

OCTIV FITNESS PROPRIETARY LIMITED
(“Oktiv”, “the Company”, “us”, “we”, “our”)

POPIA AND DATA SUBJECT PARTICIPATION MANUAL
(“POPIA Manual”)
July 2021

1. INTRODUCTION

- 1.1. Oktiv acts as a Responsible Party for the personal information that we collect and process according to our own purposes and means under the Protection of Personal Information Act, 4 of 2013 (POPIA).
- 1.2. The purpose of this POPIA Manual, which should be read with our privacy statement, is to describe the way we collect, store, use, and protect Personal Information in our capacity as a Responsible Party and to afford Data Subjects whose Personal Information we Process, the opportunity to exercise their rights, under POPIA, as such. The prescribed forms through which Data Subjects may exercise their rights can be found in the Appendices to this POPIA Manual.
- 1.3. Capitalised terms which are not defined in this POPIA Manual have the meaning assigned to them in the POPIA.

2. DEFINITIONS

- 2.1. Data Subject - a person to whom personal information relates.
- 2.2. Responsible Party - A public or private body or any other person which, alone or in conjunction with another person, determines the purpose of and means for processing personal information.
- 2.3. POPIA - Protection of Personal Information Act, 2013.
- 2.4. The Regulator - The Information Regulator (South Africa) <https://www.justice.gov.za/inforeg/about.html>.

3. PERSONAL INFORMATION

- 3.1. “Personal Information” means information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to

- 3.1.1. 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;
- 3.1.2. information relating to the education or the medical, financial, criminal or employment history of the person;
- 3.1.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 3.1.4. the biometric information of the person;
- 3.1.5. the personal opinions, views or preferences of the person;
- 3.1.6. 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;
- 3.1.7. 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.

3.2. Personal Information excludes:

- 3.2.1. Information that has been made anonymous so that it does not identify a specific person;
- 3.2.2. permanently de-identified information that does not relate or cannot be traced back to a person specifically; and
- 3.2.3. non-personal statistical information collected and compiled by us.

4. PROTECTION OF PERSONAL INFORMATION BY OCTIV

- 4.1. Chapter 3 of POPIA provides for the minimum conditions for lawful Processing of Personal Information by a Responsible Party.
- 4.2. These conditions may not be deviated from unless specific exclusions apply as outlined in POPIA.

4.3. Oktiv is required to Process certain Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by us and accordingly, in these instances, we are a Responsible Party for the purposes of POPIA. As a Responsible Party we will ensure that the Personal Information of a Data Subject:

4.3.1. is Processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by us in the form of privacy or data collection notices. Oktiv must also have a legal basis, for example, the performance of our contractual obligations towards our customers, or a legal statutory duty, to Process Personal Information;

4.3.2. is Processed only for the purposes for which it was collected;

4.3.3. will not be Processed for a secondary purpose unless that Processing is compatible with the original purpose.

4.3.4. is adequate, relevant and not excessive for the purposes for which it was collected;

4.3.5. is accurate and kept up to date;

4.3.6. will not be kept for longer than necessary;

4.3.7. is Processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by Oktiv in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;

4.3.8. is Processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:

4.3.8.1. Be notified that their Personal Information is being collected by us;

4.3.8.2. to be notified in the event of a data breach;

4.3.8.3. know whether we hold Personal Information about them, and to access that information. Any request for information must be

handled in accordance with the provisions of this POPIA Manual;

- 4.3.8.4. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information;
- 4.3.8.5. object to our use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to our record keeping requirements);
- 4.3.8.6. object to the Processing of their Personal Information for purposes of direct marketing by means of unsolicited electronic communications;
- 4.3.8.7. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and;
- 4.3.8.8. to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information.

5. THE INFORMATION OFFICER

- 5.1. The Information Officer oversees the functions and responsibilities as required in terms of section 55 of POPIA after registering with the Information Regulator. Information about the purpose and responsibilities of the Information Officer can be found at <https://www.justice.gov.za/infoereg/docs/InfoRegSA-GuidanceNote-IO-DIO-20210401.pdf>.
- 5.2. The Information Officer may appoint, if necessary, Deputy Information Officers, as permitted in terms of section 56 of POPIA. This, amongst other things, is in order to render us as accessible as reasonably possible for Data Subjects requests and to ensure fulfilment of our obligations and responsibilities as prescribed in terms of section 55 of POPIA. The Information Officer will receive and respond to all Data Subject requests where they seek to enforce their rights in terms of POPIA.
- 5.3. Contact Details of the Information Officer:

1.

Information Officer:	Mark Fawzy, CEO
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Physical Address:	Unit 1, The Cruise Terminal, Victoria and Alfred Waterfront, Cape Town 8002.
Telephone Number:	072 387 2710
Email:	info@oactivfitness.com

6. PURPOSE OF THE PROCESSING OF PERSONAL INFORMATION BY THE COMPANY

- 6.1. As outlined above, Personal Information may only be Processed for a specific purpose.
- 6.2. The purpose for which we Process or will Process Personal Information is set out our privacy statement and in Part 1 of Appendix 1.

7. CATEGORIES OF DATA SUBJECTS AND PERSONAL INFORMATION/SPECIAL PERSONAL INFORMATION RELATING THERETO

- 7.1. As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person.
- 7.2. Part 2 of Appendix 1 sets out the various categories of Data Subjects that we Processes Personal Information on and the types of Personal Information relating thereto.

8. RECIPIENTS OF PERSONAL INFORMATION

- 8.1. Part 2 of Appendix 1 outlines the recipients to whom we may provide a Data Subject's Personal Information to.

9. CROSS-BORDER FLOWS OF PERSONAL INFORMATION

- 9.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- 9.1.1. recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or

- 9.1.2. the third party recipient of the Personal Information is subject to binding corporate rules or a binding agreement, such as the [EU Standard Contractual Clauses](#), which provide adequate levels of protection and which are substantially similar to the conditions for lawful processing as contained in POPIA; or

- 9.1.3. the Data Subject consents to the transfer of their Personal Information; or

- 9.1.4. the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- 9.1.5. the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- 9.1.6. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

9.2. Part 4 of Appendix 1 sets out the potential instances of cross-border transfers of Personal Information and the condition from above that applies thereto.

10. DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY OCTIV

10.1. Part 5 of Appendix 1 sets out the types of security measures to be implemented by Octiv in order to ensure that Personal Information is respected and protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by us may be conducted in order to ensure that the Personal Information that is Processed by us is safeguarded and Processed in accordance with POPIA's Conditions for Lawful Processing.

11. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA SUBJECT

11.1. Under S 11(3)(a) of POPIA, a Data Subject has the right to submit an objection to the Processing of Personal Information to the Responsible Party by filling out POPIA Form 1 and submitting it to Octiv. The form can be found in Appendix 2 and records the email address of the individual who submits it, this is to allow a copy of the form to be sent to the individual who submits it upon submission. All submissions are notified to the Information Officer and will be responded to in a timely fashion upon receipt with copies of correspondence thereafter being made accessible to both the Data subject and Responsible Party.

11.2. Octiv will render such reasonable assistance as is necessary to the request, free of charge to enable the Data Subject to make an objection.

12. REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

12.1. Under S 24(1) of POPIA a Data Subject has the right to submit a request for correction or deletion of Personal Information or destruction or deletion of record of personal information to the responsible party by filling out POPIA form 2, which can be found in

Appendix 3, and submitting it to Octiv. The form records the email address of the individual who submits it, this is to allow a copy of the form to be sent to the individual who submits it upon submission. All submissions are notified to the Information Officer and will be responded to in a timely fashion upon receipt with copies of correspondence thereafter being made accessible to both the data subject and responsible party.

12.2. Octiv will render such reasonable assistance as is necessary to the request free of charge to enable the data subject to make an objection.

13. SUBMISSION OF A COMPLAINT

13.1. Under S 74(1) and (2) of the Act a data subject has the right to submit a complaint to the Regulator by filling out [Part 1 of Form 5](#) and submitting it to the Regulator's details:

The Information Regulator (South Africa)

JD House

27 Stiemens Street,

Braamfontein,

Johannesburg, 2001

or

complaints.IR@justice.gov.za

APPENDIX 1: PART 1 - PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

For individual consumers and Octiv platform users:

- a. Performing duties in terms of any contractual agreement with consumers;
- b. operating and managing consumers' accounts and managing any application, agreement or correspondence that consumers may have with Octiv;
- c. communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about Octiv products and services, unless consumers indicate otherwise;
- d. carrying out market research, business and statistical analysis;
- e. performing administrative and operational functions including the testing of Octiv data systems;
- f. recovering any debt consumers may owe to Octiv;
- g. complying with Octiv regulatory and other obligations.

For prospective consumers and Octiv members:

- a. Verifying and updating information;
- b. pre-scoring; and
- c. direct marketing.

For employees:

- a. The same purposes as for consumers (above);
- b. verification of applicant employees' information during recruitment Process.
- c. general matters relating to employees:
 - i. Pension
 - ii. Medical aid
 - iii. Payroll
 - iv. Disciplinary action
 - v. Training

For vendors /suppliers /other businesses:

- a. Verifying information and performing checks;

- b. purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- c. payment of invoices;
- d. complying with Octiv regulatory and other obligations; and
- e. Any other reasonably required purpose relating to Octiv.

Appendix 1: Part 2 - Categories of Data Subjects and Categories of Personal Information relating thereto:

Employees

- a. Name and contact details;
- b. identity number and identity documents including passports;
- c. employment history and references;
- d. banking and financial details;
- e. details of payments to third parties (deductions from salary);
- f. employment contracts;
- g. employment equity plans;
- h. medical aid records;
- i. pension Fund records;
- j. remuneration/salary records;
- k. performance appraisals;
- l. disciplinary records;
- m. leave records; and
- n. training records

Consumers, prospective consumers and Octiv members (which may include employees)

- a. Postal and/or street address;
- b. title and name;
- c. contact numbers and/or e-mail address;
- d. employment history;
- e. age;

- f. gender;
- g. marital status;
- h. nationality;
- i. language;
- j. financial information;
- k. identity or passport number; and
- l. browsing habits and click patterns on Octiv websites.

Vendors /suppliers /other businesses:

- a. Name and contact details ;
- b. identity and/or company information and directors' information
- c. banking and financial information
- d. information about products or services; and
- e. other information not specified, reasonably required to be Processed for business operations.

Appendix 1: Part 3 - Recipients of Personal Information

- a. Any firm, organisation or person that Octiv uses to collect payments and recover debts or to provide a similar service on its behalf;
- b. any firm, organisation or person that/who provides Octiv with products or services;
- c. any payment system that Octiv uses;
- d. regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Octiv has a duty to share information;
- e. third parties to whom payments are made on behalf of employees;
- f. financial institutions from whom payments are received on behalf of Data Subjects; and
- g. Employees, contractors and temporary staff.

Appendix 1: Part 4 – Cross border transfers of Personal Information

Personal Information may be transmitted transborder to Octiv suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa. If this occurs, then Octiv will endeavour to ensure that its service providers take all reasonable efforts to secure said data and Personal Information and will execute the appropriate contractual arrangements which regulates the Lawful Processing of Personal Information and ensures that the Personal

Information is adequately protected.

Appendix 1: Part 5 – Description of information security measures

Octiv undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Octiv may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved:

1. Access Control of Persons

Octiv shall implement suitable measures in order to prevent unauthorised persons from gaining access to the data processing equipment where the data are Processed.

2. Data Media Control

Octiv undertakes to implement suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by Octiv and containing Personal Information of customers.

3. Data Memory Control

Octiv undertakes to implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User Control

Octiv shall implement suitable measures to prevent its data Processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access Control to Data

Octiv represents that the persons entitled to use Octiv data Processing systems are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

6. Transmission Control

Octiv shall be obliged to enable the verification and tracing of the locations / destinations to which the Personal Information is transferred by utilization of Octiv data communication equipment / devices.

7. Transport Control

Octiv shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

8. Organisation Control

Octiv shall maintain its internal organisation in a manner that meets the requirements of this Privacy Manual.

**Appendix 2: Objection to the Processing of Personal Information in terms of Section 11(3) of the
Protection of Personal Information Act, 2013**

**Regulations Relating to The Protection of
Personal Information, 2018**

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:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of 20...

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Signature of data subject/designated person

Appendix 3: 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

Regulations Relating to the Protection of Personal Information, 2018

Note:

[Regulation 3]

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 Data Subject
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	

Contact number(s):	
Fax number / E-mail address:	
C	Reasons for Objection in Terms of Section 11(1)(D) to (F) (Please Provide Detailed Reasons for The Objection)
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. (Please Provide Detailed Reasons for the Request)