



FirstRand

GROUP SUPPLIER AND BUSINESS PARTNER PRIVACY NOTICE

July 2024

**TABLE OF CONTENTS**

1 BACKGROUND AND PURPOSE OF THIS NOTICE ..... 3

2 RESPONSIBLE PARTIES WITHIN FIRSTRAND ..... 3

3 PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS ..... 3

4 THE PURPOSES IN REFERENCE TO PROCESSING OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS ..... 5

5 THE CONSEQUENCES RELATING TO SUPPLIERS AND BUSINESS PARTNERS WHO DO NOT PROVIDE THEIR PERSONAL INFORMATION TO FIRSTRAND ..... 7

6 THE QUALITY OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS ..... 7

7 SECURITY AND CONFIDENTIALITY OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS ..... 7

8 RETENTION OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS ..... 8

9 CENTRALISED PROCESSING ..... 8

10 THE SHARING OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS ..... 8

11 THE USE OF OPERATORS TO PROCESS PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS ..... 9

12 RIGHTS OF SUPPLIERS AND BUSINESS PARTNERS ..... 9

13 RESPONSIBILITIES OF SUPPLIERS AND BUSINESS PARTNERS WHO ARE OPERATORS UNDER POPIA ..... 12

14 DOCUMENT INFORMATION ..... 12

Definition of terms used in this notice:

<b>Affiliate</b>	Means (a) any subsidiary or a holding company or a subsidiary of the holding company of either party, or (b) any entity that controls, is controlled by, or is under common control with, either party. The terms “subsidiary” and “holding company” will have the meaning assigned thereto in Chapter 1 of the Companies Act, No. 71 of 2008 ( <b>Companies Act</b> ). The term “control” means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the entity through the ownership of voting securities representing 50% (fifty percent) plus 1 (one) of the possible votes.
<b>Associate</b>	Means any entity or unincorporated joint venture from which FirstRand has the right to receive at least 20% (twenty percent) of the profit share or similar benefit derived from such entity or unincorporated joint venture.
<b>Consent</b>	Means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.
<b>Data subject</b>	Means the person to whom the personal information relates.  In reference to FirstRand and for the purposes of this notice, this primarily means, but is not limited to, suppliers, business partners and their respective related persons.
<b>FirstRand or the group</b>	Means FirstRand Limited and its subsidiary companies, including divisions, segments and business units. Certain subsidiary companies may be excluded from the FirstRand group description for the purposes of this notice, such as where the FirstRand group is involved in private equity investments ( <b>excluded subsidiaries</b> ). A simplified legal entity structure diagram of the group can be found on the FirstRand website.
<b>Information Regulator</b>	Means the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, No. 4 of 2013.
<b>Operator</b>	Means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
<b>POPIA</b>	Means the Protection of Personal Information Act, No. 4 of 2013.
<b>Processing</b>	Means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information including: (a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) dissemination by means of transmission, distribution or making available in any other form; or (c) merging, linking, restriction, degradation, erasure or destruction of information.
<b>Responsible party</b>	Means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means of processing of personal information.

## 1 BACKGROUND AND PURPOSE OF THIS NOTICE

Protecting the personal information of the group's suppliers and business partners is important to FirstRand. To do so, FirstRand follows general principles in accordance with applicable privacy laws, and POPIA in particular.

The group has developed this supplier and business partner privacy notice (**notice**) to enable its suppliers and business partners to understand how the group collects, uses and safeguards their personal information.

## 2 RESPONSIBLE PARTIES WITHIN FIRSTRAND

FirstRand or the group has several responsible parties. These parties or companies are responsible for determining why and how the group will use suppliers' and business partners' personal information. This notice applies to processing by all such group entities. This notice may also apply to the processing by excluded subsidiaries and/or by associates, if agreed to by FirstRand and the relevant excluded subsidiary or associate in writing.

When a group supplier or business partner provides its personal information to any of the FirstRand group companies, the responsible party will be the FirstRand group company which, from an overall perspective, determines the means and purpose of the processing of the personal information. The group company may be the independent responsible party or a joint responsible party when acting jointly with the other companies in the group.

A **supplier**, in the context of this notice, means a natural or juristic person that provides a product or renders a service to the group and is a data subject, where their personal information is processed by the group. A supplier could also be considered an operator, an independent responsible party or (together with FirstRand) a joint responsible party. The group and its suppliers will always remain independent contracting parties.

A **business partner**, in the context of this notice, means a natural or juristic person holding a business relationship with the group, where such relationship does not fall within the category of a supplier, employee or customer relationship. By virtue of the business relationship, FirstRand may process personal information belonging to its business partner. Such a business partner is thus a data subject. For the avoidance of doubt, the term "business partner" is used for the sake of convenience and for descriptive purposes only. It should not be construed to imply a partnership between FirstRand and the business partner in a legal sense or as understood in law. Depending on the nature of the business relationship, a business partner could be considered an operator, an independent responsible party or (together with FirstRand) a joint responsible party. FirstRand and its business partners will always remain independent contracting parties.

## 3 PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS

**Personal information** refers to any information relating to the supplier or business partner which identifies the supplier or business partner (who can be a natural or a juristic person). If a supplier or business partner is a juristic person, the group may collect and use personal information relating to the juristic person's directors, officers, employees, beneficial owners, partners, shareholders, members, subcontractors, authorised signatories, representatives, agents, payers, payees, customers, guarantors, spouses of guarantors, sureties,

spouses of sureties, other security providers and other persons related to the juristic person. These are the suppliers' and business partners' related persons.

If the supplier or business partner provides FirstRand with its related persons' personal information, the supplier or business partner warrants that the related persons are aware of and have consented to the sharing and processing of their personal information with/by FirstRand. FirstRand will process the personal information of related persons as stated in this notice. References to "the supplier" or "the business partner" in this notice will include related persons (with the necessary amendments).

Examples of the personal information of the supplier or business partner, where relevant, may include (but are not limited to):

- financial information of the supplier or business partner, which includes banking account information and financial records such as bank statements provided to the group;
- invoices issued by the supplier or business partner to the group;
- the contract/agreement between the group and the supplier or business partner, including all annexures and addendums;
- other identifying information of the supplier or business partner, which includes company registration number, VAT number, tax number and contact details;
- marital status and matrimonial property regime (e.g. married in community of property);
- national origin;
- age;
- language;
- birth date;
- education;
- financial history;
- identifying number (e.g. an account number, identity number or passport number);
- information relating to political exposure;
- email address;
- physical address (e.g. residential address, work address or physical location);
- information about the location (e.g. geolocation or GPS location) of a supplier or business partner;
- telephone number;
- online and other unique identifiers;
- social media profiles;
- biometric information (like fingerprints, facial recognition signatures or voice collected through the group's authenticated processes or CCTV);
- race;
- gender;

- sex;
- criminal history, personal views, preferences and opinions;
- confidential correspondence;
- another's views or opinions about a supplier or business partner; and/or
- the name of the supplier or business partner.

Some of the above personal information elements are considered special personal information, specifically as explained below.

**Special personal information** is personal information about the following:

- criminal behaviour, to the extent that such information relates to the alleged commission of an offence (for example to prevent money laundering as required by law, or to determine the desirability of entering into or maintaining a business relationship with the supplier or business partner), or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings;
- religious and philosophical beliefs (for example, where a supplier or business partner enters a competition and is requested to express a philosophical view);
- race or ethnic origin (e.g. for performing vendor and other risk management or statistical processes, including the determination and auditing of broad-based black economic empowerment status and levels);
- political beliefs (e.g. to determine political exposure and risk management for the purposes of anti-money laundering, anti-financial crime, anti-bribery and anti-corruption legislation);
- health, including physical or mental health, disability and medical history (e.g. when assessing eligibility for funding which may for example be in the form of grants or sponsorships, or when such information is collected via any one of the group's corporate and social responsibility initiatives); or
- biometric information (e.g. to verify identity and permit entry into the premises of the group).

#### **4 THE PURPOSES IN REFERENCE TO PROCESSING OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS**

Personal information will be processed by FirstRand in the normal course of the management of suppliers and dealings with business partners for various purposes. Such purposes may include (where applicable to the relationship), but are not limited to:

- Procuring products, goods and services from the supplier or business partner.
- Responding to enquiries and complaints from the supplier or business partner.
- Maintaining the data of the supplier or business partner.
- Collaborating with the supplier or business partner (for example, collaborating in order to provide products or services to group customers).
- Complying with legislative, regulatory, risk and compliance requirements (including directives, sanctions and rules), voluntary and involuntary codes of conduct and industry agreements, or fulfilling reporting requirements and information requests.

- Detecting, preventing and reporting theft, fraud, money laundering and other crimes. This will include conducting criminal, credit reference/bureau, sanctions, anti-bribery and other related reference checks on the supplier or business partner, including but not limited to politically exposed persons (also known as PEP) and Southern African Fraud Prevention Service (SAFPS), Association of Savings and Investments South Africa (ASISA) and Financial Advisory and Intermediary Service Act (FAIS) reference checks. Such checks may be conducted on an ongoing basis throughout the period of engagement, and may include lifestyle audits, forensic investigations relating to suspicions of misconduct (including whistle-blowing) and reporting on the conduct of suppliers or business partners to the relevant bodies before, after or during termination of the underlying agreement, where the group is required to do so by law.
- To obtain personal information from credit bureaux regarding a supplier or business partner's credit history.
- Complying with all applicable laws authorising or requiring such processing, including (but not limited to):
  - Financial Intelligence Centre Act, 2001;
  - Prevention and Combating of Corrupt Activities Act, 2004;
  - The Competition Act, 1998;
  - Broad-Based Black Economic Empowerment Act, 2003;
  - Financial Sector Regulation Act, 2017;
  - National Credit Act, 2005;
  - Consumer Protection Act, 2008; and
  - Financial Advisory and Intermediary Services Act, 2002.
- Enforcing and/or collecting on any agreement when the supplier or business partner is in default or breach of the agreement terms and conditions, e.g. tracing the supplier or business partner or instituting legal proceedings against the supplier or business partner.
- Conducting market and behavioural research, including scoring and analysis.
- Investigating and concluding on the outcome of matters referred to the independent ethics line (whistle-blowing), either by the supplier or business partner or about the supplier or business partner.
- Historical, statistical and research purposes, e.g. market segmentation or performance management.
- Security, identity verification and checking the accuracy of the personal information of the supplier or business partner.
- Performing vendor and other risk management processes.
- Communicating with the supplier or business partner and/or carrying out the instructions and requests of the supplier or business partner.
- Enabling the supplier's participation in supplier development programmes (including training and evaluation to access resources like funding and banking) and/or assessing the eligibility of the supplier or business partner for funding, which may for example be in the form of grants or sponsorships.
- Providing marketing or advertising to the supplier or business partner, in the context of supplier development programmes, while honouring consents and opt-outs.
- Generally exercising the group's rights and carrying out FirstRand's obligations in terms of the contract between the group and the supplier or business partner.

- Any other related purposes.

FirstRand will process a supplier's or a business partner's personal information pursuant to a lawful justification, including:

- the conclusion or performance of the contract to which the supplier or business partner is party or, prior to entering into the contract, taking the necessary steps to enable the negotiation and/or execution of the contract;
- compliance with legal obligations that the group is subject to;
- the protection of a legitimate interest of the supplier or business partner; and/or
- the pursuit or maintenance of legitimate interests by the group or by the third party to whom the personal information is disclosed for one or more of the above purposes.

There may be instances where the group will lawfully process personal information for purposes not listed above. In this event, the group may be required to request specific consent from the supplier or business partner, which consent may be withdrawn at any point.

## **5 THE CONSEQUENCES RELATING TO SUPPLIERS AND BUSINESS PARTNERS WHO DO NOT PROVIDE THEIR PERSONAL INFORMATION TO FIRSTRAND**

In some circumstances, it may be mandatory for suppliers or business partners to provide their personal information. If a supplier or business partner refuses to provide the required personal information, the group may be unable to carry out certain activities. For example, if a supplier or business partner refuses to provide the requisite personal information to enter into or pursue a contract or business relationship, the group will be unable to enter into a contract or pursue any contractual relationship with the supplier or business partner.

## **6 THE QUALITY OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS**

FirstRand will take reasonable and practicable steps to ensure that the personal information of the group's suppliers and business partners is complete, accurate and not misleading, and is updated where necessary.

Suppliers and business partners can update their personal information, once given, by forwarding such a request to their contact person within the group, or (in the case of suppliers) by directing such a request to the group's procurement help desk. The contact person will be the individual the supplier or business partner is working/dealing with from the group. The contact number for the group's procurement help desk for suppliers is +27 87 312 5828 or [phdqueries@fnb.co.za](mailto:phdqueries@fnb.co.za).

## **7 SECURITY AND CONFIDENTIALITY OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS**

All personal information of the supplier or business partner processed by the group will be held confidentially.



FirstRand will take reasonable and appropriate technical and organisational measures to keep the personal information of its suppliers and business partners secure, in accordance with the group's policies and procedures on information security, and in accordance with any applicable law.

## **8 RETENTION OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS**

Personal information will not be kept by FirstRand for longer than is necessary for the purposes of the processing set out above, unless a further retention period is required by law, or where FirstRand reasonably requires a further retention period for a lawful purpose relating to its functions or activities, or where a further retention period is required by the contract between the supplier or business partner and FirstRand, or where the retention is for historical, statistical or research purposes and appropriate safeguards have been applied to the personal information.

## **9 CENTRALISED PROCESSING**

The group aims to create efficiencies in the way it processes information across the group. Suppliers' and business partners' personal information may therefore be processed through centralised group functions and systems, which include storing personal information in a centralised group data warehouse, performing centralised administrative functions and providing a centralised payments system.

This centralised processing is structured to ensure efficient processing that benefits both the supplier or business partner and the group. Such benefits include, but are not limited to:

- improved information management, integrity and information security;
- the leveraging of centralised crime and fraud prevention tools, which would include the processing of the supplier's and business partner's personal information and special personal information across the companies in the group to prevent, detect and report on financial crimes and related matters in terms of the Financial Intelligence Centre Act;
- a reduction in information management costs;
- analytics, statistics and research; and
- streamlined transfers of personal information for suppliers and business partners with solutions across different businesses or companies within the group.

Should a supplier or business partner wish to exercise their privacy rights in terms of personal information provided to a company in the group, or enquire about the centralised processing procedure, enquiries can be made through the contact details provided in this notice.

## **10 THE SHARING OF PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS**

The personal information of the supplier or business partner may be shared within FirstRand and with affiliates and third parties with whom FirstRand contracts in order to process such personal information pursuant to the

instruction of FirstRand, under specific terms or purposes as set out in this notice. A simplified legal entity structure diagram of the group can be found on the FirstRand website.

Moreover, certain affiliates and third parties could be based outside of South Africa. In such instances, and in other instances where it is necessary to transfer information outside of South Africa, FirstRand will comply with cross-border transfer conditions of personal information as set out in POPIA.

FirstRand will ensure that reasonable and adequate safeguards are in place when sharing personal information of the supplier or business partner as set out above.

## **11 THE USE OF OPERATORS TO PROCESS PERSONAL INFORMATION PERTAINING TO SUPPLIERS AND BUSINESS PARTNERS**

FirstRand may assign the processing of the personal information of the supplier or business partner to an operator, who will process such personal information under a contract or mandate entered into with the group. The operator may be a third party, another entity within the group, an excluded subsidiary or an associate of the group. In terms of a contract or mandate, FirstRand will ensure that the operator processes the personal information of the supplier or business partner on a confidential basis and applies reasonable and appropriate technical and organisational security measures when processing the personal information of the supplier or business partner.

## **12 RIGHTS OF SUPPLIERS AND BUSINESS PARTNERS**

<b>Rights</b>	<b>Description of and information on the exercise of such rights</b>
<b>The right to be informed</b>	This notice has been developed to enable suppliers and business partners to understand how the group collects, uses and safeguards their personal information.

Rights	Description of and information on the exercise of such rights
<p><b>The right to access to information</b></p>	<p>A supplier or business partner has the right to access its personal information.</p> <p>A supplier or business partner may follow various avenues to access personal information.</p> <p>A supplier or business partner may contact FirstRand or direct its request to the responsible relationship manager within the group. The contact number for the group’s procurement help desk for suppliers is +27 87 312 5828. The email address is <a href="mailto:phdqueries@fnb.co.za">phdqueries@fnb.co.za</a>.</p> <p>A supplier or business partner may also submit a request in accordance with the procedure referred to in FirstRand’s manual prepared in accordance with section 51 of the Promotion of Access to Information Act, No. 2 of 2000. This manual may be obtained on the FirstRand website.</p>
<p><b>The right to the correction, destruction and deletion of and objection to the processing of the personal information of the supplier or business partner</b></p>	<p>Such requests can be sent to the responsible relationship manager within the group. The responsible relationship manager will advise on the form and manner to submit and action such requests.</p> <p>A supplier could also update personal information through the supplier help desk. The contact number for the group’s procurement help desk for suppliers is +27 87 312 5828 and email address is <a href="mailto:phdqueries@fnb.co.za">phdqueries@fnb.co.za</a>.</p>
<p><b>The right to object to direct marketing</b></p>	<p>If the personal information of the supplier or business partner has been used for direct marketing purposes, FirstRand will afford the supplier or business partner (and the related persons of the supplier or business partner) an opportunity to opt out of receiving such direct marketing. Please refer to the group’s apps or websites for the management of consent preferences.</p>
<p><b>The right to withdraw consent</b></p>	<p>Where a supplier or business partner has provided their consent for the processing of their personal information, they may withdraw their consent. If they withdraw their consent, the group will explain the consequences of such withdrawal.</p>

Rights	Description of and information on the exercise of such rights
<p><b>The right to submit a complaint to FirstRand and to the Information Regulator</b></p>	<p>Suppliers and business partners have the right to submit a complaint to the Information Regulator (South Africa) regarding an alleged breach of the conditions for lawful processing of personal information as set out in POPIA.</p> <p>The contact details of the Information Regulator are provided below: Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 General enquiries: +27(0)10 023 5200 Email address: enquiries@info regulator.org.za</p> <p>The supplier or business partner can choose to submit complaints to the group for resolution before submission to the Information Regulator. Any queries or complaints regarding the processing of personal information of the supplier or business partner can be directed to the responsible relationship manager within the group.</p> <p>Regarding FirstRand Bank Limited, a registered bank in South Africa and a member of the Banking Association South Africa which is subject to the Code of Conduct for the Processing of Personal Information by the Banking Industry, privacy complaints may be referred to:</p> <p>National Financial Ombud Scheme South Africa: NFO Johannesburg: 110 Oxford Road, Houghton Estate, Johannesburg, Gauteng, 2198 NFO Cape Town: Claremont Central Building, 6th Floor, 6 Vineyard Road, Claremont, Western Province, 7700 Telephone number: 0860-800-900 Website: <a href="http://www.nfosa.co.za/">http://www.nfosa.co.za/</a> Email: info@nfosa.co.za</p>
<p><b>Right to Legal Action</b></p>	<p>Suppliers and business partners have the right to take legal action, and in South Africa, request that the Information Regulator take legal action, for certain contraventions of the protection of their personal information.</p>

### **13 RESPONSIBILITIES OF SUPPLIERS AND BUSINESS PARTNERS WHO ARE OPERATORS UNDER POPIA**

Where a supplier or business partner, in terms of a contract or mandate, processes personal information for responsible parties within the group and is considered an operator of the group, the supplier or the business partner must adhere to the obligations set out in the FirstRand Group data protection policy for suppliers and business partners. This policy is available on the group's website and sets out the rules of engagement in relation to how personal information is processed by suppliers and business partners on behalf of the group, as well as the minimum legal requirements that FirstRand requires the suppliers and business partners to adhere to in their capacity as suppliers or business partners to the group. These include compliance with POPIA and the General Data Privacy Regulation and other legislation where applicable. This policy applies to all suppliers and business partners that engage with FirstRand and handle personal information as defined in applicable law.

### **14 DOCUMENT INFORMATION**

Any changes to this notice will come into force and effect once the updated notice has been published on the group's websites.

**-END-**

**ANNEXURES:**

- **FORM 1:** OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]
- **FORM 2:** REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]