

Hagen Brink Consulting Engineers (PTY) LTD

PRIVACY POLICY

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1. Definitions

In this Policy (as defined below), unless the context requires otherwise, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings -

- 1.1. "Hagen Brink" means Hagen Brink Consulting Engineers (Pty) Ltd (registration number 2019/617584/07), a professional company which renders engineering services. The terms "we", "us", and "our" shall have a corresponding meaning.
- 1.2. "Child" where the child is in the Republic of South Africa, means any natural person under the age of 18 (eighteen) years.
- 1.3. "Data Breach" means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of **Hagen Brink**.
- 1.4. "Data Subject" means the person to whom Personal Information relates.
- 1.5. "Employees" means any employee of the **Hagen Brink**;
- 1.6. "Operator" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;
- 1.7. "Personal Information" means information relating to a Data Subject, including but not limited to (i) views or opinions of another individual about the Data Subject; and (ii) information relating to such Data Subject's –
 - 1.7.1. race, sex, gender, sexual orientation, pregnancy, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, well-being, disability, religion, conscience, belief, cultural affiliation, language and birth;
 - 1.7.2. education, medical, financial, criminal or employment history;
 - 1.7.3. names, identity number and/or any other personal identifier, including any number(s), which may uniquely identify a Data Subject, account or client number, password, pin code, customer or Data Subject code or number, numeric, alpha, or alpha-numeric design or configuration of any nature, symbol, email address, domain name or IP address, physical address, cellular phone number, telephone number or other particular assignment;
 - 1.7.4. blood type, fingerprint or any other biometric information;
 - 1.7.5. personal opinions, views or preferences;
 - 1.7.6. correspondence that is implicitly or expressly of a personal, private or confidential nature (or further correspondence that would reveal the contents of the original correspondence); and

- 1.7.7. corporate structure, composition and business operations (in circumstances where the Data Subject is a juristic person) irrespective of whether such information is in the public domain or not.
- 1.8. “Policy” means this Privacy Policy;
- 1.9. “POPIA” means the Protection of Personal Information Act 4 of 2013;
- 1.10. “Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
- 1.10.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - 1.10.2. dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or
 - 1.10.3. merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition. “Process” has a corresponding meaning;
- 1.11. “Regulator” means the South African Information Regulator established in terms of POPIA;
- 1.12. “Responsible Party” means a public or private body or any other person which alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
- 1.13. “Special Personal Information” means Personal Information concerning a Data Subject’s religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, sexual orientation, genetic information, biometric information or criminal behaviour;
- 1.14. “Third Party” means any independent contractor, agent, consultant, sub-contractor or other representative of **Hagen Brink**; and
- 1.15. “Website” means the **Hagen Brink**’s website currently located at www.hagenbrink.co.za.

2. Introduction

Hagen Brink is a leading multi-disciplinary engineering consulting companies with a solid footprint on the African continent. **Hagen Brink** offers design, planning and management services across the entire engineering consultancy spectrum.

Hagen Brink is a partner of choice for the private sector who seek knowledgeable talent, with proven experience and the expertise to respond to the numerous infrastructures demands and needs of the continent.

POPIA requires **Hagen Brink** to inform their clients as to the manner in which their personal information is collected, used, retained and disseminated.

Hagen Brink guarantees its commitment to protecting its client’s privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

This policy sets out the manner in which **Hagen Brink** deals with their client's personal information and stipulates the purpose for which said information is used. The Policy is made available on **Hagen Brink's** website www.hagenbrink.co.za and by request from the Information Officer.

By allowing **Hagen Brink** to work on your Personal Information, you acknowledge that you have reviewed the terms of this Privacy Policy and agree that we may collect, use, retain and disseminate your Personal Information in accordance therewith. This Privacy Policy explains how we obtain, use, store and distribute Personal Information, as is required by POPIA. At **Hagen Brink** we are committed to protecting customer's privacy and to ensure that Personal Information is processed properly, lawfully and openly.

3. Purpose of This Policy

The purpose of this Policy is to inform Data Subjects about how **Hagen Brink** Processes their Personal Information.

4. Application

- 4.1. **Hagen Brink**, in its capacity as Responsible Party and/or Operator, shall strive to observe, and comply with its obligations under POPIA, as well as accepted information protection principles, practices and guidelines when it Processes Personal Information from or in respect of a Data Subject.
- 4.2. This Policy applies to Personal Information collected by **Hagen Brink** in connection with the services which we offer and provide. This includes information collected directly from you as a Data Subject, as well as information we collect indirectly through our Direct Marketing campaigns online through our website.
- 4.3. This Privacy Policy does not apply to the information practices of Third-Party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that **Hagen Brink** does not manage or employ. These Third-Party sites may have their own privacy policies and terms and conditions and we encourage you to read them before using them.

5. Process of Collecting Personal Information

- 5.1. **Hagen Brink** collects Personal Information directly from Data Subjects, unless an exception is applicable (such as, for example, where the Data Subject has made the Personal Information public or the Personal Information is contained in or derived from a public record).
- 5.2. **Hagen Brink** will always collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on legitimate grounds in a manner that does not adversely affect the Data Subject in question.
- 5.3. **Hagen Brink** often collects Personal Information directly from the Data Subject and/or in some cases, from Third Parties.
- 5.4. Where **Hagen Brink** obtains Personal Information from Third Parties, **Hagen Brink** will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where **Hagen Brink** is permitted to do so in terms of clause 4.1 above.

- 5.5. An example of such Third Parties include: (i) our clients when **Hagen Brink** handles Personal Information on their behalf; (ii) other companies or project teams jointly work with **Hagen Brink**; (iii) other companies or project teams providing services to **Hagen Brink**; and (iv) where **Hagen Brink** makes use of publicly available sources of information.

6. Lawful Processing of Personal Information

- 6.1. Where **Hagen Brink** is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –

- 6.1.1. Consent of the Data Subject is obtained;
- 6.1.2. Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
- 6.1.3. Processing complies with an obligation imposed by law on **Hagen Brink**;
- 6.1.4. Processing protects a legitimate interest of the Data Subject;
- 6.1.5. Processing is necessary for pursuing the legitimate interests of **Hagen Brink** or of a third party to whom the information is supplied; and/or
- 6.1.6. Processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in **Hagen Brink**.

- 6.2. **Hagen Brink** will only Process Personal Information where one of the legal bases referred to in paragraph 5.1 above are present.

- 6.3. **Hagen Brink** will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.

- 6.4. Where **Hagen Brink** is relying on a Data Subject's consent as the legal basis for Processing Personal Information, the Data Subject may withdraw his/her/its consent or may object to **Hagen Brink's** Processing of the Personal Information at any time. However, this will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent.

- 6.5. If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, **Hagen Brink** will ensure that the Personal Information is no longer Processed.

7. Special Personal Information

- 7.1. Special Personal Information is sensitive Personal Information of a Data Subject and **Hagen Brink** acknowledges that it will generally not Process Special Personal Information unless (i) processing is carried out in accordance with the Data Subject's explicit consent; or (ii) information has been deliberately made public by the Data Subject; or (iii) processing is necessary for the establishment, exercise or defence of a right or legal claim or obligation in law; or (iv) processing is for historical, statistical or research purposes, subject to stipulated safeguards; or for purposes of POPIA specific authorisation has been obtained in terms of POPIA.

- 7.2. **Hagen Brink** acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

8. Purpose for Processing Personal Information

- 8.1. **Hagen Brink** understands its obligation to make Data Subjects aware of the fact that it is Processing their Personal Information and inform them of the purpose for which **Hagen Brink** Processes such Personal Information.
- 8.2. **Hagen Brink** will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose (or for specific, lawful and clear purposes) and will ensure that it makes the Data Subject aware of such purpose(s) as far as possible.
- 8.3. **Hagen Brink** will ensure that there is a legal basis for the Processing of any Personal Information. Further, **Hagen Brink** will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).
- 8.4. **Hagen Brink** will generally use Personal Information for purposes required to operate and manage its normal business operations and these purposes include one or more of the following non- exhaustive purposes –
- 8.4.1. For the purposes of providing its services to the Data Subject from time to time;
- 8.4.2. Personal Information is processed in order to comply with obligations imposed on **Hagen Brink** under the Engineering Profession Act 46 of 2000, as amended or reissued from time to time;
- 8.4.3. Personal Information is processed in order to comply with responsibilities and/or requirements imposed on **Hagen Brink** under the National Environmental Management Act 107 of 1998 read together with the National Water Act 36 of 1998, as amended or reissued from time to time;
- 8.4.4. Personal Information is processed in order to conduct due diligence processes on **Hagen Brink** Clients;
- 8.4.5. Personal Information is processed for the purposes of performing general information technology-related functions for all business functions within **Hagen Brink**;
- 8.4.6. For purposes of interacting with you on our Website and generally monitoring your use of our Website, including for purposes of improving same;
- 8.4.7. Personal Information is processed in connection with internal audit purposes (i.e., ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
- 8.4.8. Personal Information is processed for employment-related purposes such as administering payroll, assessing credit and criminal history;

- 8.4.9. To respond to any correspondence that the Data Subject may send to DJHA, including via email, **Hagen Brink's** site(s) or by telephone;
- 8.4.10. In connection with the execution of payment processing functions, including payment of **Hagen Brink's** suppliers' invoices;
- 8.4.11. To contact the Data Subject for direct marketing purposes subject to the provisions of clause 10 below;
- 8.4.12. For such other purposes to which the Data Subject may consent from time to time; and
- 8.5. For such other purposes as authorised in terms of applicable law.

9. Keeping Personal Information Accurate

- 9.1. **Hagen Brink** will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up to date as reasonably possible depending on the purpose for which Personal Information is collected or further processed.
- 9.2. **Hagen Brink** may not always expressly request the Data Subject to verify and update his/her/its Personal Information, unless this process is specifically necessary.
- 9.3. **Hagen Brink**, however, expects that the Data Subject will notify DJHA from time to time in writing of any updates required in respect of his/her/its Personal Information.

10. Storage and Processing of Personal Information by DJHA and Third-Party Service Providers

- 10.1. **Hagen Brink** may store your Personal Information in hardcopy format and/or in electronic format using **Hagen Brink's** own secure on-site servers or other internally hosted technology. Your Personal Information may also be stored by Third Parties, via cloud services or other technology, with whom **Hagen Brink** has contracted with, to support **Hagen Brink's** business operations.
- 10.2. **Hagen Brink's** Third Party service providers, including data storage and processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.
- 10.3. **Hagen Brink** will ensure that such Third-Party service providers will process the Personal Information in accordance with the provisions of this Policy, all other relevant internal policies and procedures and POPIA.
- 10.4. These Third Parties do not use or have access to your Personal Information other than for purposes specified by us, and **Hagen Brink** requires such parties to employ at least the same level of security that **Hagen Brink** uses to protect your personal data.
- 10.5. Your Personal Information may be Processed in the Republic of South Africa or another country where **Hagen Brink**, its affiliates and their Third-Party service providers maintain servers and facilities and **Hagen Brink** will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law.

11. Retention of Personal Information

- 11.1. **Hagen Brink** may keep records of the Personal Information it has collected, correspondence, or comments in an electronic or hardcopy file format.
- 11.2. **Hagen Brink** will not retain personal information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances –
 - 11.2.1. where the retention of the record is required or authorised by law;
 - 11.2.2. **Hagen Brink** requires the record to fulfil its lawful functions or activities;
 - 11.2.3. retention of the record is required by a contract between the parties thereto;
 - 11.2.4. the data subject has consented to such longer retention; or
 - 11.2.5. the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.
- 11.3. Accordingly, **Hagen Brink** will, subject to the exceptions noted herein, retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.
- 11.4. Where **Hagen Brink** retains Personal Information for longer periods for statistical, historical or research purposes, **Hagen Brink** will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and the applicable laws.
- 11.5. Once the purpose for which the Personal Information was initially collected and processed no longer applies or becomes obsolete, **Hagen Brink** will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information.
- 11.6. In instances where we de-identify your Personal Information, **Hagen Brink** may use such de-identified information indefinitely.

12. Failure to Provide Personal Information

- 12.1. Should **Hagen Brink** need to collect Personal Information by law or under the terms of a contract that **Hagen Brink** may have with you and you fail to provide the Personal Information when requested, we may be unable to perform the contract we have or are attempting to enter into with you.
- 12.2. In such a case, **Hagen Brink** may have to decline to provide or receive the relevant services, and you will be notified where this is the case.

13. Safe-Keeping of Personal Information

- 13.1. **Hagen Brink** shall preserve the security of Personal Information and, in particular, prevent its alteration, loss and damage, or access by non-authorised third parties.
- 13.2. **Hagen Brink** will ensure the security and integrity of Personal Information in its possession or under its control with appropriate, reasonable technical and organisational measures to prevent loss, unlawful access and unauthorised destruction of Personal Information.
- 13.3. Taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of Data Subjects, **Hagen Brink** implements appropriate technical and organisational measures to ensure a level of security appropriate to the risk of Processing, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification, including –
 - 13.3.1. the pseudonymization and encryption of Personal Information;
 - 13.3.2. the ability to ensure the ongoing confidentiality, integrity, availability and resilience of Processing systems and services;
 - 13.3.3. the ability to restore the availability and access to Personal Information in a timely manner in the event of a physical or technical incident; and
 - 13.3.4. a process for regularly testing, assessing and evaluating the effectiveness of technical and organisational measures for ensuring the security of Processing.
- 13.4. Further, **Hagen Brink** maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

14. Breaches of Personal Information

- 14.1. A Data Breach refers to any incident in terms of which reasonable grounds exist to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person.
- 14.2. A Data Breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which Personal Information is stored; (b) inappropriate access controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of Personal Information without permission and loss of availability of Personal Information.
- 14.3. **Hagen Brink** will address any Data Breach in accordance with the terms of POPIA.
- 14.4. **Hagen Brink** will notify the Regulator and the affected Data Subject (unless the applicable law requires that we delay notification to the Data Subject) in writing in the event of a Data Breach (or a reasonable belief of a Data Breach) in respect of that Data Subject's Personal Information.

- 14.5. **Hagen Brink** will provide such notification as soon as reasonably possible and, where feasible, not later than 72 (seventy-two) hours after having become aware of any Data Breach in respect of such Data Subject's Personal Information.
- 14.6. Where **Hagen Brink** acts as an 'Operator' and should any Data Breach affect the data of Data Subjects whose information **Hagen Brink** Processes as an Operator, **Hagen Brink** shall (in terms of POPIA) notify the relevant Responsible Party immediately where there are reasonable grounds to believe that the Personal Information of relevant Data Subjects has been accessed or acquired by any unauthorised person.

15. Provision of Personal Information to Third Party Service Providers

- 15.1. **Hagen Brink** may disclose Personal Information to Third Parties and will enter into written agreements with such Third Parties to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA.
- 15.2. **Hagen Brink** notes that such Third Parties may assist **Hagen Brink** with the purposes listed in paragraph 7.4 above – for example, service providers may be used, inter alia: (i) to notify the Data Subjects of any pertinent information concerning **Hagen Brink**, (ii) for data storage and/or (iii) to assist **Hagen Brink** with auditing processes (external auditors).
- 15.3. **Hagen Brink** will disclose Personal Information with the consent of the Data Subject or if **Hagen Brink** is permitted to do so without such consent in accordance with the applicable laws.

16. Access to Personal Information

- 16.1. A Data Subject has certain rights under POPIA, including the following:
- 16.1.1. a right of access: a Data Subject having provided adequate proof of identity has the right to: (i) request a Responsible Party to confirm whether any Personal Information is held about the Data Subject; and/or (ii) request from a Responsible Party a description of the Personal Information held by the Responsible Party including information about Third Parties who have or have had access to the Personal Information. A Data Subject may request:
- 16.1.1.1. DJHA to confirm, free of charge, whether it holds any Personal Information about him/her/it; and
- 16.1.1.2. to obtain from DJHA the record or description of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the Personal Information. Such record or description is to be provided:
- 16.1.1.2.1. within a reasonable time; and
- 16.1.1.2.2. in a reasonable manner and format and in a form that is generally understandable.
- 16.1.2. a right to request correction or deletion: a Data Subject may also request **Hagen Brink** to –

- 16.1.2.1. correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- 16.1.2.2. destroy or delete a record of Personal Information about the Data Subject that **Hagen Brink** is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

On receipt of such a request, **Hagen Brink** is required to, as soon as is reasonably practicable –

- 16.1.2.2.1. correct the information;
- 16.1.2.2.2. delete or destroy the information;
- 16.1.2.2.3. provide the Data Subject with evidence in support of the information; or
- 16.1.2.2.4. where the Data Subject and Responsible Party cannot reach agreement on the request and if the Data Subject requests this, DJHA will take reasonable steps to attach to the information an indication that correction has been requested but has not been made;

- 16.1.3. a right to withdraw consent and to object to processing: a Data Subject that has previously consented to the Processing of his/her/its Personal Information has the right to withdraw such consent and may do so by providing DJHA with notice to such effect at the address set out in paragraph 21. Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.
- 16.2. Accordingly, **Hagen Brink** may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information.
- 16.3. Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.
- 16.4. The Data Subject can request in writing to review any Personal Information about the Data Subject that **Hagen Brink** holds including Personal Information that **Hagen Brink** has collected, utilised or disclosed, as well as the following information: (i) the purposes of Processing; (ii) the categories of Personal Information concerned; (iii) where possible, the envisaged period for which the Personal Information will be stored; (iv) the existence of the right to request from **Hagen Brink** rectification or erasure of Personal Information or restriction of Processing of Personal Information concerning the Data Subject or to object to such processing; (v) the right to lodge a complaint with the Regulator; (vi) where the Personal Information is not collected from the Data Subject, any available information as to their source; and (vii) the existence of automated Processing, including profiling and, at least in those cases, meaningful information about the logic involved as well as the significance and the envisaged consequences of such processing for the Data Subject.

- 16.5. **Hagen Brink** shall respond to these requests in accordance with POPIA and will provide the Data Subject with any such Personal Information to the extent required by law and any of **Hagen Brink's** policies and procedures which apply in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA).
- 16.6. The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in **Hagen Brink's** records at any time in accordance with the process set out in DJHA's manual developed in terms of PAIA for accessing information.
- 16.7. If a Data Subject successfully demonstrates that their Personal Information in **Hagen Brink's** records is inaccurate or incomplete, **Hagen Brink** will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

17. Time Periods

- 17.1. **Hagen Brink** will respond to each written request of a Data Subject not later than 30 (thirty) days after receipt of such requests. Under certain circumstances, **Hagen Brink** may, however, extend the original period of 30 (thirty) days once for a further period of not more than 30 (thirty) days.
- 17.2. A Data Subject has the right to make a complaint to **Hagen Brink** in respect of this time limit by contacting **Hagen Brink** using the contact details provided in paragraph 21 below.

18. Costs to Access to Personal Information

The prescribed fees to be paid for copies of the Data Subject's Personal Information are listed in the PAIA Manual.

19. Changes to This Policy

- 19.1. **Hagen Brink** reserves the right to make amendments to this Policy from time to time on an *ad hoc* basis. Data Subjects are advised to check our Website periodically to inform themselves of any changes. Where material changes take place **Hagen Brink** will use reasonable efforts to notify Data Subjects of such amendments.
- 19.2. The current version of this Policy will govern the respective rights and obligations between you and **Hagen Brink** each time that you access and use our Website.

20. Company Contact Details

Hagen Brink Consulting Engineers Pty (Ltd)
P.O. Box 3972
Tygervally
7536

Telephone number: 082 482 8689

Website: www.hagenbrink.co.za

Email Address: genie@hagenbrink.co.za

- 20.1. If a Data Subject is unsatisfied with the manner in which **Hagen Brink** addresses any complaint with regard to **Hagen Brink's** Processing of Personal Information, the Data Subject can contact the office of the relevant Regulator.