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Privacy Notice

1. Purpose

New Media Labs Services (Pty) Ltd respects your privacy and is committed to protecting your personal information. This privacy notice explains how we collect and process the personal information that you provide to us.

We are required under data protection laws to notify you of the information contained in this privacy policy. It is important that you read and retain this policy so that you are aware of how and why we are using such information and what your rights are under the data protection laws.

2. Application

This policy applies to all personal data processed in the course of our business and to all persons employed or engaged by us who process personal data. This privacy notice applies in addition to any other agreement that you might enter into with us.

3. Glossary

Comply with a legal obligation	Means processing your personal information where it is necessary for compliance with a legal obligation that we are subject to.
Data subject	An identified or identifiable natural person – one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.
Legitimate interest	Means the interest of our business in conducting and managing our business. We make sure we consider and balance any potential impact on you and your rights before we process your personal information for our legitimate interests. We do not use your personal information for activities where our interests are overridden by the impact on you unless we have your consent or are otherwise required or permitted to by law.
Performance of contract	Means processing your data where it is necessary for the performance of a contract to which you are a party or to take steps at your request before entering into such a contract.
Personal information/data	Means information relating to a data subject which includes, but is not limited to: marital status; national origin; age; language; birth place;



	education; relevant financial history; identifying number (like an employee number, identity number or passport number); e-mail address; physical address (including residential address and/or work address); telephone number; biometric data (eg. fingerprints, signature or voice); race; gender; sex; pregnancy status; ethnic origin; social origin; colour; sexual orientation; physical health; mental health; well-being; disability; religion; belief; conscience; culture; medical history; criminal history; employment history; personal views, preferences and opinions; another's views or opinions about you; full name and initials.
Processing	Means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
Responsible party	In the context of this notice, refers to NML and means that we are responsible for deciding how we hold and use personal information about you.
Special information	Race (eg. when a company submits reports to the Department of Labour where the statistical information must be recorded); ethnic origin; trade union membership; health (eg. information supplied when you apply for an insurance policy); biometric data (eg. to verify your identity); and/or your criminal behaviour and alleged commission of an offense.

4. Changes

This privacy notice was last updated on 25 May 2021. We reserve the right to update this privacy notice. The latest version can be found at [<link>](#). Please ensure that you have familiarised yourself with the latest version of this policy. It is important that the personal information we hold about you is accurate and current. Kindly note that it is your responsibility to inform the HR Department as soon as any of your details listed on the employee take-on form changes during your relationship with us.

5. Third-party Links

Our communications and services may include links to third-party websites, plug-ins and applications. Clicking on those links or enabling those connections may allow third parties to collect or share data about you. We do not control these third-party websites and are not responsible for their privacy statements. We encourage you to read the privacy notice of every website you visit.



6. Data We Collect About You

Personal information, or personal data, means any information about an individual from which that person can be identified. It does not include data where the identity has been removed (anonymous data). We may collect, use, store and transfer different kinds of personal information about you which we have grouped together as follows:

- **Identity Data** includes first name, last name, identity number.
- **Contact Data** includes physical address, postal address, email address and cellular numbers.
- **Financial Data** includes bank account details.
- **Transaction Data** includes details about payments to or from you, details of services you have purchased from us.

We generally do not collect any Special information. However, we may collect Special information about you when you apply for a job with us, for example information about your race or criminal convictions and offences. We will only collect and process Special information:

- (i) with your consent;
- (ii) where we need to carry out our legal obligations or exercise legal rights;
- (iii) where it is needed in the public interest, such as for monitoring in terms of employment equity or BBE laws and regulations; or
- (iv) where you have already made the information publicly available.

Where we need to collect personal information by law or in order to enter into a contract with you, provide services to you, or assess your job application, and you fail to provide that personal information when requested, we may not be able to enter into the contract with you, perform the services or assess the job application.

7. How Is Your Personal Information Collected?

We use different methods to collect personal information from and about you including through:

- Direct interactions – you may give us personal information by filling in forms or by corresponding with us by email, phone or otherwise.
- Automated technologies or interactions – we may automatically collect personal information when you correspond with us by email, phone or otherwise.
- Third parties or publicly available sources – in some instances, we may collect personal information from third parties. We will only collect personal information this way where such information is publicly available or for legitimate business purposes.



8. How Is Your Personal Information Used?

We will only use your personal information when the law allows us to. Most commonly, we will use your personal information in the following circumstances:

- Where we need to perform the services and contract we are about to enter into or have entered into with you.
- Where it is necessary for our legitimate interests (or those of a third party) and your interests and fundamental rights do not override those interests.
- Where we need to comply with a legal obligation.

Generally, we do not rely on consent as a legal basis for processing your personal information other than for the processing of Special information. You have the right to withdraw consent at any time by contacting us.

We have set out below, in a table format, a non-exhaustive description of the ways we plan to use your personal information and which of the legal bases we rely on to do so. We have also identified what our legitimate interests are where appropriate. We may process your personal information on more than one lawful ground.

Purpose	Type of Data	Lawful basis for processing including basis of legitimate interest
To enter into a contract with you	<ul style="list-style-type: none">• Identity• Contact	Performance of a contract with you
To process and deliver or receive your services	<ul style="list-style-type: none">• Identity• Contact• Financial• Transaction	Performance of a contract with you
To assess and process your job application	<ul style="list-style-type: none">• Identity• Contact• Special information	<ul style="list-style-type: none">• Performance of a contract with you• Necessary for our legitimate interests (to find candidates for the roles we have)• Your consent
To manage our relationship with you, for example (a) Responding to your email or other communications	<ul style="list-style-type: none">• Identity• Contact• Profile	<ul style="list-style-type: none">• Performance of a contract with you• Necessary for our legitimate interests (to keep our records updated)• Necessary to comply with a legal obligation (to inform you of any changes to our terms)



To administer and protect our business	<ul style="list-style-type: none">• Identity• Contact	<ul style="list-style-type: none">• Necessary for our legitimate interests (for running our business, provision of administration and IT services, network security, to prevent fraud and in the context of a business reorganisation or group restructuring exercise)• Necessary to comply with a legal obligation
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We will only use your personal information for the purposes for which we collected it, unless we reasonably consider that we need to use it for another reason and that reason is compatible with the original purpose. If we need to use your personal data for an unrelated purpose, we will notify you and we will explain the legal basis which allows us to do so. We may also process your personal information without your knowledge or consent where this is required or permitted by law.

9. Disclosures of Your Personal Information

We will only share your personal information for purposes of providing services to you or where we have another legitimate interest in doing so. Where required for business activities, we may share your personal information with our third-party service providers. We require all third parties to respect the security of your personal information and to treat it in accordance with the law. We do not allow our third-party service providers to use your personal information for their own purposes and only permit them to process your personal information for specified purposes and in accordance with our instructions. Examples of third parties that we may share your personal information with includes:

- Service providers based in the United States who provide hosting or email messaging services.
- Professional advisers including lawyers, accountants, auditors, information technology service providers, and human resources service providers based in South Africa.
- The South African Revenue Service (SARS) and other regulators based in South Africa who require reporting in certain circumstances.

Some of our third parties, for example hosting and email messaging providers, may be based outside of South Africa (or the EU) so their processing of your personal information will involve a transfer of data. Whenever we transfer your personal information internationally, we ensure an adequate degree of protection is afforded to it by ensuring safeguards are implemented, for example:



- Where we use certain service providers, we may use specific standard contracts which give personal information the necessary level of protection.
- Where we use providers based in the United States, in addition to other necessary adequate levels of protection, we may transfer data to them if they are part of the Privacy Shield.

Please contact us if you want further information on how we transfer your personal information internationally.

10. Data Security

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed. All information you provide to us is stored on our or our third party's secure servers. In addition, we limit access to your personal information to those employees, agents, contractors and other third parties who have a business need to know. They will only process your personal information on our instructions, and they are subject to a duty of confidentiality. We have put in place procedures to deal with any suspected personal information breach and will notify you and any applicable regulator of a breach where we are legally required to do so.

11. Data Retention

We will only retain your personal information for as long as reasonably necessary to fulfil the purposes we collected it for, including for the purposes of satisfying any legal, regulatory, tax, accounting or reporting requirements. We may retain your personal information for a longer period in the event of a complaint or if we reasonably believe there is a prospect of litigation in respect to our relationship with you. To determine the appropriate retention period for personal information, we consider the amount, nature and sensitivity of the personal information, the potential risk of harm from unauthorised use or disclosure of your personal information, the purposes for which we process your personal information and whether we can achieve those purposes through other means, and the applicable legal requirements. In some circumstances we will anonymise your personal information (so that it can no longer be associated with you) for research or statistical purposes, in which case we may use this information indefinitely without further notice to you.

12. Your Legal Rights

Under certain circumstances, you have rights under data protection laws in relation to your personal information and to check that we are lawfully processing it.



- **Request access** to your personal information. This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.
- **Request correction** of the personal information that we hold about you. This enables you to have any incomplete or inaccurate data we hold about you corrected.
- **Request erasure** of your personal information. This enables you to ask us to delete or remove personal information where there is no good reason for us continuing to process it. You also have the right to ask us to delete or remove your personal information where you have successfully exercised your right to object to processing (see below), where we may have processed your information unlawfully or where we are required to erase your personal information to comply with applicable law. We may not always be able to comply with your request of erasure for specific legal reasons, but in such instances, you will be notified.
- **Object to processing** of your personal information where we are relying on a legitimate interest (or those of a third party) and there is something about your particular situation which makes you want to object to processing on this ground. You also have the right to object where we are processing your personal information for direct marketing purposes. In some cases, we may demonstrate that we have compelling legitimate grounds to process your information.
- **Request restriction of processing** of your personal information. This enables you to ask us to suspend the processing of personal information about you, for example if you want us to establish its accuracy or the reason for processing it.
- **Request the transfer** of your personal information to you or to a third party.
- **Withdraw consent** at any time where we are relying on consent to process your personal information. This will not affect the lawfulness of any processing carried out before you withdraw your consent. If you withdraw your consent, we may not be able to provide certain services to you. We will advise you if this is the case at the time you withdraw your consent.

If you wish to exercise any of the rights set out above, please contact our Information Officer using the contact details listed under Contact Details below.

13. General

Automated decision-making

You will not be subject to decisions that will have a significant impact on you based solely on automated decision-making, unless we have a lawful basis for doing so and we have notified you. We do not envisage that any decisions will be taken about you using automated means, however we will notify you in writing if this position changes.



Fees

You will be expected to pay fees where NML incurs costs to provide you with access to your personal information (or to exercise any of the other rights). You may also be charged a reasonable fee if your request is clearly unfounded, repetitive or excessive. Alternatively, we could refuse to comply with your request in these circumstances.

What we may need from you

We may need to request specific information from you to help us confirm your identity and ensure your right to access the information (or to exercise any of your other rights). This is a security measure to ensure that personal information is not disclosed to any person who has no right to receive it.

Time limit to respond

We try to respond to all legitimate requests as soon as is reasonably practicable and in any event within the statutory time-limits. It could take us longer if your request is particularly complex or you have made a number of requests. In this case, we will notify you and keep you updated.

14. Contact Details

If you have any questions about this privacy notice or would like to enforce any rights that you may have under applicable data protection laws, please contact us at:

Information Officer

Email: charl@nml.co.za

Address: 15a Peter Cloete Avenue, Constantia 7806, Cape Town, South

If you believe we are using your personal information unlawfully, please contact us in the first instance. You have the right to make a complaint at any time to the Information Regulator (South Africa) or other relevant supervisory authority:

Information Regulator

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

Tel No. +27 (0) 10 023 5200, Cell No. +27 (0) 82 746 4173

Complaints email: complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za