

# PRIVACY POLICY

**NCC Central (Pty) Ltd** processes the personal information of clients for whom we are providing a service. We take our responsibility under **The Protection of Personal Information Act 4 of 2013** (also known as POPIA) seriously, and we have therefore put in place strict measures to ensure that any personal information we receive whilst providing a service is kept secure and is used only for the purpose for which it was collected.

## What is POPIA about?

POPI prescribes a set of conditions and principles that regulate the collection, processing and use of personal information, and ensures the lawfulness of such actions. These principles and conditions have been enacted (made to law) to promote the constitutional right to privacy contained in section 14 of the South African Constitution and to protect a person's personal information and the use of this information by third parties. Bear in mind that different countries have their own unique privacy laws.

Importantly, POPI protects persons from suffering damage and harm by requiring entities and parties who receive their personal details to protect the confidentiality and integrity of such information. POPI therefore places an important responsibility on parties who collect, store, use and destroy personal information, and also provides rights and solutions to persons whose rights have been infringed in terms of POPI. It requires the relevant parties dealing with personal information to take care of such information and protects the general public against the incorrect and unauthorised use of their personal information, whether used for purposes of identity theft, abusive marketing practices or other unauthorised purposes. It is important to be aware that POPI does not aim to stop the flow or sharing of personal information, but rather aims to establish and set guidelines and rules for how this must be done in line with international standards, to protect the privacy of the persons whose personal information is being processed.

## Terms and Definitions

- **Data Subject:** The individual whose personal data is being processed and to whom personal information relates.
- **Responsible Party:** The responsible party is the individual or company, either public or private, that processes personal information and determines its purpose.
- **Operator:** A responsible party should not be confused with an operator who is a person processing the information on the instruction of the responsible party by contract or mandate and is not under the direct authority of the responsible party. When personal information is processed by an operator the responsible party still remains responsible for the processing.

- **Personal information:** In terms of POPI, personal information is any information relating to an identifiable, living natural person and, if applicable, to an existing identifiable juristic person (which is known as a “data subject”).

Personal information may therefore include, but is not limited to any of the following – information relating to race, gender, sexual orientation, medical history, criminal history, religion, beliefs, disabilities, marital status, pregnancy, language, education, finances, employment history, online identifiers, pseudonyms, physical address, telephone numbers, and biometric information. If processing a name of a person reveals that person’s personal information, then the name is also considered personal information.

- **Processing:** The processing of personal information involves any collection, use, storage, deletion or destruction of personal information.

### **Our POPIA Commitment**

NCC’s Network Operations Centre (NOC), which provides ISP Services and other support, is committed to ensuring the security and protection of the personal information that we process and to provide a compliant and consistent approach to data protection. We have put in place strict policies that guide our engineers toward effective compliance practices. However, it should be noted that we have certain obligations in terms of the Regulation of Interception of Communications and Provision of Communications-related Information Act concerning the lawful interception of communications and provision of information. The Customer hereby indemnifies NCC and holds it harmless against any liability, claims, fines or other penalties due to NCC complying with such obligations.

This POPIA privacy policy may assist you to meet your own POPIA regulatory requirements where applicable. We also hereby endeavour to offer you assurance that we take POPIA and the security of all personal data seriously as part of the everyday running of our services.

NCC and its NOC recognizes our role as responsible party and operators where applicable and our responsibilities under POPIA. We are committed to safeguarding the personal information under our control and recognize our continual obligation to do so.

### **NCC’s role under the POPI Act**

NCC acts as both a Responsible Party and Operator under the POPI Act. We act as an Operator when we process personal data on behalf of our customers in the provision of our services.

NCC acts as a Responsible Party when we collect information from our customers which will be used for account management and support and service-related matters. This information includes data such as customer name, address, phone and email contact address(es).

### **Our role as a Responsible Party**

You are the owner of the information you submit to our services (whether they are hosted on your premises or on our servers). When your information is placed on our servers, you are

the Responsible Party and NCC is the Operator. We have access to the information you store on our servers and any processing as an Operator is only for the purpose of the data hosting and maintenance-related services we provide to you. We do not use your information for any processing of our own. We do not share or provide access to any of your information with third parties unless we are required to do so by law. Where the authorities or other authorized parties request access to our servers we follow strict internal policies for dealing with such requests in line with applicable laws which generally require any third parties to demonstrate they have a lawful reason to access the information and under what authority.

### **Our customer's role under the POPI Act**

Our customers are generally considered as being Responsible Parties and as such have their own responsibilities under the POPI Act and generally bear the primary responsibility of ensuring that the processing of the personal information under their control complies with the POPI Act. Subject to the provisions of the POPI Act where applicable our customers are generally responsible for obtaining necessary consents from Data Subjects and for establishing their own policies for ensuring compliance with the POPI Act and other applicable laws and regulations as well as other applicable privacy policies, agreements, or other obligations relating to the collection of personal information in connection with the use of our services.

### **How we process your personal information**

We receive, process, store and eventually destroy personal information (such as name, surname, email address, phone number, physical and postal address, etc.) you provide us when you become a customer or a supplier. The personal information that we collect is processed in line with the 8 conditions for lawful processing in the Protection of Personal Information Act. We therefore:

- ✓ Accept joint responsibility and accountability with you to responsibly manage and protect your Personal Information when providing our services and solutions to you. It is your responsibility to notify us of changes to your data or security requirements such as authorized persons who may request confidential and personal information from us;
- ✓ Undertake to receive, only from you, and process the Personal Information that is necessary for the purpose to assist you with your required solutions, conclude the necessarily related agreements and consider the legitimate legal interests of everyone concerned, as required by the Act and to respect your right to withdraw your consent for the processing of your Personal Information;
- ✓ Undertake to only use your Personal Information for the purpose required to assist you or provide solutions to you;
- ✓ Undertake not to share or further process your Personal Information with anyone if not required for assisting you with your solutions or by the law;

- ✓ Undertake to be open and transparent and notify you as and when required by law regarding why and how your Personal Information needs to be collected;
- ✓ Undertake to safeguard and protect your Personal Information in our possession;
- ✓ Undertake to freely confirm what Personal Information we have, to update and correct the Personal Information, and to keep it for no longer than legally required.

NCC Central requires its operators (suppliers) who process personal information on our behalf to have an agreement, which is known as an operator's agreement, in place with us. Our suppliers may need to process personal information in order for us to provide a service to you.

Other reasons for processing your personal information include:

- ✓ To assist us in carrying out a transaction you requested and to maintain our relationship;
- ✓ To respond to your queries;
- ✓ To confirm and verify your identity or to verify that you are an authorised user for security purposes;
- ✓ For billing and other accounting purposes;
- ✓ To assess and process orders;
- ✓ To conduct credit reference searches or verification, only if you authorise this or if it's a requirement to provide solutions to you;
- ✓ For operational purposes required to assist you with the solutions you require;
- ✓ For audit and record-keeping purposes;
- ✓ In connection with possible requirements by the Information Regulator or other Government agencies allowed by law, legal proceedings, or court rulings.

### **We may change our processes from time to time**

We may decide to change how we implement our obligations under the POPI Act. We will notify our customers of changes via email or post updates to our website at <https://www.ncc.co.za/>.

### **Changes to this policy**

This POPIA policy may change at any time. We will, however, notify our customers of substantial changes via email. Changes to this policy will be posted to our website, please review it frequently.

**Contact us**

If you have questions regarding our POPIA compliance, please contact us at:

NCC Central (Pty) Ltd  
Cnr Lombard & Bree Street  
Hilton  
Bloemfontein  
9301  
Email: [noc@ncc.co.za](mailto:noc@ncc.co.za)  
Phone: 0861 555 444

Information Officer: Piet van der Merwe  
Deputy Information Officer: Elizabeth Tsikkos  
Deputy Information Officer: Chris van der Merwe  
Deputy Information Officer: Thinus Prinsloo

**Contact the Information Regulator**

Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)  
General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za).