



## **Hazchemwize (Pty) Ltd**

**T/A HAZCHEMWIZE (PTY) LTD**  
**REGISTRATION NUMBER: 2002/020331/07**

# **DATA OPERATOR POLICY**

## **REGULATION 4**

### **PROTECTION OF PERSONAL INFORMATION ACT 2013**

#### **Introduction**

This document defines the duties of the Data Operator ("Operator") in terms of the processing of Personal Information on behalf of Hazchemwize (Pty) Ltd in compliance with the Protection of Personal Information Act, No. 4 of 2013 ("PoPIA").

#### **Applicability**

If Hazchemwize (Pty) Ltd utilises a "Third-Party Service Provider" ("TPSP") to process Personal Information of a Data Subject, the Responsible party in under a statutory duty to comply with Sections 20 and 21 of the Protection of Personal Information Act ("PoPIA"), Section 21(1) requires Hazchemwize (Pty) Ltd to enter into a written Agreement with a TPSP that processes Personal Information for or on behalf of Hazchemwize (Pty) Ltd in order to ensure that such TPSP establishes and maintains the security measures required by PoPIA.

This Information Processing Agreement must be executed substantially in the form below with any TPSP.

A TPSP is a service provider that processes Personal Information for or on behalf of the Hazchemwize (Pty) Ltd, otherwise known as an Operator. The provisions below are required in order for Hazchemwize (Pty) Ltd to comply with the provisions of PoPIA.

#### **Operator / TPSP Duties**

The Operator agrees to the following, further details of which can be found in the Section headed "Information Security Agreement":

- Only use and disclose the Personal Information in accordance with Hazchemwize (Pty) Ltd's specific written instructions;
- Take reasonable and appropriate, organisational and technical Security Measures to protect Personal Information supplied by Hazchemwize (Pty) Ltd or otherwise made available to the Operator;
- Permit Hazchemwize (Pty) Ltd to audit the Operator in terms of its compliance with Sections 19 to 21 of PoPIA;
- Comply with requests by Hazchemwize (Pty) Ltd for access to the relevant Personal Information following the receipt of a valid and approved Data Subject request.

The Operator is not permitted to sub-contract any of the processing of the Personal Information supplied by Hazchemwize (Pty) Ltd or otherwise made available to the Operator without first:

- ensuring the Sub-Contractor will be compliant with the requirements of Sections 19 to 21 of PoPIA;
- obtaining prior written permission of Hazchemwize (Pty) Ltd.

The Operator also agrees to co-operate with any action required to fulfil the requests or demands of the Information Regulator as outlined in PoPIA, whether directly by the Information Regulator or indirectly by Hazchemwize (Pty) Ltd.

#### **Rights of Hazchemwize (Pty) Ltd**

An audit of the compliance of the Operator with Sections 19 to 21 of PoPIA to be conducted by Hazchemwize (Pty) Ltd or its authorised Agent may include but is not limited to:

- Ensuring that the Operator transfers Personal Information securely;
- Ensuring that the Operator reports any Security Breaches or other problems to Hazchemwize (Pty) Ltd; and in any other way fulfil the duties of Hazchemwize (Pty) Ltd as outlined in Section 21 of PoPIA.

Variation of Contract Terms

It is the duty of Hazchemwize (Pty) Ltd to monitor any changes to PoPIA and associated regulations, and to ensure ongoing compliance with PoPIA. This may require amendments from time to time of the below Information Processing Agreement.

Termination of Information Processing Agreement

In terms of processing of Personal Information:

- Where the Operator is found by the Information Regulator to have not fulfilled its obligations in terms of compliance with PoPIA, Hazchemwize (Pty) Ltd has the Right to cancel the Information Processing Agreement with the Operator with immediate effect.
- Whether for fault or any other termination reason, the Operator must return or effectively destroy all Personal Information processed on behalf of Hazchemwize (Pty) Ltd without delay, unless required to retain such Records in terms of other legislation or regulations.

Changes to this Policy

Hazchemwize (Pty) Ltd reserves the Right to amend, alter and terminate this Policy at any time.

INFORMATION OFFICER DETAILS

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