

**CHINA TELECOM SOUTH AFRICA (PTY) LTD**

**Privacy Policy**

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## 1. INTRODUCTION

China Telecom South Africa (Pty) Ltd (“We”, “we”, “our”, “CTSA” ) is committed to manage all Personal Information that we hold in a fair, responsible, secure and sensible way and in accordance with any applicable data protection laws. We carefully use and safeguard all Personal Information which belongs to our customers, suppliers, partners and job candidates.

We aim to strike a fair balance between the rights of individuals (whether they are customers, candidates or contractors) and the ability of organisations we contract with to handle Personal Information for their legitimate purpose concerning their business activities. We take steps to ensure that our business processing and operations are designed with privacy requirements in mind: we closely observe any restrictions and standards concerning the security, use and disclosure of all Personal Information.

This Policy establishes our approach to protect and manage Personal Information when we Process Personal Information for our own purposes and/or on behalf of our customers. The requirements within this Policy are primarily based upon POPIA (as defined below), a key piece of legislation covering security and privacy of Personal Information in South Africa.

### 1.1. **Contact Details**

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## 2. DEFINITIONS

2.1. “**Consent**” means the voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information,

2.2. “**Data Subject**” means the natural or juristic person (e.g. a company, a trust, and basically any non-human legal entity) to whom the Personal Information relates;

2.3. “**Direct Marketing**” means approaching a Data Subject either in person or by mail or electronic communication, for the direct or indirect purpose of promoting, or selling them a product or service, of requesting a donation;

2.4. “**PAIA**” means the Promotion of Access to Information Act, No. 2 of 2000;

2.5. “**POPIA**” means the Protection of Personal Information Act, No. 4 of 2013;

2.6. **“Personal Information”** means information relating to an unidentifiable, living, natural person, or an identifiable, existing juristic person, as defined in POPIA;

2.7. **“Processing, Process”** means an operation or activity, whether by manual or automatic means, concerning Personal Information; and

2.8. **“Special Personal Information”** means all information relating to a person's religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or criminal behaviour.

### **3. SCOPE OF THE POLICY**

The Policy applies to all employees and directors of CTSA, affiliates, contractors and business partners. The provisions of the Policy are applicable to both on and off-site Processing of Personal Information.

### **4. POLICY STATEMENT**

We collect and use Personal Information of individuals and corporate entities, including but not limited to Personal Information pertaining to prospective and current customers, vendors, and independent contractors to operate and carry out our business effectively..

The purpose of this Policy, therefore, is to set out a framework to satisfy the standards contained in POPIA and to provide an adequate level of protection for the usage of all Personal Information that we use and collect in South Africa, as well as for Personal Information that we transfer out from South Africa to other countries.

CTSA regards that the lawful and appropriate Processing of all Personal Information to be crucial to the success of our service delivery and essential for maintaining confidence between CTSA and those individuals and entities we deal with. CTSA therefore fully endorses and adheres to the principles of POPIA.

### **5. PROCESSING OF PERSONAL INFORMATION**

#### **5.1. Purpose of Processing**

CTSA uses Personal Information we hold only for the following purpose:

- a. Keeping of accounts and records for the operation of our business and legal obligations;
- b. Complying with legal and regulatory requirements;
- c. Providing services to customers or business partners;
- d. Provide customers with services offered and requested;
- e. Providing prospects and customers with CTSA related marketing material due to their past interaction and use of CTSA's services;
- f. Office management and physical security of premises;
- g. For statistical, historical and/or reporting purposes.
- h. For Cybersecurity Measures.

CTSA will always ask Data Subjects for their permission before using any Personal Information for other purposes that has not been previously disclosed (see above clause 5.1 (a-h)) and/or such other

purpose is unrelated to the operations/services/use in the ordinary course of business of CTSA and/or consent was not given for such other purpose and/or there are no other legal basis for such Processing.

## 5.2. Types of Information Collected by CTSA

- a) CTSA collects Personal Information about subscribers of China Telecom services or users connected through the enterprise network services in a manner through Supplier and Customer Profile Forms, Contracts/Agreements, email signatures etc., such methods are not exclusive (collectively to be referred to as “**Manner**”). This information includes, inter alia, subscribers' registration and contact details (including the **person's name, business email address, business address and telephone number**).
- b) CTSA collects contact details of those that work for or represent our enterprise customers (customers that use CTSA's enterprise network services) in such Manner. This information includes, inter alia, **a person's name, email address, telephone number, company and job title**.
- c) CTSA collects contact details of those that work for or represent our wholesale customers (customers that use CTSA's wholesale network services) in such Manner. This information includes, inter alia, **a person's name, email address, telephone number, company and job title**.
- d) CTSA collects business contact information of those that work for or represent other companies with whom CTSA has a relationship, such as vendors and business partners in such Manner. This information includes, inter alia, **names of contact persons; name of legal entity; physical and postal address and contact details; email address, financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners; shareholding information; Broad-Based Black Economic Empowerment (BBBEE) programme information**.

## 5.3. Categories of Recipients for Processing the Personal Information

The Personal Information collected is used only by CTSA and our employees for our organisational purposes and services. We will only share Personal Information to recipients outside of CTSA in instances where it is necessary to fulfil an obligation or service. CTSA may supply the Personal Information to any party to whom CTSA may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers (“**Service Providers**”) who render the following services:

- a. Capturing and organising of data;
- b. Storing of data;
- c. Sending of emails and other correspondence to customers;
- d. Conducting due diligence or background checks; or
- e. More generally, performing any services, under the instructions of CTSA, where processing the Personal Information is necessary to perform such service.

Such Service Providers may include, inter alia, auditors, HR agency and IT contractors.

## 5.4. Actual or Planned Transborder Flows of Personal Information

Personal Information may be transmitted transborder to CTSA's authorised dealers, its suppliers in other countries, or our affiliated companies. Personal Information may be stored in data servers hosted in a third country outside South Africa.

CTSA will take necessary steps in such circumstances to ensure that services providers and third-party operators are bound by applicable laws or binding agreements that provide a level of protection and uphold principles for reasonable and lawful Processing of Personal Information as contemplated by POPIA.

CTSA undertakes to ensure that service providers used for such cloud servers and/or services are obliged to comply with the appropriate standards of data protection to ensure the security of Data Subjects' Personal Information. The foundational requirement is for CTSA to secure integrity and confidentiality of personal information in our possession and control by taking all appropriate, reasonable technical and organizational measures.

#### **5.5. Retention of Personal Information Records**

- a. Personal Information will only be retained for as long as necessary for CTSA to carry out the function, legal obligation or services. Personal Information no longer required for the purposes of complying with a legal obligation, performing a contractual relationship or rendering services or after completion of services, will be destroyed. Personal Information will be retained and destroyed in accordance with the terms of CTSA Data Retention and Destruction Policy.
- b. CTSA however may maintain de-identified information for statistical purposes.

#### **5.6. General Description of Information Security Measures**

CTSA employs up-to-date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include, inter alia:

- a. Firewalls
- b. Virus protection software and update protocols
- c. Logical and physical access control;
- d. Secure setup of hardware and software making up the IT infrastructure;
- e. Outsourced service providers who process Personal Information on behalf of CTSA are contracted to implement security controls.

### **6. ACCESS TO PERSONAL INFORMATION**

All individuals and entities may request access, amendment, or deletion of their own Personal Information held by CTSA.

Any requests should be directed, on the prescribed form, to the Information Officer or Deputy Information Officer.

Any Personal Information access request must be done formally via CTSA's internal request procedure ("PAIA process"). The PAIA process is detailed within our PAIA manual ("Manual"), which is accessible on our CTSA's website. In simple terms, a form in Annexure B of the Manual needs to be completed together with a proof of identity and there must be a valid access right in relation to the record being requested. If a confirmation is only needed on whether CTSA holds any Personal Information concerning a particular Data Subject, then no fees are required. However, there would be a prescribed fee if further information is required. For more details, please refer to the Manual.

### **7. EIGHT CONDITIONS FOR LAWFUL PROCESSING**

POPIA is implemented by abiding by eight conditions for lawful processing (“**Principles**”). CTSA shall abide by these Principles in all its Processing activities.

1. **Accountability**
2. **Processing limitation**
3. **Purpose Specification**
4. **Further Processing**
5. **Information Quality**
6. **Openness**
7. **Data Subject Participation**
8. **Security Safeguards**

Further information of the Principles are detailed as follows:

### **7.1. Accountability**

CTSA shall ensure that all Personal Information is processed according to its the purpose and means under the required consent or legal basis. CTSA shall remain liable, even if it has outsourced its Processing activities to a third party.

### **7.2. Processing Limitation**

#### **7.2.1. Lawful grounds**

The Processing of Personal Information is only lawful if the information is adequate, relevant and not excessive to justify its purpose. CTSA may only process Personal Information if one of the following grounds of lawful Processing exists:

- a. **Consent:** The Data Subject consents to the Processing;
- b. **Performance of a contract:** Processing is necessary for the conclusion or performance of a contract with the Data Subject;
- c. **Legal Obligation:** Processing complies with a legal responsibility imposed on CTSA;
- d. **Legitimate Interest of the Data Subject:** Processing protects a legitimate interest of the Data Subject;
- e. **Legitimate Interest of CTSA or Third Party:** Processing is necessary for pursuance of a legitimate interest of CTSA, or a third party to whom the information is supplied;

CTSA may only process Special Personal Information under the following circumstances:

- a. The Data Subject has consented to such Processing;
- b. The Special Personal Information was deliberately made public by the Data Subject;
- c. Processing is necessary for the establishment of a right or defence in law;
- d. Processing is for historical, statistical, or research reasons;
- e. If Processing of race or ethnic origin is in order to comply with affirmative action laws.

#### **7.2.1(a) Right to Withdraw**

Although it may affect the service we provide to our customers, Data Subjects have the right to withdraw their consent anytime to stop CTSA from Processing their Personal Information, provided that we are not under any obligation required to do so by law.

Data subject may also object, at any time, to the Processing of Personal Information by CTSA which is based on CTSA's legitimate interest. If the Data Subject objects to a Processing which is based on legitimate interest, he/she/it are required to provide reasonable grounds relating to his, her or its objection.

#### **7.2.2. Collection directly from the Data Subject**

**We aim to limit the collection of Personal Information and we obtain any such information by lawful and fair means by notifying the Data Subjects and getting their consent.**

##### **a) Lawfulness, transparency and fairness**

CTSA is required to obtain Personal Information fairly and not to mislead or deceive persons as to how their Personal Information will be used. CTSA must be transparent about the way in which Personal Information is collected and used. When collecting a person's Personal Information, CTSA must notify that person, explaining the key aspects of the ways in which Personal Information is handled.

Personal Information must be collected directly from the Data Subject, unless:

- Personal Information is already contained in a public record;
- Personal Information has been deliberately made public by the Data Subject;
- Personal Information is collected from another source with the Data Subject's Consent;
- Collection of Personal Information from another source is necessary to maintain, comply with or exercise any law or legal right;
- Collection from the Data Subject would prejudice the lawful purpose of collection, for example credit vetting, criminal checks or other verification process to authenticate the Data Subject.;
- Collection from the Data Subject is not reasonably practicable.

#### **7.3. Purpose Specification**

CTSA shall only process Personal Information for the specific purposes as set out and defined above at clause 5.1.

**CTSA will specify the purpose of Processing at the time of data collection. Any subsequent Processing of such information collected shall be limited to the fulfilment of those specified purposes only.**

Personal Information must only be obtained and stored in accordance with the purposes specified in privacy notices/Consents, which include, inter alia:

- Staff Administration (for example payroll, provision of benefits, performance reviews, training);
- Advertising, Marketing & Public Relations (for example, keeping customers and candidates informed about CTSA's services);
- Service delivery (for example, account details, invoices and call records); and
- Accounts & Records (for example staff planning and resource allocation across CTSA and keeping records of dealings with customers).

If Personal Information is processed for any additional purposes which may not fall within the terms of a privacy notice, such additional purposes should first be reported to the Deputy Information Officer, subject to approval before any Processing occurs.

#### **7.4. Further Processing**



Further Processing must be compatible with original purpose of Processing. Further Processing will be regarded as compatible with the purpose of collection if:

- a. Data Subject has consented to the further Processing;
- b. Personal Information is contained in a public record;
- c. Personal Information has been deliberately made public by the Data Subject;
- d. Further Processing is necessary to maintain, comply with or exercise any law or legal right; or
- e. Further Processing is necessary to prevent or mitigate a threat to public health or safety, or the life or health of the Data Subject or a third party.

#### **7.5. Information Quality**

CTSA shall take reasonable steps to ensure that Personal Information is complete, accurate, not misleading and updated. CTSA shall periodically review Data Subject records to ensure that the Personal Information is still valid and correct.

Employees of CTSA should as far as reasonably practicable follow the guidance below when collecting Personal Information:

- a. Personal Information should be dated when received;
- b. A record should be kept of where the Personal Information was obtained;
- c. Changed to information records should be dated;
- d. Irrelevant or unneeded Personal Information should be deleted or destroyed; and
- e. Personal Information should be stored securely, either on a secure electronic database or in a secure physical filing system.

#### **7.6. Openness**

CTSA shall take reasonable steps to ensure that the Data Subject is made aware of:

- a. What Personal Information is collected, and the source of the information;
- b. The purpose of collection and Processing;
- c. Whether the provision of Personal Information is voluntary or mandatory, and the consequences of failure to provide such information;
- d. Whether collection of Personal Information is required by law; and
- e. Whether the Personal Information shall be shared with any third party.

#### **7.7. Data Subject Participation**

Upon satisfactory identity verification, a Data Subject has the right to reasonably request access to his/her/its Personal Information to understand what Personal Information is being held, he/she/it also has the right to reasonably update, amend, or delete their Personal Information at request.

All such requests must be submitted in writing to the Information Officer or Deputy Information Officer. Unless there are grounds for refusal, for example such request is excessive, CTSA shall disclose the requested Personal Information:

- a. On receipt of the adequate proof of identity from the Data Subject, or requester;
- b. Within 1 month to issue confirmation response on whether or not any Personal Information is being held by CTSA free of charge;

- c. Within 3 months to provide a record, or a description of the Personal Information being held by CTSA, as well as information concerning the identity of all third parties who have had access to the Personal Information subject to a prescribed fee and deposit; and
- d. In a reasonable format.

CTSA shall not disclose any Personal Information to any party unless the identity of the requester has been verified.

## **7.8. Security Safeguards**

**Personal information should be protected by reasonable security safeguards against such risks as loss or unauthorised access, destruction, use, modification or disclosure of data**

CTSA shall ensure that the integrity and confidentiality of all Personal Information in its possession, by taking reasonable steps to:

- a. Identify all reasonably foreseeable risks to information security; and
- b. Establish and maintain appropriate technical and organizational safeguards against such risks.

### **7.8.1. Written records**

- a. Personal Information records should be kept in locked cabinets, or safes;
- b. When not in use, Personal Information records should not be left unattended in areas where non-staff members may access them;
- c. CTSA shall implement and maintain a “Clean Desk Policy” where all employees shall be required to clear their desks of all Personal Information when leaving their desks for any length of time and at the end of the day;
- d. Personal Information which is no longer required should be disposed of by shredding; and
- e. Any loss or theft of, or unauthorised access to, Personal Information must be immediately reported to the Information Officer.

### **7.8.2. Electronic Records**

- a. All electronically held Personal Information must be saved in a secure database;
- b. As far as reasonably practicable, no Personal Information should be saved on individual computers, laptops or hand-held devices;
- c. All computers, laptops and hand-held devices should be protected with a password or fingerprint scan, with the password being of reasonable complexity and changed frequently; CTSA shall implement and maintain a “Clean Screen Policy” for all employees, where the Computer workstations, Laptops, tablets and other hardware devices must be locked with a password for password protection when the desk is unoccupied for any length of time and to log off at the end of the day;
- d. Electronical Personal Information which is no longer required must be deleted from the individual laptop or computer and the relevant database. The employee must ensure that the information has been completely deleted and is not recoverable; and
- e. Any loss or theft of computers, laptops or other devices which may contain Personal Information must be immediately reported to the Information Officer, who shall notify the IT department, who shall take all necessary steps to remotely delete the information, if possible.

## **8. DIRECT MARKETING**

All Direct Marketing communications shall contain CTSA's details, and an address or method for the customer to opt-out of receiving further marketing communication.

#### **8.1.1. Existing Customers**

Direct Marketing by electronic means to existing customers is only permitted:

- a. If the customer's details were obtained in the context of a sale or service; and
- b. For the purpose of marketing the same or similar products;
- c. The customer must be given the opportunity to opt-out of receiving Direct Marketing on each occasion of Direct Marketing and how to opt-out anytime thereafter.

#### **8.1.2. Consent**

CTSA may send electronic Direct Marketing communication to Data Subjects who have consented to receiving it. CTSA may send a reconfirmation of consent email to the Data Subject within that email to allow two or more reminders before no contact is made to the Data Subject. CTSA will remind the Data Subject of his/her/its right to withdraw consent to receive anytime.

#### **8.1.3. Consent Record Keeping**

CTSA shall keep record of:

- a. Date of Consent
- b. Wording of the Consent
- c. Who obtained the Consent
- d. Proof of opportunity to opt-out on each marketing contact
- e. Record of opt-outs

### **9. DESTRUCTION OF DOCUMENTS**

- 9.1. Documents may be destroyed after the termination of the retention period specified in the Retention Schedule, or as determined by CTSA from time to time.
- 9.2. Each department is responsible for attending to the destruction of its documents and electronic records, which must be done on a regular basis as per the Retention Schedule. Files must be checked to make sure that they may be destroyed and to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by CTSA pending such return.
- 9.3. The documents must be made available for collection by the Shred-It, or other approved document disposal company.
- 9.4. Deletion of electronic records must be done in consultation with the IT Department, to ensure that deleted information is incapable of being reconstructed and/or recovered.

### **10. IMPLEMENTATION AND ENFORCEMENT GUIDELINES**

#### **10.1. Training & Dissemination of Information**

This Policy has been put in place throughout CTSA and communicated to its employees and directors, vendors and partners. Training on the Policy and POPIA will take place with all affected employees.

All new employees will be made aware at induction, or through training programmes, of their responsibilities under the terms of this Policy and POPIA.

Modifications and updates to data protection and information sharing policies, legislation, or guidelines will be brought to the attention of all staff.

## **10.2 Enforcement**

CTSA relies on all its employees, contractors and partners to comply with all applicable data protection law. Failure to comply with this Policy or any of the supporting and complementing policies, contracts, and/or procedures must be construed as misconduct and may result in one or more of the actions mentioned below:

- (a) The restriction, suspension or termination of access to the network, information, information assets and facilities, including immediate suspension of his or her or its access or rights pending further investigations;
- (a) The institution of legal proceedings by CTSA, including but not limited to criminal prosecution under applicable laws that may prevail in South Africa from time to time; and
- (b) The taking of disciplinary steps against the user, which may lead to suspension or dismissal.

## **11. REVIEW FREQUENCY**

This Policy will be subject to a regular review which will take place annually.