

**FIRSTRAND EMPOWERMENT FOUNDATION TRUST PRIVACY NOTICE**

June 2022

## DOCUMENT CONTROL

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## 1 BACKGROUND AND PURPOSE OF THIS NOTICE

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

The FirstRand Empowerment Foundation Trust has developed this privacy notice (**notice**) to enable grant recipients, suppliers and other business partners to understand how the FirstRand Empowerment Foundation Trust collects, uses and safeguards their personal information.

All examples provided in this notice are for illustrative purposes and are not intended to set out an exhaustive list.

**VERY IMPORTANT:** If a grant recipient submits its personal information for funding or accepts any terms of use or agreement with the FirstRand Empowerment Foundation Trust, or a supplier or business partner submits its personal information to promote its products or services or by accepting any terms of use or agreement with the FirstRand Empowerment Foundation Trust, they agree that in order to:

- conclude and fulfil contractual terms or obligations to the grant recipient, supplier or business partner;
- comply with obligations imposed by law; or
- to protect or pursue grant recipient, supplier or business partners', the FirstRand Empowerment Foundation Trust's, or a third party's legitimate interests;

personal information may be processed through centralised functions and systems of the FirstRand Empowerment Foundation Trust and its operators and may be used for the purposes, in the manner, and with the appropriate controls as set out in this notice.

Where it is necessary to obtain consent for processing, the FirstRand Empowerment Foundation Trust will seek consent separately. Grant recipients, suppliers and business partners should read the consent request carefully as it may limit their rights.

The FirstRand Empowerment Foundation Trust may change this notice from time to time if required by law or its business practices. The latest version of the notice displayed on the FirstRand website will apply to grant recipients, suppliers and business partners' interactions with the FirstRand Empowerment Foundation Trust and is available at: <https://www.firststrand.co.za/investors/esg-ressource-hub/policies-and-practices/>

Information about the FirstRand Empowerment Foundation Trust can be found on FirstRand's website which can be accessed on <https://www.firststrand.co.za/society/social-investing/foundations/>. Use of this website is subject to FirstRand's terms of use, privacy notice and cookie policy which are available on that website.

## 2 DEFINITIONS

Definitions of certain terms use in this notice-

business partner	means a natural or juristic person holding a business relationship with the FirstRand Empowerment Foundation Trust, where such relationship does not fall within the definition of a supplier, employee or grant recipient and such person is a data subject;
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data subject	means the person to whom personal information relates, for the purposes of this notice, the data subject refers to a grant recipient, supplier or business partner whose personal information is processed by the FirstRand Empowerment Foundation Trust;
FirstRand Empowerment Foundation Trust	means the FirstRand Empowerment Foundation Trust, with Master's reference number IT1581/05T and its trustees for the time;
grant	means a monetary donation made by the FirstRand Empowerment Foundation Trust to a Grant Recipient to carry on one or more public benefit activities (as defined in the Income Tax Act, 1962) in line with objectives of the FirstRand Empowerment Foundation Trust;
grant recipient	includes- <ul style="list-style-type: none"> <li>• prospective grant recipients (persons that are interested in applying for funding from the FirstRand Empowerment Foundation Trust);</li> <li>• new and existing grant recipients (persons that have taken up funding from the FirstRand Empowerment Foundation Trust);</li> <li>• previous grant recipients (persons that had funding from the FirstRand Empowerment Foundation Trust); and</li> <li>• grant recipient (persons who benefit from the programs and work of the grant recipients);</li> </ul>
POPIA	Protection of Personal Information Act, 2013
process	means how the FirstRand Empowerment Foundation Trust collects, uses, retrieves, records, stores, makes available, destroys, updates, discloses, or otherwise deals with the personal information of grant recipients, ultimate beneficiaries, suppliers and other business partners; and
supplier	means a natural or juristic person that provides a product or renders a service to the FirstRand Empowerment Foundation Trust and is a data subject.

### 3 RESPONSIBLE PARTY AND CONTACT DETAILS

The FirstRand Empowerment Foundation Trust is the responsible party which means it is responsible for determining why and how the FirstRand Empowerment Foundation Trust will use grant recipient, supplier and business partners' personal information. The FirstRand Empowerment Foundation Trust may be contacted using the following details:

4<sup>th</sup> Floor, 4 Merchant Place;

Corner Fredman Drive and Rivonia Road;

Sandton;

2197

Email address: [social.investing@firstrand.co.za](mailto:social.investing@firstrand.co.za)

The FirstRand Empowerment Foundation Trust has appointed FirstRand Limited (through its Social Investing Office) and FNB Fiduciary Proprietary Limited to assist with managing its day-to-day activities. These companies will process personal information for the FirstRand Empowerment Foundation Trust as operators and have an obligation to keep grant recipient, supplier and business partners' personal information secure and confidential.

#### 4 WHAT IS PERSONAL INFORMATION?

Personal information refers to any information that identifies or can, together with other information identify, a grant recipient, supplier or business partner or specifically relates to a grant recipient, supplier or business partner. Personal information includes, but is not limited to, the following information about a grant recipient, supplier or business partner:

- marital status and matrimonial property regime; national origin; age; language; birth; education;
- financial information (e.g. income, expenses, banking account information, financial records, obligations, assets, and liabilities, investing, lending, insurance, and transactions);
- invoices issued by the grant recipient, supplier or business partner to the FirstRand Empowerment Foundation Trust;
- the agreement between the FirstRand Empowerment Foundation Trust and the grant recipient, supplier or business partner;
- other identifying information of the grant recipient, supplier or business partner, which includes company registration number, VAT number, and tax number;
- employment history and current employment status;
- gender or sex (for statistical purposes as required by the law);
- identifying number (e.g. an identity number or passport number or other types of unique identifiers);
- e-mail address; physical address (e.g. residential address, work address or physical location); telephone number;
- online identifiers (e.g. cookies, online analytical identifier numbers, internet protocol (IP) addresses, device fingerprints, device ID); social media profiles;
- biometric information (e.g. fingerprints, signature, facial biometrics or voice);
- race (for statistical purposes as required by the law);
- physical health; mental health; wellbeing; disability; religion; belief; conscience; culture;
- medical history, criminal history; employment history;
- personal views, preferences and opinions;
- confidential correspondence; or
- another's views or opinions about a grant recipient, supplier and business partner and a grant recipient, supplier and business partner's name also constitute personal information.

There is also a category of personal information called **special personal information**, which includes the following personal information about a grant recipient, supplier or business partner:

- criminal behaviour, to the extent that such information relates to the alleged commission of an offence (to prevent money laundering as required by law, or when entering into a business relationship with the FirstRand Empowerment Foundation Trust), 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 such information underpins a grant recipient's business);
- race or ethnic origin (e.g. for performing vendor and other risk management or statistical processes);
- trade union membership;
- political beliefs;
- health, including physical or mental health, disability and medical history (e.g. when assessing eligibility for funding); or
- biometric information (e.g. to verify identity).

## **5 WHEN WILL THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST PROCESS GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION?**

The FirstRand Empowerment Foundation Trust may process grant recipient, supplier and business partners' personal information for lawful purposes relating to its business if the following circumstances apply:

- it is necessary to conclude or perform under a contract the FirstRand Empowerment Foundation Trust has with the grant recipient, supplier and business partner;
- the law requires or permits it;
- it is required to protect or pursue the grant recipient, supplier or business partner's, the FirstRand Empowerment Foundation Trust's or a third party's legitimate interest;
- the grant recipient, supplier or business partner has consented thereto;
- a person legally authorised by the grant recipient, supplier and business partner, the law, or a court, has consented thereto; or
- the grant recipient is a child, and a competent person (such as a parent or guardian) has consented thereto on their behalf.

## **6 WHEN WILL THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST PROCESS GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' SPECIAL PERSONAL INFORMATION?**

The FirstRand Empowerment Foundation Trust may process grant recipient, supplier and business partners' special personal information in the following circumstances, among others:

- if the processing is needed to create, use, or protect a right or obligation in law;
- if the processing is for statistical or research purposes to the extent that the purpose of processing is in the public interest or obtaining consent may require a disproportionate effort and sufficient guarantees are in place to protect affected process grant recipient, supplier and business partners', and all other legal conditions are met;
- if the special personal information was made public by the grant recipient, supplier and business partner;
- if the processing is required by law;
- if racial information is processed and the processing is required to identify the grant recipient, supplier and business partner;
- if the grant recipient, supplier and business partner has consented to the processing.

## **7 WHEN AND HOW WILL THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST PROCESS THE PERSONAL INFORMATION OF CHILDREN?**

A child is a person who is defined as a child by a country's legislation, and who has not been recognised as an adult by the courts. The FirstRand Empowerment Foundation Trust processes the personal information of children if the law permits this.

The FirstRand Empowerment Foundation Trust may process the personal information of children if any one or more of the following applies:

- a person with the ability to sign legal agreements has consented to the processing, being the parent or guardian of the child;
- the processing is needed to create, use, or protect a right or obligation in law,
- the child's personal information was made public by the child, with the consent of a person who can sign legal agreements; or
- the processing is for statistical, or research purposes and all legal conditions are met.

## **8 WHEN, AND FROM WHERE, DOES THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST OBTAIN PERSONAL INFORMATION ABOUT GRANT RECIPIENTS, SUPPLIERS AND BUSINESS PARTNERS?**

The FirstRand Empowerment Foundation Trust collects information about grant recipient, supplier and business partners:

- directly from the grant recipient, supplier or business partner;
- based on how the grant recipient, supplier or business partner engages or interacts with the FirstRand Empowerment Foundation Trust, such as on social media, and through reports, emails, letters, telephone calls and surveys;
- based on a grant recipient, supplier or business partner's relationship with the FirstRand Empowerment Foundation Trust;
- from third parties that the FirstRand Empowerment Foundation Trust interacts with for the purposes of conducting its business (such as approved business partners who are natural or juristic person holding a business relationship with the FirstRand Empowerment Foundation Trust to offer grant recipients value-added solutions), credit bureaus, regulators and government departments or service providers; and
- from public sources (such as newspapers, company registers, online search engines, deed registries, public posts on social media, public directories).

The FirstRand Empowerment Foundation Trust collects and processes grant recipient, supplier and business partners' personal information at the start of, and for the duration of their relationship with the FirstRand Empowerment Foundation Trust. The FirstRand Empowerment Foundation Trust may also process a grant recipient, supplier or business partners' personal information when their relationship with the FirstRand Empowerment Foundation Trust has ended.

If the law requires the FirstRand Empowerment Foundation Trust to do so, it will ask for a grant recipient, supplier or business partner's consent before collecting personal information about them from third parties.

The third parties (which may include parties the FirstRand Empowerment Foundation Trust engages with as independent responsible parties, joint responsible parties, or operators) from whom the FirstRand Empowerment Foundation Trust may collect grant recipient, supplier and business partners' personal information include, but are not limited to, the following:

- people the grant recipient, supplier and business partner has authorised to share their personal information,
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;
- third party professional service providers such as accountants, tax professionals and legal services providers;
- law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombuds, government departments, and local and international tax authorities;
- credit bureaus;
- institutions of higher learning and qualification information providers;
- trustees, executors, or curators appointed by a court of law;
- courts of law or tribunals; and
- social media platforms.



## **9 WHEN AND HOW THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST OBTAINS GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION FROM/WITH THIRD PARTY SOURCES**

The FirstRand Empowerment Foundation Trust may obtain grant recipient, supplier and business partners' personal information from third party sources such as credit bureaus for any one or more of the following reasons:

- if the grant recipient, supplier and business partner requested the FirstRand Empowerment Foundation Trust to do so, or agreed that it may do so;
- to verify a grant recipient, supplier and business partner's identity;
- to prevent or detect fraud or other financial crimes;
- to obtain or verify a grant recipient, supplier and business partner's employment details;
- to obtain and verify a grant recipient, supplier and business partner's marital status;
- to obtain, verify, or update a grant recipient, supplier and business partner's contact or address details;
- to obtain a credit report about a grant recipient, which includes their credit history and credit score, when the grant recipient, supplier and business partner applies for funding;
- to trace a grant recipient, supplier and business partner's whereabouts;
- to update a grant recipient, supplier and business partner's contact details;
- to conduct research, statistical analysis or system testing; or
- to determine the source(s) of a grant recipient, supplier and business partner's income.

## **10 REASONS THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST NEEDS TO PROCESS GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION**

The FirstRand Empowerment Foundation Trust may process the grant recipient, supplier and business partners' personal information for the reasons outlined below.

### **10.1 Contract**

The FirstRand Empowerment Foundation Trust may process grant recipient, supplier and business partners' personal information if it is necessary to conclude or perform under a contract the FirstRand Empowerment Foundation Trust has with a grant recipient, supplier and business partner or to provide a solution to a grant recipient, supplier and business partner. This includes:

- assess and process applications for grants, including verifying information provided in the application;
- to conduct a needs analysis so that only persons who meet the FirstRand Empowerment Foundation Trust's criteria are considered for grants;
- to provide a grant recipient with grants they have requested;
- procuring goods and services from the supplier or business partner;
- to open, manage and maintain grant recipient, supplier or business partner accounts or relationships with the FirstRand Empowerment Foundation Trust;
- to arrange training, mentorship, coaching or financial literacy for grant recipients either by the FirstRand Empowerment Foundation Trust or from the FirstRand Empowerment Foundation Trust's suppliers or business partners;
- to enable the FirstRand Empowerment Foundation Trust to receive goods, documents or notices from a supplier or business partner;
- to enable the FirstRand Empowerment Foundation Trust to make payment to or recover payment from a grant recipient, supplier and business partner;

- to enable grant recipients to participate in and make use of value-added solutions offered by the FirstRand Empowerment Foundation Trust or the FirstRand Empowerment Foundation Trust's business partners;
- to communicate with a grant recipient, supplier or business partner and carry out grant recipient, supplier or business partner instructions and requests;
- to respond to grant recipient, supplier or business partner enquiries and complaints;
- to enforce and collect on any agreement when a grant recipient, supplier or business partner is in default or breach of the terms and conditions of the agreement, such as tracing a grant recipient, supplier and business partner, or to institute legal proceedings against a grant recipient, supplier and business partner. In such scenarios the FirstRand Empowerment Foundation Trust may aggregate the contact details provided to any of the companies in the FirstRand Empowerment Foundation Trust to determine the grant recipient, supplier or business partner's most accurate contact details in order to enforce or collect on any agreement the grant recipient, supplier or business partner has with the FirstRand Empowerment Foundation Trust;
- to disclose and obtain personal information from credit bureaus regarding a grant recipient, supplier or business partner's credit history;
- to include grant recipient profiles and feedback in FirstRand Empowerment Foundation Trust reports on the usage of its funds or otherwise to promote the FirstRand Empowerment Foundation Trust's activities;
- performing vendor and other risk management processes;
- to meet record-keeping obligations; or
- for any other related purposes.

## **10.2 Law**

The FirstRand Empowerment Foundation Trust may process grant recipient, supplier and business partners' personal information if the law requires or permits it. This includes:

- to comply with legislative, regulatory, risk and compliance requirements (including directives, sanctions, and rules);
- to comply with applicable voluntary and involuntary codes of conduct;
- to fulfil reporting requirements and information requests;
- to meet record-keeping obligations;
- to give effect to and adhere to legislation governing various protected relationships (e.g. civil unions, marriages, customary marriages); or
- for any other related purposes.

## **10.3 Legitimate interest**

The FirstRand Empowerment Foundation Trust may process grant recipient, supplier and business partners' personal information in the daily management of its business and finances and to protect the FirstRand Empowerment Foundation Trust's grant recipient, supplier and business partners, employees, service providers and assets. It is to the FirstRand Empowerment Foundation Trust's benefit to ensure that its procedures, policies, and systems operate efficiently and effectively.

The FirstRand Empowerment Foundation Trust may process grant recipients' personal information to provide them with the most appropriate grants solutions and to develop and improve grants and the FirstRand Empowerment Foundation Trust's business.

The FirstRand Empowerment Foundation Trust may process a grant recipient, supplier or business partner's personal information if it is required to protect or pursue their, the FirstRand Empowerment Foundation Trust's or a third party's legitimate interest. This includes:

- to develop, implement, monitor, and improve the FirstRand Empowerment Foundation Trust's business processes, policies and systems;
- to manage business continuity and emergencies;
- to protect and enforce the FirstRand Empowerment Foundation Trust's rights and remedies in the law;
- to develop, test and improve funding solutions for grant recipients, this may include connecting the grant recipient's personal information with other personal information obtained from third parties or public records to better understand grant recipient, supplier and business partner needs and develop solutions that meet these needs. The FirstRand Empowerment Foundation Trust may also consider grant recipient's, behaviour, preferences, expectations, feedback and financial history;
- to enable grant recipients to participate in and make use of value-added solutions;
- to respond to grant recipient, supplier or business partner enquiries and communications including the recording of engagements and analysing the quality of the FirstRand Empowerment Foundation Trust's engagements with a grant recipient, supplier or business partner;
- to respond to complaints including deriving analytics of complaints to understand trends and prevent future complaints and providing compensation where appropriate;
- to enforce and collect on any agreement when a grant recipient, supplier or business partner is in default or breach of the terms and conditions of the agreement, such as tracing the grant recipient, supplier and business partner, or to institute legal proceedings against the grant recipient, supplier and business partner. In such a scenario, the FirstRand Empowerment Foundation Trust may aggregate the contact details provided to any of the companies in the FirstRand Empowerment Foundation Trust to determine the grant recipient, supplier and business partner's most accurate contact details in order to enforce or collect on any agreement the grant recipient, supplier and business partner has with the FirstRand Empowerment Foundation Trust;
- to meet record-keeping obligations;
- to fulfil reporting requirements and information requests;
- to detect, prevent and report theft, fraud, money laundering, corruption, and other crimes. This may include the processing of special personal information, such as alleged criminal behaviour or the supply of false, misleading, or dishonest information when applying for funding from the FirstRand Empowerment Foundation Trust, or avoiding liability by way of deception, to the extent allowable under applicable privacy laws. This may also include the monitoring of buildings from which we operate including CCTV cameras and access control;
- for statistical purposes; and
- for any other related purposes.

## **11 WHY DOES THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST FURTHER USE OR PROCESS GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION?**

At the time that the FirstRand Empowerment Foundation Trust collects personal information from a grant recipient, supplier or business partner, it will have a reason or purpose to collect that personal information. In certain circumstances, however, the FirstRand Empowerment Foundation Trust may use that same personal information for other purposes. The FirstRand Empowerment Foundation Trust will only do this where the law allows it to, and the other purposes are compatible with the original purpose/s applicable when the FirstRand Empowerment Foundation Trust collected the grant recipient, supplier or business partner's personal information. The FirstRand Empowerment Foundation Trust may also need to request a grant recipient, supplier or business partner's specific consent for the further processing in limited circumstances. Examples of these other purposes are included in the list of purposes set out in section 10 above.

The FirstRand Empowerment Foundation Trust may also further use or process a grant recipient, supplier or business partner's personal information if:

- the personal information about the grant recipient, supplier or business partner was obtained from a public record, like the deed's registry;

- the grant recipient, supplier or business partner made the personal information public, like on social media;
- the personal information is used for historical, statistical or research purposes, the results will not identify the grant recipient, supplier or business partner;
- proceedings have started or are contemplated in a court or tribunal;
- it is in the interest of national security;
- if the FirstRand Empowerment Foundation Trust must adhere to the law, specifically tax legislation; or
- the Information Regulator has exempted the processing.

The FirstRand Empowerment Foundation Trust may also further use or process a grant recipient, supplier or business partner's personal information if the grant recipient, supplier or business partner has consented to it or in the instance of a child, a competent person has consented to it.

Any enquiries about the further processing of grant recipient, supplier or business partner personal information can be made through the contact details of the grant recipient, supplier or business partner's solution provider or the FirstRand Empowerment Foundation Trust's platform provider, as set out in section 3 of this notice.

## **12 WHEN, HOW, AND WITH WHOM DOES THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST SHARE GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION?**

In general, the FirstRand Empowerment Foundation Trust will only share grant recipient, supplier or business partners' personal information if any one or more of the following apply:

- if the grant recipient, supplier or business partner has consented to this;
- if it is necessary to conclude or perform under a contract the FirstRand Empowerment Foundation Trust has with the grant recipient, supplier or business partner;
- if the law requires it; or
- if it is necessary to protect or pursue the grant recipient, supplier or business partner's, the FirstRand Empowerment Foundation Trust's or a third party's legitimate interest.

Where permitted, the FirstRand Empowerment Foundation Trust may share a grant recipient, supplier and business partner's personal information with the following persons, which may include parties that the FirstRand Empowerment Foundation Trust engages with as independent responsible parties, joint responsible parties, or operators. These persons have an obligation to keep grant recipient, supplier and business partners' personal information secure and confidential:

- the FirstRand Empowerment Foundation Trust's employees, as required by their employment conditions;
- the grant recipient, supplier and business partner's spouse, dependants, partners, employer, joint applicant or mandated persons, beneficiaries and other similar sources;
- people the grant recipient, supplier and business partner has authorised to obtain their personal information;
- attorneys, tracing agents, debt collectors and other persons that assist with the enforcement of agreements;
- law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
- regulatory authorities, industry ombuds, government departments, and local and international tax authorities and other persons the law requires the FirstRand Empowerment Foundation Trust to share grant recipient, supplier or business partner personal information with;
- credit bureaus;
- qualification information providers;
- trustees, executors, or curators appointed by a court of law;
- payment or account verification service providers;

- our service providers, agents, and subcontractors,;
- persons to whom the FirstRand Empowerment Foundation Trust have ceded its rights or delegated its obligations to under agreements, such as where a business is sold;
- courts of law or tribunals that require the personal information to adjudicate referrals, actions or applications;
- the general public, where grant recipient, supplier or business partners submit content to FirstRand Empowerment Foundation Trust social media sites such as a FirstRand Empowerment Foundation Trust business's Facebook page; or
- the FirstRand Empowerment Foundation Trust's joint venture and business partners with which it has concluded business agreements and where legally permissible.

### **13 UNDER WHAT CIRCUMSTANCES WILL THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST TRANSFER GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION TO OTHER COUNTRIES?**

The FirstRand Empowerment Foundation Trust will only transfer a grant recipient, supplier and business partner's personal information to third parties in another country in any one or more of the following circumstances:

- where a grant recipient, supplier or business partner's personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient;
- where the transfer is necessary to enter into, or perform, under a contract with the grant recipient, supplier or business partner or a contract with a third party that is in the grant recipient, supplier and business partner's interest;
- where the grant recipient, supplier or business partner has consented to the transfer; and/or
- where it is not reasonably practical to obtain the grant recipient, supplier or business partner's consent, but the transfer is in the grant recipient, supplier and business partner's interest/benefit.

This transfer will happen within the requirements and safeguards of applicable laws or data protection rules that bind the FirstRand Empowerment Foundation Trust.

Where possible, the party processing a grant recipient, supplier or business partner's personal information in another country will agree to apply the same level of protection as available by law in the grant recipient, supplier or business partner's country, or if the other country's laws provide better protection, the other country's laws would be agreed to and applied.

An example of the FirstRand Empowerment Foundation Trust transferring a grant recipient, supplier or business partner's personal information to another country would be where personal information is stored with a cloud services provider and the servers are in a foreign country.

### **14 GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' DUTIES AND RIGHTS REGARDING THE PERSONAL INFORMATION THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST HAS ABOUT THEM**

A grant recipient, supplier or business partner must provide the FirstRand Empowerment Foundation Trust with proof of identity when enforcing the rights below to enable the FirstRand Empowerment Foundation Trust to verify the identity of the grant recipient, supplier or business partner.

A grant recipient, supplier or business partner must inform the FirstRand Empowerment Foundation Trust when their personal information changes, as soon as possible after the change.

A grant recipient, supplier or business partner warrant that when they provide the FirstRand Empowerment Foundation Trust with personal information of any other person, they have permission from them to share their personal information with the FirstRand Empowerment Foundation Trust. The FirstRand Empowerment Foundation Trust will process the personal information of such other person as stated in this notice.

#### **14.1 Right to access**

Grant recipients, suppliers and business partners have the right to request access to the personal information the FirstRand Empowerment Foundation Trust has about them by contacting the FirstRand Empowerment Foundation Trust. This includes requesting:

- confirmation that the FirstRand Empowerment Foundation Trust holds the grant recipient, supplier or business partner's personal information;
- a copy or description of the record containing the grant recipient, supplier or business partner's personal information; and
- the identity or categories of third parties who have had access to the grant recipient, supplier or business partner's personal information.

The FirstRand Empowerment Foundation Trust will attend to requests for access to personal information within a reasonable time and in alignment with the law. Grant recipients, suppliers and business partners may be required to pay a reasonable fee (aligned to the law) to receive copies or descriptions of records, or information about, third parties. The FirstRand Empowerment Foundation Trust will inform grant recipient, supplier and business partners of the fee before attending to their request.

Grant recipients, suppliers and business partners should note that the law may limit their right to access information. For example, information relating to the FirstRand Empowerment Foundation Trust's intellectual property, competitively sensitive information, or legally privileged information.

#### **14.2 Right to correction, deletion, or destruction**

Grant recipients, suppliers and business partners have the right to request the FirstRand Empowerment Foundation Trust to correct, delete or destroy the personal information it has about them if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully, or if the FirstRand Empowerment Foundation Trust is no longer authorised to keep it. Grant recipients, suppliers and business partners must inform the FirstRand Empowerment Foundation Trust of their request in the prescribed form. Prescribed form 2 has been included as an annexure to this notice.

The FirstRand Empowerment Foundation Trust will take reasonable steps to determine if the personal information is correct and make any correction needed. It may take a reasonable time for the change to reflect on the FirstRand Empowerment Foundation Trust's platform/systems. The FirstRand Empowerment Foundation Trust may request documents from the grant recipient, supplier or business partner to verify the change in personal information.

A specific agreement that a grant recipient, supplier or business partner has entered into with the FirstRand Empowerment Foundation Trust may determine how the grant recipient, supplier or business partner must change their personal information provided at the time when they entered into the specific agreement. Grant recipient, supplier and business partners must adhere to these requirements.

If the law requires the FirstRand Empowerment Foundation Trust to keep the personal information, it will not be deleted or destroyed upon the grant recipient, supplier or business partner's request. The deletion or destruction of certain personal information may lead to the termination of a grant recipient, supplier or business partner's relationship with the FirstRand Empowerment Foundation Trust.

### **14.3 Right to objection**

Grant recipients, suppliers and business partners may object on reasonable grounds to the processing of their personal information where the processing is in their legitimate interest, the FirstRand Empowerment Foundation Trust's legitimate interest or in the legitimate interest of another party.

Grant recipients, suppliers and business partners must inform the FirstRand Empowerment Foundation Trust of their objection in the prescribed form. Prescribed form 1 is included as an annexure to this notice.

The FirstRand Empowerment Foundation Trust will not be able to give effect to the grant recipient, supplier and business partner's objection if the processing of their personal information was and is permitted by law, the grant recipient, supplier and business partner has provided consent to the processing and the FirstRand Empowerment Foundation Trust's processing was conducted in line with their consent; or the processing is necessary to conclude or perform under a contract with the grant recipient, supplier and business partner.

The FirstRand Empowerment Foundation Trust will also not be able to give effect to a grant recipient, supplier and business partner's objection if the objection is not based upon reasonable grounds and substantiated with appropriate evidence.

The FirstRand Empowerment Foundation Trust will provide grant recipients, suppliers and business partners with feedback regarding their objections.

### **14.4 Right to withdraw consent**

Where a grant recipient, supplier or business partner has provided their consent for the processing of their personal information, the grant recipient, supplier or business partner may withdraw their consent. If they withdraw their consent, the FirstRand Empowerment Foundation Trust will explain the consequences to the grant recipient, supplier or business partner. If a grant recipient, supplier or business partner withdraws their consent, the FirstRand Empowerment Foundation Trust may not be able to provide certain solutions to the grant recipient, supplier or business partner or permit the grant recipient, supplier and business partner access to the FirstRand Empowerment Foundation Trust's platform. The FirstRand Empowerment Foundation Trust will inform the grant recipient, supplier or business partner if this is the case. The FirstRand Empowerment Foundation Trust may proceed to process grant recipient, supplier or business partners' personal information, even if they have withdrawn their consent, if the law permits or requires it. It may take a reasonable time for the change to reflect on the FirstRand Empowerment Foundation Trusts' systems. During this time, the FirstRand Empowerment Foundation Trust may still process the grant recipient, supplier or business partner's personal information.

### **14.5 Right to complain**

Grant recipients, suppliers and business partners have a right to file a complaint with the FirstRand Empowerment Foundation Trust or any regulator with jurisdiction (in South Africa grant recipient, supplier and business partners can contact the Information Regulator) about an alleged contravention of the protection of their personal information. The FirstRand Empowerment Foundation Trust will address grant recipient, supplier and business partner complaints as far as possible.

The contact details of the Information Regulator are provided below.

JD House, 27 Stiemens Street

Braamfontein

Johannesburg

2001

P.O Box 31533

Braamfontein

Johannesburg

2017

Tel no. +27 (0)10 023 5200

Website: <https://info regulator.org.za>

Complaints email: [POPIAComplaints@info regulator.org.za](mailto:POPIAComplaints@info regulator.org.za)

General enquiries email: [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za)

#### **15 HOW THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST SECURES GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION**

The FirstRand Empowerment Foundation Trust will take appropriate and reasonable technical and organisational steps to protect grant recipient, supplier and business partners' personal information in line with industry best practices. The FirstRand Empowerment Foundation Trust's security measures, including physical, technological, and procedural safeguards, will be appropriate and reasonable. This includes the following:

- keeping systems secure (such as monitoring access and usage);
- storing records securely;
- controlling the access to premises, systems and/or records; and
- safely destroying or deleting records.

#### **16 HOW LONG DOES THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST KEEP GRANT RECIPIENT, SUPPLIER AND BUSINESS PARTNERS' PERSONAL INFORMATION?**

The FirstRand Empowerment Foundation Trust will keep grant recipient, supplier and business partners' personal information for as long as:

- the law requires the FirstRand Empowerment Foundation Trust to keep it;
- a contract between the grant recipient, supplier and business partner and the FirstRand Empowerment Foundation Trust requires FirstRand to keep it;
- the grant recipient, supplier and business partner has consented to the FirstRand Empowerment Foundation Trust keeping it;
- the FirstRand Empowerment Foundation Trust is required to keep it to achieve the purposes listed in this notice;



- the FirstRand Empowerment Foundation Trust requires it for statistical or research purposes;
- a code of conduct requires the FirstRand Empowerment Foundation Trust to keep it; and/or
- the FirstRand Empowerment Foundation Trust requires it for lawful business purposes.

**TAKE NOTE:** The FirstRand Empowerment Foundation Trust may keep grant recipient, supplier and business partners' personal information even if they no longer have a relationship with the FirstRand Empowerment Foundation Trust or if they request the FirstRand Empowerment Foundation Trust to delete or destroy it, if the law permits or requires.

#### **17 HOW THE FIRSTRAND EMPOWERMENT FOUNDATION TRUST PROCESSES PERSONAL INFORMATION ABOUT PERSONS RELATED TO A JURISTIC PERSON**

If a grant recipient, supplier or business partner is a juristic person, such as a company or close corporation, the FirstRand Empowerment Foundation Trust may collect and use personal information relating to the juristic person's directors, officers, employees, beneficial owners, partners, shareholders, members, authorised signatories, representatives, agents, payers, payees, grant recipient, supplier and business partners, guarantors, spouses of guarantors, sureties, spouses of sureties, other security providers and other persons related to the juristic person. These are related persons.

If a grant recipient, supplier or business partners provides the personal information of a related person to the FirstRand Empowerment Foundation Trust, they warrant that the related person is aware that they are sharing their personal information with the FirstRand Empowerment Foundation Trust, and that the related person has consented thereto.

The FirstRand Empowerment Foundation Trust will process the personal information of related persons as stated in this notice, thus references to "grant recipient, supplier and business partner/s" in this notice will include related persons with the necessary amendments and limitations.

**ANNEXURES:**

- **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]

- **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]