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MAKSURE RISK SOLUTIONS DATA SUBJECT REQUEST PROCEDURE

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1. Purpose

This document details the procedure to follow when a data subject requests access to their data. In terms of the Maksure Data Protection Policy, we must respect the rights of data subjects to:

- access their personal information and know with whom we shared their personal information;
- correct or delete inaccurate, irrelevant, excessive, out of date, incomplete, misleading or illegally obtained information;
- withdraw consent; and
- object to the processing of their information when it is not necessary for the conclusion or performance of a contract or to comply with an obligation imposed by law.

2. Responsible Employees

The Information Officer is ultimately responsible for responding to all requests for access to personal information made in terms of the Protection of Personal Information Act (POPIA). However, the Information Officer may delegate this duty to a Deputy Information Officer.

3. Responding to a data subject's request to access their records and know with whom we shared their information

A data subject has the right to:

- request that the responsible party confirm, free of charge, whether it holds personal information about the data subject;
- request information about the identity of all third parties, or
- categories of third parties who have or have had access to the information; and
- the record of the personal information about the data subject, or
- a description of the personal information about the data subject held by the responsible party.

We must provide the information within a reasonable time (30 days), in a reasonable manner and format, and a generally understandable format. We may charge a fee for providing access.

Responding to a data subject request includes the following steps:

- a) Determine whether we are the responsible party;
- b) Review the access request;
- c) Confirm the identity of the data subject;
- d) Request more information if necessary;
- e) Determine what information we have;
- f) Consider whether we have valid grounds to refuse access;
- g) Determine the fee;
- h) Respond to the data subject.

3.1 Determine whether we are the responsible party

The Information Officer must determine whether we are the responsible party¹ regarding the data subject's personal information². If we are the responsible party, we must follow this procedure.

If we are not the responsible party, the Information Officer must let the data subject know who the responsible party is.

3.2 Review the access request

The data subject must submit their request to the Information Officer at privacy@maksure.co.za.

If the data subject asked for a copy of their record, they must complete Form 2: Request for access to record. If the data subject did not complete Form 2 or did not complete it with sufficient information to allow us to consider the request, the Information Officer must notify the data subject and help them complete the form.

3.3 Confirm the identity of the data subject

The Information Officer must confirm the identity of the data subject before we process their request. We may ask for documentary proof that they have authority to act on behalf of their company, a copy of their ID or another form of identification.

3.4 Request more information if necessary

The Information Officer may request further information from the data subject to help us find the information to which the data subject requested access.

3.5 Determine what information we have

The Information Officer must collate the relevant information, including the identity of third parties or categories of third parties, who have, or have had, access to the data subject's personal information.

If the data subject requested a copy of their record, we must locate the relevant record.

¹ The Responsible Party decides to collect personal Information, what personal Information to collect and why.

² Data subjects are clients, service providers, product suppliers etc.

We must perform a search for personal information held in:

- e-mail;
- operating systems,
- SharePoint and other platforms;
- personal computers; and
- physical records.

The Information Officer must review the records and redact any information

- about data subjects other than the data subject requesting access, or
- for which we have a reason to refuse access, or
- which does not fall within the definition of personal information of the data subject.

3.6 Consider grounds for refusal to give access

We *may refuse* access to records in certain instances and *must refuse* access to records in others³.

Notwithstanding the possible grounds for refusal, we *must* grant the request for access to the record, if disclosure of the record would reveal

- evidence of a substantial contravention of or failure to comply with the law; or
- an imminent and serious public safety or environmental risk, and
- the public interest in disclosing the record clearly outweighs the harm to the Masure if we disclose the record.

3.7 Determine the fee

The Information Officer must determine the fee for complying with the request. We may charge the same fees as provided for in the Regulations to PAIA.

We must provide the data subject with a written estimate of the fee before the request is processed. In addition, we may require the data subject to pay a deposit for all or part of the fee.

3.8 Respond to the data subject

The Information Officer must notify the data subject of our decision to either provide or refuse access to the information within 30 days. The notification can be sent by e-mail or in the format requested by the data subject.

If the data subject requested a copy of their record, we must communicate our decision and fees payable.

The Information Officer may extend the period for responding to the request once for no more than an additional 30 days if:

- the request is for a large number of records or requires a search through a large number of records, and compliance with the original period would unreasonably interfere with our activities;
- we need to search for the records in, or collect them from, an office other than our head office, and we cannot reasonably complete that task within the original 30-day period;

³ Part 3 Chapter 4 (Grounds for refusal of access to records) of the Promotion of Access to Information Act (PAIA). The circumstances under which we may, may not, or must refuse access to records is contained in sections 62 to 70 of PAIA.

- we need to, or should, consult among entities within the MAKSURE or with another private body to decide whether to grant the request, and we cannot reasonably do that within the original 30-day period; or
- the data subject consents to an extension in writing.

If we grant the data subject's request, the notice must state

- the access fee the data subject must pay;
- the format in which we will provide the information; and
- the data subject's right to correction of information in terms of section 24 of the POPIA.

If we refuse the request, the notice must state why, including any POPIA and PAIA provisions that we rely on, but without referencing the content of the record.

We must give the data subject access to the information in the format requested unless conversion of the information to that format

- will interfere with the effective administration of the Maksure;
- will be detrimental to the preservation of the record; or
- will amount to an infringement of copyright that we do not own.

We must give the data subject access as soon as reasonably possible after the access fee has been paid.

4. Responding to a data subject's request to correct or delete information

A data subject may ask that the responsible party:

- correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; and
- destroy or delete a record of personal information about the data subject that it is no longer authorised to retain in terms of section 14 of the POPIA.

Responding to data subject requests for correction or deletion includes the following steps:

- a) Determine whether we are the responsible party;
- b) Review FORM 2 POPIA: Request for correction or deletion of personal information or destruction or deletion of a record of personal information;
- c) Confirm the identity of the data subject;
- d) Request more information if necessary;
- e) Respond to the data subject.

4.1 Determine whether we are the responsible party

The Information Officer must determine whether we are the responsible party⁴ regarding the data subject's personal information⁵. If we are the responsible party, we must follow this procedure.

If we are not the responsible party, the Information Officer must let the data subject know who the responsible party is.

4.2 Review the request for correction or deletion of personal information

The data subject must use FORM 2 POPIA: Request for correction or deletion of personal information or destruction or deletion of a record of personal information.⁶ If the data subject did not complete FORM 2 POPIA or did not complete it with sufficient information to consider the request, the Information Officer must notify the data subject and help them complete the form.

4.3 Confirm the identity of the data subject

The Information Officer must confirm the identity of the data subject before we process their request. We may ask for documentary proof that they have authority to act on behalf of their company, a copy of their ID or another form of identification.

4.4 Request more information if necessary

The Information Officer may request further information from the data subject to help us find the information to which the data subject requested access.

4.5 Respond to the data subject

We must respond to the request as soon as reasonably practicable (within 60 days) as follows:

- correct the information;
- destroy or delete the information;
- if we will not comply with the request to correct, destroy or delete the information, provide the data subject with evidence in support of why we will not comply; or

⁴ The Responsible Party decides to collect personal Information, what personal Information to collect and what the purpose is for the collection of the personal Information.

⁵ Data subjects are clients, service providers, product suppliers etc.

⁶ Regulation 3 of POPIA.

- if we will not comply with the request and the data subject is not satisfied with our response, the data subject may ask that we attach an indication to the information, if reasonable in the circumstances, that a correction was requested but not made.

If we have taken steps that result in information being changed, and the changes affect decisions that have been or will be taken in respect of the data subject, we must, if reasonably practicable, inform each person or body or responsible party to whom we have disclosed the personal information of those steps. The Information Officer must let the data subject know of any action taken as a result of the request.

4.6 Respond to the data subject's request to withdraw consent

A data subject has the right to withdraw consent to process their personal information at any time.⁷

We must give the data subject the ability to withdraw consent as easily as it was to give consent. If possible, data subjects must be able to withdraw their consent using the same method as when they gave it.

We bear the burden of proof for the data subject's consent. Therefore, it is vital that the following information is recorded and managed effectively:

- the information included in the consent request;
- who gave their consent;
- when they consented;
- how they consented; and
- whether the data subject has withdrawn consent, and if so, when.

4.7 Responding to a data subject's request to object to the processing of their information

A data subject may object to the processing of their personal information at any time, on reasonable grounds, in writing, unless we process their personal information to:

- carry out actions for the conclusion or performance of a contract with the data subject; or
- comply with a legal obligation.

A data subject may also object to the processing of their personal information for direct marketing by any communication channel.

⁷ Section 11(2)(b) of POPIA.

If a data subject objects to the processing of their personal information, the Information Officer must consider the grounds for the request and notify the data subject of our decision to either:

- stop processing the personal information, or
- to deny the objection and continue processing the personal information and the reasons for this decision.

5. Associated Documents

- FORM 1: Request for a copy of the PAIA Guide from the information officer
- FORM 2: Request for access to record
- FORM 2 POPIA: Request for correction or deletion of personal information or destruction or deletion of a record of personal information
- FORM 4: Internal appeal form
- FORM 5: Complaint Form
- Data Protection Policy
- PAIA Manual