, etc.);
- **Who** the personal information is shared with (i.e. third parties – both locally and internationally, other legal entities – sometimes within the same group of companies
- **What types** of personal information is processed and for what purpose.

This policy aims to give effect to the following two information protection principles:

- **Accountability** – Ongeza Life must ensure that the principles of the PoPi Act are complied with. This includes assigning of responsibility to an individual or function to provide oversight on compliance with the principles of the policy.
- **Processing Information** – Ongeza Life must process information in a fair and lawful manner, with the consent of persons or unless otherwise authorized by legislation.

2.2. With the enactment of the Protection of Personal information Act 4 of 2013 in 2014 (“the POPI Act”), Ongeza Life is required to bring ALL of its policies and procedures in line with the letter, spirit and relevance of the POPI Act in order to:

- Promote the protection of personal information of our data subjects;
- Introduce certain conditions establishing minimum requirements for the processing of personal information;
- Provide for the rights of persons regarding unsolicited electronic communications and automated decision making; and
- Regulate the flow of personal information within our Group of Companies and across the borders of the Republic.

2.3. POPI requires Ongeza Life to ensure that all personal information collected and processed by the company is protected from various unauthorized access and criminal activity such as fraud, identity theft, unauthorized advertising, unauthorized distribution, etc.

2.4. This POPI Act applies to the processing of personal information:-

- (a) entered in a record by or for a responsible party by making use of automated or non-automated means:-
- (b) Where Ongeza Life is:-
  - (i) Domiciled in the Republic; or
  - (ii) Not domiciled in the Republic, but makes use of automated or non-automated means in the Republic.

## 3. EXCLUSIONS

This policy does not apply to the processing of personal information that has been de-identified to the extent that it cannot be re-identified again.

De-identified information is information that should not be capable of being:-

- (a) Used or manipulated by a reasonably foreseeable method to identify the data subject; or
- (b) Linked by a reasonably foreseeable method to other information that identifies the data subject.

## 4. DATA SUBJECT RIGHTS

A data subject has the following rights (Section 5 of the POPI Act):

4.1. The right to **be informed** that:-

- Personal information is being collected (see paragraph 9.1);
- Personal information has been accessed or obtained by an unauthorized person (see paragraph (a));

4.2. The right to **enquire** whether Ongeza Life holds personal information and to request access to that information as provided for in terms of paragraph 11.1.

4.3. The right to **request** the correction, destruction or deletion of personal information as provided for in terms of paragraph 11.1.4.

4.4. The right to **object** to processing of personal information.

(a) A data subject may object:

(i) At any time, to the processing of personal information:-

if the reason for such processing is in terms of paragraphs 5.2.1(d), 5.2.1(e) and 5.2.1(f), and must be done in the prescribed manner, on reasonable grounds relating to his or her particular situation, unless legislation provides for such processing; or

For purposes of direct marketing by means of unsolicited electronic communications and related policies in subsidiaries;

(b) Once the data subject has **objected in writing** to the processing of personal information, Ongeza Life may no longer process the personal information.

4.5. The right **not to be subject to** a decision which is based solely on the basis of the automated processing of personal information intended to result in legal consequences for the data subject, (for example, sending a bulk SMS requiring confirmation from our customers).

4.6. The right to **submit a complaint** to the Regulator regarding the alleged interference with the protection of personal information;

4.7. The right to **issue summons** regarding the alleged interference with the protection of personal information; and

4.8. The right to **withdraw** consent.

(a) The data subject may withdraw his, her consent, at any time, provided that the lawfulness of the processing of personal information before such withdrawal or the processing of personal information will not be affected.

## 5. PROCESSING LIMITATIONS

### 5.1. Conditions for Lawful Processing of Personal Information (Section 10 of the POPI Act).

Ongeza Life may only use a data subject's personal information for the purpose for which it was collected. Therefore, processing of personal information must only be done to **the extent necessary and consented to by the data subject** to achieve the purpose of the processing.

### 5.2. Consent, Justification and Objection (Section 11 of the POPI Act).

#### 5.2.1. Personal information may only be processed if:-

- (a) The data subject consents to the processing;
- (b) Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;
- (c) Processing complies with an obligation imposed by law on Ongeza Life;
- (d) Processing protects a legitimate interest of the data subject;
- (e) Processing is necessary for the proper performance of a public law duty by a public body; or
- (f) Processing is necessary for pursuing the legitimate interests of Ongeza Life or of a third party to whom the information is supplied.

5.2.2. Ongeza Life must be able to provide proof of the data subject's consent to the Regulator upon request. For example, a completed and signed marketing options declaration form, a recording of the data subject's consent over the telephone or an opt-in SMS received from the data subject.

### 5.3. Collection Directly from Data Subject (Section 12 of the POPI Act).

#### 5.3.1. Personal information must be collected directly from the data subject unless:-

- (a) The information is contained in or derived from a public record or has deliberately been made public (for example unrestricted Social Media accounts) by the data subject;
- (b) Collection of the information from another source would not prejudice a legitimate interest of the data subject;
- (c) Collection of the information from another source is necessary:
  - (i) to comply with an obligation imposed by law;
  - (ii) for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;
  - (iii) In the interests of national security; or
- (d) Compliance would prejudice a lawful purpose of the collection; or
- (e) Compliance is not reasonably practicable in the circumstances of the particular case.

## 6. FURTHER PROCESSING LIMITATION

- 6.1. Further processing of personal information must be done in accordance with or be compatible with the purpose for which it was collected (Section 15 of the POPI Act) as provided for in paragraph 8 if:-
- (a) The data subject has consented to the further processing of the information;
  - (b) The information is available in or derived from a public record or has deliberately been made public by the data subject;
  - (c) Further processing is necessary:-
    - (i) To avoid prejudice to the maintenance of the law by any public body including the prevention, detection, investigation, prosecution and punishment of offences;
    - (ii) To comply with an obligation imposed by law or to enforce legislation concerning the collection of revenue for the benefit of SARS;
    - (iii) For the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated; or
    - (iv) In the interests of national security;
  - (d) The information is used for historical, statistical or research purposes and Ongeza Life ensures that the further processing is carried out solely for such purposes and will not be published in an identifiable form.
- 6.2. In order to assess whether further processing is compatible with the purpose of collection, Ongeza Life must take account of:-
- (a) The relationship between the purpose of the intended further processing and the purpose for which the information has been collected;
  - (b) The nature of the information concerned;
  - (c) The consequences of the intended further processing for the data subject;
  - (d) the manner in which the information has been collected; and
  - (e) Any contractual rights and obligations between the parties.

## 7. QUALITY OF INFORMATION

Ongeza Life must take reasonable steps to ensure that personal information is complete, accurate and that it is updated regularly (Section 16.1 of the POPI Act).

## 8. PURPOSE SPECIFIC

- 8.1. Collection for Specific Purpose (Section 13 of the POPI Act).
- 8.1.1. Personal information may only be collected for a specific, detailed, defined and lawful purpose which is related to a function or activity of Ongeza Life.
  - 8.1.2. The data subject must be made aware of the purpose of the collection of the



8.2. Retention and Restriction of Records (Section 14 of the POPI Act).

- 8.2.1. Subject to paragraphs 8.2.1(b) and 8.2.3, records of personal information must not be retained any longer than is necessary for achieving the purpose for which the information was collected or subsequently processed, unless:-
- (a) Retention of the record is required or authorized in terms of any law (see the retention of records policy and accompanying schedules);
  - (b) Retention of the record is required by a contract between the parties thereto; or
  - (c) The data subject has consented to the retention of the record for an extended period of time.
- 8.2.2. Ongeza Life must properly destroy documentation and/or delete a record of personal information or de-identify it as soon as reasonably practicable after Ongeza Life is no longer authorized to retain the record..
- 8.2.3. Ongeza Life **must** restrict processing of personal information if:-
- (a) Its accuracy is contested by the data subject, for a period enabling Ongeza Life to verify the accuracy of the information;
  - (b) Ongeza Life no longer needs the personal information for achieving the purpose for which the information was collected or subsequently processed, but it has to be maintained for purposes of proof, in which case, such records may not be kept for longer than 5 years unless regulated by legislation;
  - (c) The data subject opposes its destruction or deletion and requests the restriction of its use instead; or
  - (d) The data subject requests to transmit the personal data into another automated processing system (for example change from email to SMS).
- 8.2.4. Where processing of personal information is restricted pursuant to paragraph 8.2.3, Ongeza Life must inform the data subject before lifting the restriction on processing.

## 9. OPENNESS

- 9.1. Notification to the data subject when collecting personal information (Section 18 of the POPI Act).
- 9.1.1. If personal information is collected, Ongeza Life must take steps to ensure that the data subject is aware of:-
- (a) the information being collected and where the information is not collected directly from the data subject, the source from which the information is collected;
  - (b) The name and address of Ongeza Life;
  - (c) The purpose for which the information is being collected;
  - (d) Whether or not the supply of the information by that data subject is voluntary or mandatory;
  - (e) The consequences of failure to provide the information;
  - (f) Any particular law authorizing or requiring the collection of the information;
  - (g) the fact that, where applicable, Ongeza Life intends to transfer the information to a third party country or international organization and the level of protection afforded to the information by that third party country or international organization;

- (h) The data subject's right to lodge a complaint to the Regulator and the contact details of the Regulator.
- 9.1.2. The steps referred to above must be taken before the information is collected if the personal information is collected directly from the data subject.
- 9.1.3. In the event that Ongeza Life has previously taken the above steps then, Ongeza Life need not repeat these steps in relation to the subsequent collection of the same information or similar information and if the purpose of collection of the information has not changed.
- 9.1.4. It is not necessary for Ongeza Life to comply with the requirements in paragraph 9.1.1 if:
  - (a) the data subject has provided consent for the non-compliance;
  - and
  - (b) The information will not be used in a form in which the data subject may be identified.

## 10. SECURITY SAFEGUARDS

- 10.1. Security measures on integrity and confidentiality of personal information (Section 19 of the POPI Act).
  - 10.1.1. Ongeza Life must secure the integrity and confidentiality of personal information in its possession or under its control by taking appropriate, reasonable technical and organizational measures to prevent:-
    - (a) Loss of, damage to or unauthorized destruction of personal information; and
    - (b) Unlawful access to or processing of personal information.
  - 10.1.2. In order to give effect to paragraph 10.1.1, Ongeza Life must take reasonable measures to:-
    - (a) Identify all reasonably foreseeable internal and external risks to personal information in its possession or under its control;
    - (b) Establish and maintain appropriate safeguards against the risks identified;
    - (c) regularly verify that the safeguards are effectively implemented; and
    - (d) Ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
  - 10.1.3. Ongeza Life must have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.
- 10.2. Third Party Operator Obligations (Section 20 of the POPI Act).
  - 10.2.1. An operator or anyone processing personal information on behalf of Ongeza Life, must:-
    - (a) Process such information in accordance with the related Contract's Management Policy and the Guidelines on Outsourcing Agreements and other related subsidiary policies.
- 10.3. Process of notification of security compromises (Section 22 of the POPI Act).
  - 10.3.1. Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorized person, a Notifiable Incident Report (NIR) must be submitted within 24 hours of the suspected unauthorized access. If it is not possible to report the unauthorized access within 24 hours, then the

report must be submitted as soon as reasonably possible after the discovery of the unauthorized access, however, no longer than 72 hours. The Incident must be reported to [compliance@ongezalife.co.za](mailto:compliance@ongezalife.co.za).

10.3.2. The IPO must notify:-

- (a) The Regulator; and
- (b) The data subject, unless the identity of such data subject cannot be established.

10.3.3. The above notification must be in writing and communicated to the data subject in at least one of the following ways:-

- (a) mailed to the data subject's last known physical or postal address;
- (b) Sent by e-mail to the data subject's last known e-mail address;
- (c) placed in a prominent position on Ongeza Life's website;
- (d) Published in the news media; or
- (e) As may be directed by the Regulator.

10.3.4. The notification referred to in paragraph (a) must provide sufficient information to allow the data subject to take protective measures against the potential consequences of the suspected unauthorized access, including:-

- (a) A description of the possible consequences of the security compromise;
- (b) A description of the measures that Ongeza Life intends to take or has taken to address the security compromise;
- (c) A recommendation with regard to the measures to be taken by the data subject to mitigate the possible adverse effects of the security compromise; and
- (d) if known to Ongeza Life, the identity of the unauthorized person who may have accessed or acquired the personal information.

10.3.5. Ongeza Life may only delay notification of the data subject if the South African Police Service (SAPS) or any other regulator or the Regulator determines that notification will impede a criminal investigation by the SAPS or that regulator.

## 11. DATA SUBJECT REQUESTS

11.1. Request to access to personal information (Section 23 of the POPI Act).

11.1.1. A data subject may request access to his/her personal information held by Ongeza Life by completing the Access to Information Request Form available on the Ongeza Life website and providing adequate identification.

11.1.2. The data subject has the right to request Ongeza Life: -

- (a) To confirm, free of charge, whether or not Ongeza Life holds personal information about the data subject; and
- (b) to furnish him/her with the record or a description of the data subject's personal information held by Ongeza Life, including information about the identity of all third parties, who have, or have had, access to the information: -  
within a reasonable time (no longer than 30 days); in a reasonable manner and format; and in a format that is understandable.

11.1.3. Ongeza Life may or must refuse, as the case may be, to disclose any information requested.

However, Ongeza Life must provide the data subject with the grounds for refusal as set out in the PAIA Manual

11.1.4. If a request for access to personal information is made to Ongeza Life and part of that information may or must be refused in terms of paragraph 11.1.3, every other part must be disclosed.

11.2. Correction of personal information (Section 24 of the POPI Act).

11.2.1. A data subject may request Ongeza Life: -

(a) To correct or delete personal information about the data subject in its possession that is:

inaccurate,  
irrelevant,  
excessive,  
out of date,  
incomplete,  
misleading or  
obtained unlawfully; or

(b) To destroy or delete a record of personal information about the data subject that Ongeza Life is no longer authorized to retain.

11.2.2. On receipt of a request, Ongeza Life must, within

30 days: - (a) correct the information;

(b) Destroy or delete the information;

(c) Provide the data subject, to his or her satisfaction, with credible evidence in support of the information; or

(d) Where agreement cannot be reached between Ongeza Life and the data subject, and if the data subject so requests, take such reasonable steps, to attach a notice to the data subject's information recording that a correction of the information has been requested but has not been made.

11.2.3. If Ongeza Life has attached a notice referred to under paragraph 11.2.2 and that notice results in a change to the information and the changed information has an impact on decisions that have been or will be taken in respect of the data subject in question, Ongeza Life must inform each person or body to whom the personal information has been disclosed of that notice.

11.2.4. Ongeza Life must notify a data subject, who has made a request in terms of paragraph 11.2.1, of the action taken as a result of the request.

## 12. PROCESSING OF SPECIAL PERSONAL INFORMATION

12.1. Prohibition on processing of special personal information (Section 26 of the POPI Act).

12.1.1. Unless the provisions of paragraph 12.2 are complied with, Ongeza Life may not process personal information concerning:-

- (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- (b) The criminal behavior of a data subject if such information relates to -
  - (i) the alleged commission by a data subject of any offence; or
  - (ii) Any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

12.2. General **authorization** concerning special personal information (Section 27 of the POPI Act).

12.2.1. The prohibition on processing personal information, specified in paragraph 12.1, does not apply if the:-

- (a) Processing is carried out with the consent of a data subject;
- (b) Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
- (c) Information has deliberately been made public by the data subject (for example, unrestricted Social Media); or
- (d) Provisions of paragraph 12.3 are, as the case may be, complied with.

12.3. Authorization of data subject's special personal information concerning:

12.3.1. Religious or philosophical beliefs (Section 28 of the POPI Act).

- (a) Ongeza Life may not process this personal information as only spiritual or religious organizations to which the data subject belongs are permitted to process such personal information.
- (b) Ongeza Life may not supply this personal information to third parties without the consent of the data subject.

12.3.2. Race or ethnic origin (Section 29 of the POPI Act).

- (a) Processing may only be done to:-
  - (i) Identify data subjects and only when this is essential for that purpose; and
  - (ii) Comply with laws and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination (for example compliance with the Employment Equity Act).

12.3.3. Trade union membership (Section 30 of the POPI Act).

- (a) Processing may only be done if a data subject's personal information relating to his or her membership or affiliation with a trade union or the trade union federation to which that trade union belongs is necessary to achieve the aims of the trade union or trade union federation.
- (b) In the cases referred to under 12.3.3 (a), no personal information may be supplied to third parties without the consent of the data subject.

12.3.4. Political persuasion (Section 31 of the POPI Act).

- (a) Ongeza Life may not process a data subject's personal information relating to his, her or its political persuasion.

12.3.5. Health or sex life (Section 32 of the POPI Act).

- (a) Ongeza Life may not process a data subject's personal information relating to his or her health or sex life unless processing is done by:-

- (i) Insurance companies, medical schemes, medical scheme administrators and managed healthcare organizations, if such processing is necessary for:-

- assessing the risk to be insured by the insurance company or covered by the medical scheme and the data subject has not objected to the processing;

- the performance of an insurance or medical scheme agreement; or

- the enforcement of any contractual rights and obligations; or

- (ii) Administrative bodies, pension and provident funds, employers or institutions working for them, if such processing is necessary for:-

- the implementation of the provisions of laws, pension regulations or collective agreements which create rights dependent on the health or sex life of the data subject; or

- the reintegration of or support for workers or persons entitled to benefit in connection with sickness or work incapacity.

- (b) In the cases referred to under paragraph 0 (a), the information may only be processed by Ongeza Life and other responsible parties subject to an obligation of confidentiality by virtue of office, employment, profession or legal provision, or established by a written agreement between Ongeza Life and the data subject.

- (c) In processing personal information relating to the health or sex life of a data subject, Ongeza Life must at all times, treat such personal information with confidentiality unless Ongeza Life is required by law or in connection with their duties to communicate the information to other parties who are authorized to process such information in accordance with paragraph 0 (a).

#### 12.3.6. Criminal behaviour or biometric information (Section 33 of the PoPI Act).

- (a) the processing must be carried out by the SAPS, prosecutors and courts of law or by responsible parties who have obtained that information in accordance with the law (for example, attorneys).
- (b) The processing of information concerning personnel in the service of Ongeza Life must take place in accordance with the rules established in compliance with labour legislation.

## 13. PROCESSING OF PERSONAL INFORMATION OF CHILDREN

A child is a person who is under the age of eighteen (18) years.

13.1. Ongeza Life may not process personal information concerning a child (Section 34 of the POPI Act) without the prior consent of the child's parent or legal guardian;

13.2. Ongeza Life may not, under any circumstances, collect or process personal information concerning a child for direct marketing purposes.

## 14. RIGHTS OF DATA SUBJECTS REGARDING DIRECT MARKETING

14.1. Direct marketing by means of unsolicited electronic communications (Section 69 of the POPI Act).

14.1.1. Ongeza Life may not process personal information of a data subject (customer/lead) for the purpose of direct marketing by means of any form of electronic communication, including automatic calling machines, facsimile machines, SMSs or e-mail unless the data subject:-

(a) In the case of a customer:-

- (i) The customer has given his or her explicit consent to receive direct marketing and the customer's consent is obtained when the personal information is collected during the conclusion of the sale;
- (ii) The customer's consent must be requested in the prescribed manner and form.
- (iii) The content of the direct marketing is limited to similar goods/services sold by Ongeza Life; and
- (iv) The customer must be given a reasonable opportunity to object to receipt of direct marketing both when the data was first collected (during the sale) and on each occasion when direct marketing is made to the customer.

(b) In the case of a lead/prospective customer:-

- (i) Ongeza Life must first get the lead's contact details to approach the lead for consent. Unless these contact details were in the public domain, such as a telephone directory, merely obtaining the contact details (for example through a company that sells data lists) could be an infringement of the POPI Act.
- (ii) A lead who has not withheld consent may be approached **ONLY ONCE** in order to request the consent of that lead/prospective customer.
- (iii) The lead must be given a reasonable opportunity to object to receipt of direct marketing;
- (iv) In the event that the lead gives his/her consent to receive direct marketing, then the lead must be given a reasonable opportunity to object to receipt of direct marketing on each occasion when direct marketing is made to the lead.

14.1.2. Any communication for the purpose of direct marketing must contain:-

- (a) Details of the identity of the sender or the person on whose behalf the communication has been sent; and
- (b) An address or other contact details to which the customer may send a request to stop receiving such communication.

**NOTE:** if Ongeza Life receives a list of individuals and their contact details from a company that collects and sells marketing information, the company that sold this information to Ongeza Life would itself have infringed the POPI Act by passing the list on to Ongeza Life, even if Ongeza Life never actually uses any of the information contained in the list. By the same token, if Ongeza Life obtains a list of individuals and their contact details from a company that collects and sells marketing information, Ongeza Life would also have infringed the POPI Act. Unless the individuals specifically consented to their information being passed on.

## 15. TRANSBORDER INFORMATION FLOWS

15.1. Transfers of personal information outside the Republic of South Africa (Section 72 of the POPI Act).

15.1.1. Ongeza Life may not transfer personal information about a data subject to a third party who is in a foreign country unless:-

- (a) That third party is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection;
- (b) The data subject consents to the transfer;
- (c) The transfer is necessary for the performance of a contract between the data subject and Ongeza Life; or
- (d) The transfer is for the benefit of the data subject, and:-
  - (i) It is not practical to obtain the consent of the data subject to that transfer;
  - (ii) If it were reasonably practical to obtain such consent, the data subject would be likely to give it.

## 16. ADMINISTRATIVE FINES

16.1. Administrative fines (Section 109 of the POPI Act).

16.1.1. If Ongeza Life is alleged to have committed an offence in terms of POPI, the Regulator may deliver, by hand, to Ongeza Life an infringement notice. This notice must immediately be forwarded to the Information Protection Officer at [compliance@ongezalife.co.za](mailto:compliance@ongezalife.co.za).

16.1.2. The IPO must, within 30 days of receipt of the infringement notice by Ongeza Life, respond to the Regulator as required in terms of the infringement Notice.

## 17. OFFENCES AND PENALTIES

17.1. Ongeza Life shall be guilty of an offence if (Section 103 of the POPI Act) IF:-

- 17.1.1. It fails to comply with enforcement notice;



17.1.2. in compliance with an information notice served by the  
Regulator, Ongeza Life:-

- (a) makes a statement knowing it to be false; or
- (b) Recklessly makes a statement which is false, in a material respect.

17.2. Any **person (employee)** is guilty of an offence if:

17.2.1. He/she knowingly or recklessly, without the consent of Ongeza Life, **obtains** or **discloses** or **offers to sell** personal information of a data subject such as account number, ID, bank statements and address details.

17.3. Penalties (Section 107 of the POPI Act).

17.3.1. The maximum penalty for a person who is found guilty of an offence in terms of the POPI Act is a fine of up to R10 million or imprisonment for a period of up to 10 years, or both.