



an agency of the
Department of Sport, Arts and Culture

**PROTECTION OF PERSONAL INFORMATION
COMPLIANCE MANUAL**
**(IN TERMS OF SECTION 55 (1) OF THE PROTECTION OF PERSONAL
INFORMATION ACT 4 OF 2013 (POPIA))**

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1. PREAMBLE

This Manual is compiled in terms of Section 55(1) of the Protection of Personal Information Act 4 of 2013 (POPIA) ('Act'). The Act gives effect to the provisions of Section 14 of the Constitution of the Republic of South Africa, 1996, which provides that everyone has the right to privacy which right includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

The South African State Theatre (SAST) supports the constitutional right of privacy and we are committed to provide a compliant environment in which Personal Information is handled by SAST in accordance with the provisions of the Act.

We, as the South African State Theatre, have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment, and to ensure that members of the public have confidence to provide SAST with their Personal Information in order to enter into a commercial relationship.

2. OUR DETAILS

Name:	South African State Theatre
Registered Address:	FH Odendaal Building 320 Pretorius Street Pretoria 0002
Postal Address:	PO Box 566 Pretoria 0001
Telephone Number:	012 392 4000
E-mail:	admin@statetheatre.co.za
Website:	www.statetheatre.co.za
Designated Information Officer:	Dr Sibongiseni Mkhize Chief Executive Officer
E-mail:	sibongiseni@statetheatre.co.za
Deputy Information Officer:	Shiraz Ahmed Senior Manager: Performance Information
E-mail:	shiraz@statetheatre.co.za

3. SAST'S INFORMATION OFFICER

SAST's Information Officer is designated to be the Chief Executive Officer of SAST. The CEO may however delegate his authority to a senior staff member, who is part of the SAST management team. SAST's information Officer's duties and responsibilities include, inter-alia:

- Ensuring compliance with POPIA.
- Dealing with requests which we receive in terms of POPIA.
- Working with the Information Regulator in relation to investigations.

In carrying out his duties, the SAST Information Officer must ensure that:

- a compliance manual is developed, implemented, monitored and maintained;
- a Personal Information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of Personal Information;
- that internal measures are developed together with adequate systems to process requests for information or access to information;
- that internal awareness sessions are conducted regarding the provisions of POPIA, the Regulations, codes of conduct or information obtained from the Information Regulator; and
- that copies of this manual are provided to Persons at their request.

4. AVAILABILITY OF THIS MANUAL

A copy of this Manual will be made available by sending a request for a copy to The South African State Theatre Information Officer by email or post at the addresses set out herein. The Manual may also be obtained from our website www.statetheatre.co.za. This Manual may be made available in one of the official South African languages, where practicable, in terms of the SAST Language Policy.

5. UPDATING OF MANUAL

This Manual will be updated and published, if necessary, at intervals as required. Updates to this Manual will be published on the SAST Website.

6. CORPORATE GOVERNANCE AND LEGISLATIVE ENVIRONMENT

SAST adheres to the codes of good corporate governance, as outlined in the King Report IV Report on Corporate Governance, by the King Committee on Corporate Governance, November 2016.

The South African State Theatre (SAST) is a National Public Entity listed as such in Schedule 3A of the Public Finance Management Act, 1999 (Act No. 1 of 1999) and is established in terms of Section 3(1) of the Cultural Institutions Act, 1998 (Act No. 119 of 1998) as a Cultural Institution controlled by the National Department of Sport, Arts and Culture.

7. LEGAL ENTITY

The Renaissance Theatre trading as the South African State Theatre, as a National Public Entity.

8. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely:

- 'Act' means the Protection of Personal Information Act 4 of 2013 (POPIA), as amended from time to time.
- 'Biometrics' means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;
- 'Competent person' means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.
- 'Consent' means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information.
- 'Data subject' means the person to whom Personal Information relates.
- 'Deputy Information Officer' means the person acting on behalf of the SAST and discharging the duties and responsibilities delegated to the 'Deputy Information Officer' by the 'Information Officer'. The Deputy Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the SAST in writing.

- ‘Information Officer’ means the person acting on behalf of the SAST and discharging the duties and responsibilities assigned to the ‘Information Officer’ of the SAST by the Act. The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the SAST in writing.
- ‘Manual’ means this manual published in compliance with Section 55 (1) of the Act;
- ‘Operator’ means a natural person or a juristic person who processes Personal Information on behalf of SAST in terms of a contract or mandate, without coming under the direct authority of SAST.
- ‘Person’ means a natural person or a juristic person.
- ‘Personal Information’ means information relating to any identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, namely the Data Subject, including, but not limited to:
 - information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - information relating to the education or the medical, financial, criminal or employment history of the person;
 - any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - the biometric information of the person;
 - the personal opinions, views or preferences of the person;
 - correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - the views or opinions of another individual about the person; and
 - the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person.
- ‘Personnel’ means any person who works for, or provides services to or on behalf of the SAST, and receives or is entitled to receive any

remuneration. This includes, without limitation, Trustees, all permanent, temporary and part-time staff as well as contract workers;

- ‘processing’ means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including
 - the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - dissemination by means of transmission, distribution or making available in any other form;
 - merging, linking, as well as restriction, degradation, erasure or destruction of information; and
 - sharing with, transfer and further processing, to and with such information.
- ‘Record’ means any recorded information, regardless of form or medium, which is in the possession or under the control of the SAST, irrespective of whether it was created by the SAST.
- ‘Responsible party’ means SAST including without detracting from the generality thereof, its Council (board of directors), executive management, management, administrators (officials), core benefits providers, internal and external auditors, company secretary, and all other employees and Operators who need to process a Personal Information for SAST business purposes.
- ‘Request’ means a request for access to a record of the SAST;
- ‘Requester’ means any person, including a public body or an official thereof, making a request for access to a record of the SAST, and includes any person acting on behalf of that person;
- ‘SAST’ means The South African State Theatre.
- ‘underage’ means a Child (natural person) under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself.

Unless a contrary intention clearly appears, word signifying – The singular includes the plural and vice versa; and any one gender includes the other gender and vice versa; and Natural persons include juristic persons. Terms defined in the Act shall have the same meaning in this Manual.

9. SAST'S APPROACH TO POPIA

The Act regulates and controls the processing, including the collection, use, and transfer of a person's personal information. In terms of POPIA, the SAST (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another's (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions outlined in the eight processing conditions of POPIA.

All processing of Personal Information is done with the necessary Consent, i.e. the Data Subject has to consent to the processing of its Personal Information. The compliance framework outlined in this SAST Manual is applicable to all SAST employees, clients and suppliers.

10. PROCESSING PERSONAL INFORMATION

In order to give effect to a commercial relationship between SAST and an employee, client or supplier SAST needs to process Personal Information which will be used for a number of legitimate purposes, including, inter-alia;

- Compliance with governing laws, corporate governance codes, and applicable policies.
- Entering into a contract.
- Where required by law, to disclose information.
- To communicate and attend to enquiries and requests.
- When necessary or required, to provide information about SAST.
- In order to compile statistics and other analytical information.
- Performing internal processes, such as to make payments.
- To mitigate risk to SAST and eliminate fraud occurrences.

SAST undertakes that it will only use Personal Information for the aforementioned purposes and for no other purposes, unless with the Data Subject's, prior permission.

SAST undertakes to:

- follow POPIA at all relevant times and to process Personal Information lawfully and reasonably, so as not to infringe unnecessarily on the privacy of a Person,
- process information only for the purpose for which it is intended, to enable us to do our work, as agreed with a Person,
- whenever necessary, we shall obtain Consent to process Personal Information,
- where we do not seek Consent, the processing of Personal Information will be following a legal obligation placed upon us, or to protect a legitimate interest that requires protection,
- stop processing Personal Information if the required consent is withdrawn, or if a legitimate objection is raised,
- collect personal information directly from the Person whose information we require, unless:
 - the information is of public record, or
 - the Person has Consented to the collection of their personal information from another source, or
 - the collection of the information from another source does not prejudice the Person, or
 - the information to be collected is necessary for the maintenance of law and order or national security, or
 - the information is being collected to comply with a legal obligation, including an obligation to SARS, or
 - the information collected is required for the conduct of proceedings in any court or tribunal, where these proceedings have commenced or are reasonably contemplated; or
 - the information is required to maintain our legitimate interests; or
 - where requesting consent would prejudice the purpose of the collection of the information; or
 - where requesting consent is not reasonably practicable in the circumstances.
- advise a Person of the purpose of the collection of the Personal Information,

- retain records of the Personal Information we have collected for the minimum period as required by law unless the Person has furnished their Consent or instructed us to retain the records for a longer period,
- destroy or delete records of the Personal Information (so as to de-identify the Person) as soon as reasonably possible after the time period for which we were entitled to hold the records have expired,
- restrict the processing of Personal Information:
 - where the accuracy of the information is contested, for a period sufficient to enable us to verify the accuracy of the information;
 - where the purpose for which the Personal Information was collected has been achieved and where the Personal Information is being retained only for the purposes of proof;
 - where the Person requests that the Personal Information is not destroyed or deleted, but rather retained; or
 - where the Person requests that the Personal Information be transmitted to another automated data processing system.
- further processing of Personal Information shall only be undertaken:
 - if the requirements of the above paragraphs above have been met;
 - where the further processing is necessary because of a threat to public health or public safety or to the life or health of the client, or a third person;
 - where the information is used for historical, statistical or research purposes and the identity of the client will not be disclosed; or
 - where this is required by the Information Regulator appointed in terms of POPIA.
- ensure that the Personal Information which we collect and process is complete, accurate, not misleading and up-to-date, and
- retain the physical file and the electronic data related to the processing of the Personal Information.

11. A DATA SUBJECT'S RIGHTS

- In cases where the Person's consent is required to process their personal information, this consent may be withdrawn.

- In cases where we process personal information without consent to protect a legitimate interest, to comply with the law or to pursue or protect our legitimate interests, the Person has the right to object to such processing.
- All Persons are entitled to lodge a complaint regarding our application of POPIA with the Information Regulator.
- The prescribed forms for the exercise of these rights are provided in the Annexures to this Compliance Manual.

12. DATA SECURITY

To secure the integrity and confidentiality of the Personal Information in our possession, and to protect it against loss or damage or unauthorised access, we will continue to implement the following security safeguards:

- SAST premises where records are held are protected by access control, burglar alarms and armed response.
- All computer terminals on our computer network and our servers are protected by passwords which are changed on a regular basis.
- Email infrastructure complies with industry standard security safeguards, and meet the General Data Protection Regulation (GDPR), which is a standard in the European Union.
- Vulnerability assessments are conducted on our digital infrastructure on an annual basis to identify weaknesses in our systems and to ensure that we have adequate security in place.
- Archived files are stored behind locked doors and access control to these storage facilities is implemented.
- An internationally recognised Firewall is used, to protect the data on our local servers, and we run antivirus protection at least every 10 minutes to ensure that our systems are kept updated with the latest patches. The security of this system complies with the GDPR of the European Union.
- Our staff are informed to carry out their duties in compliance with POPIA, and where appropriate ongoing training is provided.
- It is a requirement of SAST personnel that they must maintain full confidentiality in respect of all of our Persons' affairs, including Personal Information.

- Employment contracts for staff whose duty it is to process a Person's Personal Information, will include an obligation on the staff member:
 - (1) to maintain the Company's security measures, and
 - (2) to notify their manager/supervisor immediately if there are reasonable grounds to believe that the Personal Information of a Person has been accessed or acquired by any unauthorised person.
- The processing of the Personal Information of SAST personnel must take place in accordance with the rules contained in the relevant labour legislation.
- The digital work profiles and privileges of SAST personnel who have left our employ will be properly terminated.
- The personal information of Persons and staff must be destroyed timeously in a manner that de-identifies the person.

These security safeguards must be verified on a regular basis to ensure effective implementation, and these safeguards must be continually updated in response to new risks or deficiencies that may emerge.

13. SECURITY BREACHES

Should it appear that the Personal Information of a Person has been accessed or acquired by an unauthorised person, SAST will notify the Information Regulator and the relevant Person(s), unless we are no longer able to identify the Person(s). This notification must take place as soon as reasonably possible. Such notification must be given to the Information Regulator first as it is possible that they, or another public body, might require the notification to the Person(s) be delayed.

The notification to the Person must be communicated in writing in one of the following ways, with a view to ensuring that the notification reaches the Person:

- by mail to the Person's last known physical or postal address;
- by email to the Person's last known email address;
- by publication on the SAST website or in the news media; or
- as directed by the Information Regulator.

This notification to the Person must give sufficient information to enable the Person to protect themselves against the potential consequences of the security breach, and must include:

- a description of the possible consequences of the breach;
- details of the measures that we intend to take or have taken to address the breach;
- the recommendation of what the Person could do to mitigate the adverse effects of the breach; and
- if known, the identity of the person who may have accessed, or acquired the Personal Information.

14. ACCESS TO RECORDS

On production of proof of identity, any Person is entitled to request that we confirm, free of charge, whether or not we hold any Personal Information about that person in our records. If SAST does hold such Personal Information, on request, and in accordance with the SAST Promotion of Access to Information (PAIA) Manual, we shall provide the person with the Record, or a description of the Personal Information, including information about the identity of all third-parties or categories of third-parties who have or have had access to the information. We shall do this within a reasonable period of time, in a reasonable manner and in an understandable form.

A Person requesting such Personal Information will be advised of their right to request to have any errors in the Personal Information corrected, which request shall be made on the prescribed application form annexed further herein.

In certain circumstances, SAST may be obliged to refuse to disclose the Record containing the Personal Information to the Person. In other circumstances, we will have discretion as to whether or not to do so.

In all cases where the disclosure of a Record will entail the disclosure of information that is additional to the Personal Information of the person requesting the record, the written consent of the Information Officer (or his delegate) will be

required, and that person shall make their decision having regard to the provisions of Chapter 4 of Part 3 of the Promotion of Access to Information Act.

If a request for Personal Information is made and part of the requested information may, or must be refused, every other part may still be disclosed.

The SAST Promotion of Access to Information (PAIA) Manual is available on the SAST Website.

15. CORRECTION OF PERSONAL INFORMATION

A Person is entitled to require SAST to correct or delete personal information that we have, which is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or which has been obtained unlawfully.

A Person is also entitled to require us to destroy or delete records of Personal Information about the Person that we are no longer authorised to retain.

Any such request must be made on the prescribed form annexed herein.

Upon receipt of such a lawful request, we must comply as soon as reasonably practicable. In the event that a dispute arises regarding the Persons rights to have information corrected, and in the event that the Person so requires, we must attach to the information, in a way that it will always be read with the information, an indication that the correction of the information has been requested but has not been made.

SAST will notify the Person who has made a request for their personal information to be corrected or deleted what action we have taken as a result of such a request.

16. PERSONAL INFORMATION OF A SPECIAL NATURE

Special rules apply to the collection and use of information relating to a person's religious or philosophical beliefs, their race or ethnic origin, their trade union membership, their political persuasion, their health or sex life, their biometric

information, or their criminal behaviour. SAST shall not process any of this Special Personal Information without the Person's Consent, or where this is necessary for the establishment, exercise or defence of a right or an obligation in law.

17. UNDERAGE PERSONS (CHILDREN)

SAST only process the Personal Information of a child if we have the Consent of the child's parent or legal guardian.

18. PRIOR AUTHORISATION CIRCUMSTANCES

In the following circumstances, SAST will require prior authorisation from the Information Regulator before processing any Personal Information:

- in the event that SAST intends to utilise any unique identifiers of Persons (account numbers, file numbers or other numbers or codes allocated to Persons for the purposes of identifying them in our business) for any purpose other than the original intention, or to link the information with information held by others;
- if we are processing information on criminal behaviour or unlawful or objectionable conduct;
- if we are processing information for the purposes of credit reporting;
- if we are transferring special personal information or the Personal Information of children to a third party in a foreign country, that does not provide adequate protection of that Personal Information.

The Information Regulator must be notified of our intention to process any Personal Information as set out above prior to any processing taking place and we may not commence with such processing until the Information Regulator has made a decision in our favour. The Information Regulator has four weeks to make a decision but may decide that a more detailed investigation is required. In this event the decision must be made in a period as indicated by the Information Regulator, which must not exceed thirteen weeks. If the Information Regulator does not make a decision within the stipulated time periods, we can assume that the decision is in our favour and commence processing the information.

19. **DIRECT MARKETING**

SAST may only carry out direct marketing (using any form of electronic communication) to Persons if:

- they were given an opportunity to object to receiving direct marketing material by electronic communication at the time that their Personal Information was collected; and
- they did not object then or at any time after receiving any such direct marketing communications from us.

SAST may only approach Persons using their Personal Information, if we have obtained their Personal Information in the context of providing any of the SAST services or products to them, and we may then only market such services to them.

SAST may only carry out direct marketing (using any form of electronic communication) to other people if we have received their Consent to do so.

SAST may approach a person to ask for their Consent to receive direct marketing material only once, and we may not do so if they have previously refused their Consent.

A request for Consent to receive direct marketing must be made in the prescribed manner and form. The prescribed form of this request and consent is provided as an annexure to this Compliance Manual.

All direct marketing communications must disclose our identity and contain an address or other contact details to which the Person may send a request that the communications cease.

20. **CROSS BORDER TRANSFER**

SAST may not transfer a Person's Personal Information to a third party in a foreign country, unless:

- the Person consents to this, or requests it; or

- such third party is subject to a law, binding corporate rules or a binding agreement which protects the Personal Information in a manner similar to POPIA, and such third party is governed by similar rules which prohibit the onward transfer of the Personal Information to a third party in another country; or
- the transfer of the Personal Information is required for the performance of the contract between SAST and the Person; or
- the transfer is necessary for the conclusion or performance of a contract for the benefit of the Person entered into between SAST and the third party; or
- the transfer of the Personal Information is for the benefit of the Person and it is not reasonably possible to obtain their consent and that if it were possible the Person would be likely to give such consent.

21. PRIVILEGED INFORMATION

SAST retains its right to raise the point of privileged information during a search and seizure operation, the person executing the warrant may request that the registrar of the High Court attach and remove that article or document for safe custody until a court of law has made a ruling on the question of privilege.

22. OFFENCES AND PENALTIES

POPIA outlines serious penalties for its contravention. In minor offences, a guilty party can receive a fine or be imprisoned for up to 12 months. In serious offences the period of imprisonment may be a maximum of 10 years. Administrative fines can be as much as R10 million.

Breaches of this Compliance Manual will thus be viewed as a serious disciplinary offence. It is therefore imperative that SAST Personnel comply strictly with the terms of this Compliance Manual and protect Personal Information.

ANNEXURE A

REQUEST FOR ACCESS TO RECORDS OF A PUBLIC BODY

(Section 22 of the Promotion of Access to Information Act, 2000 Act Number 2 of 2000)

A. Particulars of Public Body

The Head:

.....
.....
.....

B. Particulars of person requesting access to the record

- The particulars of the person who requests access to the record must be given below.
- The address and/or fax number in the Republic to which the information is to be sent must be given below.
- Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

.....

Identity number:

.....

Postal address:

.....
.....
.....

Fax Number:

Telephone number.....

email address

Capacity in which request is made, when made on behalf of another Person:

.....

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname

Identity number.....

D. Particulars of record

1. Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

2. If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

- Description of record or relevant part of the record

.....

-

-

-

-

- Reference number, if available

.....

- Any further particulars of record.....

-

-

E. Fees

- A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- You will be notified of the amount required to be paid as the request fee.
- The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees

.....
.....
.....
.....

F. Form of access to record

If you are prevented by a disability to read, view or to listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability Form in which record is required

.....
.....

.....
.....
.....
.....

Mark the appropriate box with an **X NOTES**

- Compliance with your request in the specified form may depend on the form in which the record is available
- Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

❖ If the record is in written or printed form:

Copy of record:

Inspection of record:

❖ If record consists of visual images

(this includes photographs, slides, video recordings, computer- generated images, sketches etc.):

View the images*

Copy the images*

Transcription of the images

❖ If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette)

Transcription of soundtrack (written or printed document)

❖ If record is held on computer or in an electronic or machine- readable form:

Printed copy of record*

Printed copy of information Derived from the record*

Copy in computer readable (stiffy or compact disc)

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

Postage is payable

G. Particulars right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

- Indicate which right is to be exercised or protected.....
- Explain why the record requested is required for the exercise or protection of the aforementioned right

.....
.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....
.....

Signed at.....this.....day
of.....20

.....
SIGNATURE OF REQUESTER/ PERSON ON WHOSE BEHALF REQUEST IS
MADE

ANNEXURE B

CONSENT TO PROCESS (USE) PERSONAL INFORMATION

(Informed Consent Notice)

The Protection of Personal Information Act 4 of 2013 ("POPIA") aims to give effect to the constitutional right to privacy, whilst balancing this against competing rights and interests, particularly the right of access to information. POPIA sets out conditions for the lawful processing of personal information and seeks to regulate every step of the processing of personal information, from how personal information must be handled when it is collected until the time it is destroyed. The South African State Theatre (SAST) will at all times endeavour to implement processes and systems, and day-to-day activities to protect our employee's, client's and supplier's ("Data Subject") personal information.

1. Introduction

The Protection of Personal Information Act, 4 of 2013, ("POPIA") regulates and controls the processing, including the collection, use, and transfer of a person's personal information. In terms of POPIA, the SAST (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another's (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions outlined in the eight processing conditions of POPIA.

All processing of a Data Subject's Personal Information must be done with the Data Subject's permission, i.e. the Data Subject has to consent to the processing of its Personal Information. In order to comply with POPIA, SAST as the Responsible Party, requires your, the Data Subject's, permission to process the Data subject's Personal Information. This Informed Consent Notice is applicable to all SAST employees, clients and suppliers – both current and new.

2. Purpose

In order to give effect to your commercial relationship with the SAST as an employee, client or supplier SAST needs to process your Personal Information which Personal Information will be used for a number of legitimate purposes, including, inter-alia;

- Compliance with governing laws, corporate governance codes, and applicable policies.
- Entering into a contract.
- Where required by law, to disclose your information.
- To communicate with you and attend to your enquiries and requests.
- When necessary or required, to provide you with information about SAST.
- In order to compile statistics and other analytical information.
- Performing internal processes, such as to make payments.
- To mitigate risk to SAST and eliminate fraud occurrences.

You, the Data Subject, agrees that SAST may use all the Personal Information which you, the Data Subject, provides to SAST which SAST requires to give effect to your commercial relationship with the SAST.

SAST in turn undertakes that it will only use your, the Data Subject's, Personal Information for the aforementioned purposes and for no other purposes, unless with your, the Data Subject's, prior permission.

3. Withholding Consent or Withholding Personal Information

Should you, the Data Subject, refuse to provide SAST with your Personal Information which is required by SAST for the purposes indicated above, and the required consent to process the aforementioned Personal Information then SAST will be unable to engage with you, the Data Subject, or enter into any agreement or relationship with you, the Data Subject. However, the Data Subject is required to provide the information voluntarily and understands that same is mandatory as described above.

4. Use, Storage, Retention and Destruction of Personal Information

Your, the Data Subject's, Personal Information may be processed on individual computers and stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within SAST on a need to know and business basis, save that where appropriate, some of your, the Data Subject's, Personal Information may be retained in hard copy. All Personal Information which you, the Data Subject, provide to SAST will be held and/or stored securely. In this regard SAST undertakes to conduct regular audits regarding the safety and the security of your, the Data Subject's, Personal Information. Once your, the Data Subject's, Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived as per the requirements of any law applicable in South Africa. SAST thereafter will ensure that such Personal Information is permanently destroyed.

5. Disclosure and Cross Border Transfer

SAST may from time to time have to disclose your, the Data Subject's, Personal Information to other parties but such disclosure will always be subject to an agreement which will be concluded between SAST and the party to

whom it is disclosing your, the Data Subject's, Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

Where Personal Information and related data is transferred to a country outside the borders of South Africa, your, the Data Subject's, Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations than those imposed by POPIA.

6. Objections and Complaints

You, the Data Subject, are encouraged to make immediate contact with the SAST Information Officer at any time if you are not comfortable or satisfied with the manner in which SAST is processing your, the Data Subject's, Personal Information. On receipt of your, the Data Subject's, objection SAST will place a hold on any further processing until the cause of the objection has been resolved. If you, the Data Subject, are not satisfied with such process, you, the Data Subject, has the right to lodge a complaint with the Information Regulator. Furthermore, you the Data Subject, have the right to request SAST to destroy all records of your personal information.

7. Quality and Responsibility of Personal Information

POPIA requires that all your, the Data Subject's, Personal Information and related details, as supplied by you, the Data Subject, are complete, accurate and up-to-date. Whilst SAST will always use its best endeavours to ensure that your, the Data Subject's, Personal Information is reliable, it is your, the Data Subject's, responsibility to provide accurate and truthful information and further to advise SAST of any changes to your, the Data Subject's, Personal Information, as and when these may occur.

8. Data Subject's Right to Access Personal Information

You, the Data Subject has the right at any time to ask SAST to provide you, the Data Subject, with details of the Personal Information which SAST holds on your, the Data Subject's, behalf; and/or the purpose for which it has been used provided that such request is made using the SAST PAIA process, which procedure can be accessed by downloading and completing the standard request for information form, housed under the SAST's PAIA Manual which can be found on the SAST website at www.statetheatre.co.za

9. SAST's Right to Amend

SAST reserves the right to amend this Informed Consent Notice from time to time. You, the Data Subject are requested to please check the SAST website periodically to inform yourself, the Data Subject, of any changes.

10. Successors in Title

The rights and obligations of the parties under this Informed Consent Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable, i.e. in the case of a sale or transfer of business by the Data Subject to another.

11. Declaration and Informed Consent

I, the Data Subject, confirm that my, the Data Subject's, Personal Information, provided is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then in such an event, I, the Data Subject, undertake to advise SAST or its Operator(s)¹ of these changes. I, the Data Subject, in providing the required Personal Information to SAST and/or to its Operator, consent and give SAST permission to process and further process (where necessary and strictly directly related to the initial processing) my, the Data Subject's, Personal Information as and where required and acknowledge that I, the Data Subject, understand the purposes for which the Personal Information is required and for which it will be used. Furthermore, should any of the Personal Information which has been provided by myself concern or pertain to a legal entity whom I represent, I confirm that I have the necessary authority to act on behalf of such legal entity, Data Subject, and that I have the right to provide the Personal Information and/or the required consent to use said Personal Information, on behalf of the aforementioned legal entity. Furthermore, should any of the Personal Information belong to any of my dependants and/or beneficiaries who are underage², I in my capacity as their legal guardian and competent person give SAST the appropriate permission to process their Personal Information for the purposes for which these details were given. Furthermore, I hereby consent to being contacted by SAST, electronically or otherwise, in order to fulfil the commercial relationship between myself, the Data Subject and SAST.

12. SAST Information Officer

SAST Information Officer

Dr Sibongiseni Mkhize

sibongiseni@statetheatre.co.za

¹ "Operator" means a natural person or a juristic person who processes your, a Data Subject's, Personal Information on behalf of SAST in terms of a contract or mandate, without coming under the direct authority of SAST; SAST will, in order to pursue and protect its legitimate interests and in many cases to protect you, the Data Subject, will under a written contract ask Operators to process certain categories of your, the Data Subject's, Personal Information on its behalf including without detracting from the generality thereof, advertising agencies, research companies, PR agencies, Relevant Industry Associations, Payroll service providers, Core Benefits Providers, Medical Aid/Cover providers, Retirement Funding Providers, Auditors, Legal Practitioners, and Government and Provincial Departments.

² "underage" means a child (natural person) under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him-or herself; SAST will from time to time have to process Personal Information of a child who may belong to you, a Data Subject, for amongst other reasons employment and benefit related purposes, which use will require the competent person's consent.

SAST Deputy Information Officer

Shiraz Ahmed

shiraz@statetheatre.co.za

Senior Manager: Performance Information 012 392 4000

CONSENT DECLARATION

The Data Subject, by signing this document, hereby consents to the use of the Data Subject's personal information submitted to SAST and confirms that:

- the information is supplied voluntarily, without undue influence from any party and not under any duress; and
- the information which is supplied is mandatory for the purposes of entering into a commercial agreement and that without such information, SAST may not enter into the agreement with the Data Subject.

The Data Subject acknowledges that the Data Subject is aware of the following rights with regard to such personal information which is submitted to SAST. The right to:

- access the information at any reasonable time for purposes of rectification thereof;
- object to the processing of the information in which case the commercial agreement may be terminated; and
- lodge a complaint to the Information Regulator.

Thus signed on this _____ day of _____ 20 __ in the presence of the undersigned witnesses:

I, _____ (full names of Data Subject), ID Number _____, on behalf of _____ (state legal entity if applicable), Company Registration Number _____, hereby **Give My Consent**.

Signature (Data Subject)

Witness (1): _____
Full Name: _____

Witness (2): _____
Full Name: _____

ANNEXURE C

EMPLOYEES DECLARATION OF CONFIDENTIALITY AND IMPARTIALITY

I, the undersigned, accept that all Confidential Information, documentation and decisions regarding any matter serving before myself in executing my duties and responsibilities as an employee of the South African State Theatre (SAST) are confidential. I, therefore, undertake not to make known anything in this regard unless required to during the ordinary course of my employment obligations. I, further acknowledge that all rights, title and interest in Confidential Information vests in SAST and that I have no claim of any nature whatsoever in or to such Confidential Information. I, shall process all Confidential Information in a manner so as not to cause any harm to i) SAST nor ii) any other party that may have Right to such Confidential Information. No part of any Confidential Information may be used, copied, disclosed or conveyed in whole or in part to any party in any manner whatsoever other than for performing my duties and responsibilities, without prior written permission, unless required to do so by law.

Documents which contain Confidential Information, including; operational and commercially sensitive information, will be stored at all times under secure conditions with access only by authorised persons holding a direct 'need to know' status.

The term "Confidential Information" shall include all technical, price and business information, including, without limiting the generality of the foregoing, all secret knowledge and information (including any and all financial, commercial, market, technical, functional and scientific information, and information relating to a party's strategic objectives and planning and its past, present and future research and development), technical, functional and scientific requirements and specifications, data concerning business relationships, demonstrations, processes, machinery, know-how, architectural information, information contained in a party's software and associated material and documentation, plans, designs and drawings and all material of whatever description, whether subject to or protected by copyright, patent or trademark, registered or un-registered, or otherwise disclosed or communicated before or after the date hereof. In particular, the term "Confidential Information" includes SAST Customer, Supplier, Employee and Shareholder information.

Any matter relating to legal processes are strictly confidential.

A breach of confidentiality may be deemed to be misconduct liable for disciplinary action and the breach of public trust may also result in legal action being taken against the employee.

The provisions outlined herein exclude any information lawfully in the public domain, before or after the effective date. However, the employee bears the responsibility to prove information was lawfully in the public domain.

This *DECLARATION OF CONFIDENTIALITY AND IMPARTIALITY* shall remain in effect, as may be applicable, indefinitely and post-employment with SAST should any retroactive matter emerge.

There shall be no acceptable variation or waiver of the provisions outlined herein unless done in writing and approved by SAST management. Any delay shall not be regarded as a delay in implementing the provisions herein which come into effect on signature. Any part of this document deemed to be unlawful may be severed and all other provisions will remain binding.

Further provisions contained in the Promotion of Access to Information Act 2 of 2000, as amended, (PAIA) and the Protection of Personal Information Act 4 of 2013 (POPIA) that may not be expressly outlined herein are applicable and govern this employee declaration.

By signing this declaration;

I accept the confidentiality of my duties and responsibilities and will not make known anything regarding these, unless officially authorised. I also declare that I do not have any conflict with my duties and responsibilities and any private interest and that I am not influenced by a gift or consideration and will deal with tasks in an equitable and even-handed manner at all times. I will not use any Confidential Information obtained for personal gain and will not discuss with or disclose to outsiders SAST related information. Confidential Information will, at all times, be handled according to all related SAST Policies and Procedures.

EMPLOYEE: _____

DESIGNATION & DEPARTMENT: _____

SIGNED AT: _____

SIGNATURE: _____ **DATE:** _____

(effective date)

MANAGER: _____

DESIGNATION & DEPARTMENT: _____

SIGNED AT: _____

SIGNATURE: _____ **DATE:** _____

ANNEXURE D

DIRECT MARKETING CONSENT

FORM 4

APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 6]

TO: _____

(Name of data subject)

FROM: _____

Contact number(s): _____
Fax number: _____
E-mail address: _____
(Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

.....
Signature of designated person

Date: _____

PART B

I, _____ *(full names of data subject)* hereby:

Give my consent.

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES:

SPECIFY METHOD OF COMMUNICATION: FAX:

E - MAIL:

SMS:

OTHERS – SPECIFY:

Signed at this day of 20.....

.....
Signature of data subject

ANNEXURE E

OBJECTION TO PROCESSING PERSONAL INFORMATION

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]

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....
Signature of data subject/designated person

ANNEXURE F

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

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]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person