

## ARNHEM BODY CORPORATE POPIA CONSENT AGREEMENT

### 1. Preamble:

ARNHEM BODY CORPORATE is committed to ensure compliance in terms of the provisions of the Protection of Personal Information Act (POPIA) No 4 of 2013 and the Promotion of Access to Information Act (PAIA) No 2 of 2000. ARNHEM BODY CORPORATE therefore undertakes to protect your private information and Personal Identifiers (PI) in a manner that complies with the POPIA, the ARNHEM BODY CORPORATE POPIA Policy Statement and Privacy Policy. Compliance extends to all aspects of collection, processing, storage, disclosure and discarding of personal information in a lawful and compliant manner.

### 2. Definitions:

- 2.1 **Agreement** – means to the whole agreement contained in this document;
- 2.2 **Client/Data Subject** – means Natural Persons: customers/clients/contractors/visitors; Juristic Persons/Entities and/or any legal body/company/organisation/other form of legal entity who engages with the Company and shares, with consent, personal information in terms of the POPIA.
- 2.3 **Company** – means to ARNHEM BODY CORPORATE
- 2.4 **Confidential Information** – extend to all confidential technical and commercial information, including, but not limited to the contents of reports, specifications, quotations, formulae, computer records, client lists, cost manuals, price schedules, customer lists, customers and the like and including but not limited to trade secrets, know-how of any other tangible or intangible assets of the Company and/ or its clients.
- 2.5 **Consent** – means voluntary, informed compliance and approval of the terms related to the processing of personal information;
- 2.6 **Divulging Information** – means to make known, disclose, reveal, impart, communicate, release and any other form of disclosure of information;
- 2.7 **Parties** – means Company, Client, employees, duly authorised officials, representatives and any other party authorised to act on behalf of the respective party.
- 2.8 **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:
  - 2.8.1 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;
  - 2.8.2 information relating to the education or the medical, financial, criminal or employment history of the person;

- 2.8.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 2.8.4 the biometric information of the person;
  - 2.8.5 the personal opinions, views or preferences of the person;
  - 2.8.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature;
  - 2.8.7 the views or opinions of another individual about the person;
  - 2.8.8 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.
- 2.9 **POPI** – means Protection of Personal Information Act No 4 of 2013 and any future amendment to the Legislation.
- 2.10 **Processing** – means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information. This includes, but is not limited to, the collection, recording, organisation, storage, modification or transmission of personal information.

### 3. Consent to collection, processing and divulging personal information

- 3.1 ARNHEM BODY CORPORATE and the Client both warrant and agree that each party understand and complies with all the conditions and regulations set out in the POPIA and that the processing of personal information will be done in order to:
- 3.1.1 Meet the legal requirements of the purpose for which personal information is collected in terms of POPIA and to enable the Company to conduct its business for which the Client has engaged the Company;
- 3.2 ARNHEM BODY CORPORATE and the Client agree that both parties and/or their duly authorized officials, employees and/or representatives agree, and provide explicit consent, that both parties will obtain and process personal and/or confidential information of the other party in terms of their relationship and such information will only be obtained, processed, secured, divulged and/or destroyed in terms of the Regulations of the POPIA, at all times.

### 4. Rights of the Client/Data subject:

The Company will ensure that its Clients are made aware of their rights conferred upon them as data subjects. The Company will ensure that it gives effect to the following rights of data subjects:

**4.1 The Right to Access Personal Information**

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

**4.2 The Right to have Personal Information Corrected or Deleted**

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

**4.3 The Right to Object to the Processing of Personal Information**

The Client/data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information. In such circumstances, the Company will give due consideration to the request and the requirements of POPIA. The Company 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.

**4.4 The Right to Object to Direct Information Sharing**

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

**4.5 The Right to Complain to the Information Regulator**

The Client/data subject has the right to submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA.

**4.6 The Right to be Informed**

The Client/data subject has the right to be notified that his, her or its personal information is being collected by the Company. The data subject also has the right to be notified in any situation where the Company has reasonable grounds to believe that the personal information of the data subject has been accessed/breached.

**5. Amendments in terms POPIA**

The parties agree that any amendment to the POPIA or its Regulations will result in amendments to the POPI Policy Statement of ARNHEM BODY CORPORATE and the terms and conditions agreed to in this Consent Agreement will therefore be amended accordingly.

**6. Agreement**

Signature to this agreement confirms that the consenting party who provides personal/confidential information, referred to in this agreement as the "Client", irrevocably agree that all information supplied and/or provided to ARNHEM BODY CORPORATE is done with full consent and in terms of the conditions set out in this Consent Agreement in line with the POPIA.

Should any aspect of this Consent Agreement not be agreeable to the Client he/she/they are to notify the Company immediately. Alternatively, it will be deemed an acceptance of the terms and conditions of the Agreement.

This Agreement shall be binding upon the parties hereto.

Signed on this \_\_\_ day of \_\_\_\_\_ (month) 20\_\_ (year) at \_\_\_\_\_  
(Place)

\_\_\_\_\_  
Duly Authorised Company Official

\_\_\_\_\_  
Duly Authorised Client Official