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POPIA EXTERNAL PRIVACY POLICY

PO-HR-22

REVISION: 1



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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 **"Child"** means any natural person under the age of 18 (eighteen) years;
- 1.2 **"Data Breach"** means an incident of compromise of any Personal Information involving accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Information under the control of or in the possession of KSB;
- 1.3 **"Data Subject"** means the KSB clients or suppliers who may be natural or juristic persons or any other person(s) in respect of whom KSB Processes Personal Information;
- 1.4 **"Direct Marketing"** means any direct marketing activities carried out by KSB via electronic communication (i.e. via SMS, email, fax, automated calling or via mobile applications) to promote KSB products and services;
- 1.5 **"Employees"** means any employee of KSB;
- 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 any 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 Data Protection and Privacy Policy;
- 1.9 "**POPIA**" or "**Act**" means the Protection of Personal Information Act No. 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 Information Regulator established in terms of the Act;
- 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 "**KSB**" means KSB Pumps & Valves Proprietary Limited, a private company duly incorporated in accordance with the laws of the Republic of South Africa, with registration number 2006/032069/07;
- 1.14 "**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, biometric information or criminal behaviour; and
- 1.15 "**Third-Party**" means any independent contractor, agent, consultant, sub-contractor or other representative of KSB.

2 INTRODUCTION

- 2.1 This Policy regulates the use and protection of Personal Information that KSB Processes.
- 2.2 KSB acknowledges the need to ensure that Personal Information is handled with care and is committed to ensuring compliance with the requirements of POPIA for the Processing of Personal Information.

3 PURPOSE

The purpose of this Policy is to inform Data Subjects about how KSB Processes their Personal Information which may include, collecting or collating, recording, storing, sharing, updating, destroying, disclosing and/or generally using the Data Subject's Personal Information.

4 APPLICATION

- 4.1 KSB, in its capacity as Responsible Party and/or Operator, shall strive to observe, and comply with, its obligations under the POPIA as well as generally accepted information security and 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 KSB in connection with the services offered. This includes Personal Information which may be collected through our consumer call centres, Direct Marketing campaigns, competitions, and online through our websites, branded pages on Third-Party platforms and applications accessed or used through such websites or Third-Party platforms which are operated by or on behalf of KSB.
- 4.3 This Policy is hereby incorporated into and forms part of the KSB terms and conditions of use.
- 4.4 This Privacy Policy does not apply to the information practices of Third Party companies (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that KSB 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 those Third-Party sites.

5 WHAT IS PERSONAL INFORMATION?

As more extensively defined in clause 1 (Definitions) above, Personal Information, for the purposes of this Policy, is any form of information that can be used to identify a Data Subject.

6 PROCESS OF COLLECTING PERSONAL INFORMATION

- 6.1 POPIA requires that Personal Information must be collected directly from a Data Subject, 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).
- 6.2 KSB 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 any Data Subject.
- 6.3 KSB often collects Personal Information directly from the Data Subject and/or from Third-Parties, and where KSB obtains Personal Information from Third-Parties, KSB will endeavour to obtain the consent of the Data Subject to do so or will rely on a permissible basis on which to do so as referred to in clause 6.1 above.
- 6.4 Examples of such Third Parties include other KSB entities; our clients when KSB handles Personal Information on their behalf; regulatory bodies; credit reference agencies; companies providing services to KSB and where KSB makes use of publicly available sources of information.

7 NOTIFYING DATA SUBJECTS

- 7.1 KSB will make Data Subjects aware of the fact that it is Processing their Personal Information and inform them of the specific purpose for which KSB will be Processing such Personal Information, including making the Data Subject aware of any Third-Party recipients of the Personal Information (which may also include cross-border transfers of Personal Information).
- 7.2 KSB will not use the Personal Information of a Data Subject for any purpose other than the purpose which it discloses to the Data Subject without the consent of the Data Subject, unless KSB is permitted or required to do so by law.

8 LAWFUL PROCESSING OF PERSONAL INFORMATION

- 8.1 In terms of POPIA, where KSB is the Responsible Party, it can only Process a Data Subject's Personal Information where –
- 8.1.1 consent of the Data Subject (or a competent person where the Data Subject is a Child) is obtained;
- 8.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
- 8.1.3 Processing complies with an obligation imposed by law on KSB;
- 8.1.4 Processing protects a legitimate interest of the Data Subject; and/or



- 8.1.5 Processing is necessary for pursuing the legitimate interests of KSB or of a third party to whom the information is supplied.
- 8.2 KSB will only Process Personal Information where one of the legal basis referred to in paragraph 8.1 above are present.
- 8.3 KSB will obtain the Data Subject's consent prior to collecting, and in any case prior to using or disclosing, the Personal Information for any purpose or KSB may rely on an alternate legal ground listed in paragraph 8.1 above) to do so.
- 8.4 KSB will make the manner and reason for which the Personal Information will be processed clear to the Data Subject.
- 8.5 Where KSB 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 KSB's Processing of the Personal Information at any time. This will not affect the lawfulness of any Processing carried out prior to the withdrawal of consent or any Processing justified by a legal ground set out in paragraphs 8.1.2 to 8.1.5 above.
- 8.6 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, KSB will ensure that the Personal Information is no longer processed.

9 STORAGE OF PERSONAL INFORMATION

- 9.1 KSB will keep the Personal Information that it Processes on behalf of Data Subjects at its office in Germiston, Johannesburg.
- 9.2 KSB'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.
- 9.3 KSB 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.
- 9.4 KSB may store your Personal Information using KSB'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, to whom KSB has contracted with, to support KSB's business operations.
- 9.5 These Third Parties do not use or have access to your Personal Information other than for cloud storage and retrieval, and KSB requires such parties to employ at least the same level of security that KSB uses to protect your personal data.



- 9.6 Your Personal Information may be stored and processed in South Africa or another country where KSB, its affiliates and their service providers maintain servers and facilities and KSB 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.

10 **USE OF PERSONAL INFORMATION**

- 10.1 KSB 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 that Data Subject aware of such purpose(s) as far as possible.
- 10.2 It will ensure that there is a legal basis for the Processing of any Personal Information. Further, KSB 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).
- 10.3 KSB may use Personal Information for the following purposes –
- 10.3.1 for the purposes of providing services or products to the Data Subject or where the Data Subject supplies products or services to KSB, for the purposes of receiving such products or services;
- 10.3.2 to respond to any correspondence that the Data Subject may send to KSB, including via email or by telephone;
- 10.3.3 to contact the Data Subject from time to time, where specific consent has been given to follow-up contacts by KSB or to be put on KSB's mailing list;
- 10.3.4 for such other purposes to which the Data Subject may consent from time to time;
- 10.3.5 for such other purposes authorised in terms of applicable law.

11 **DIRECT MARKETING INITIATIVES**

- 11.1 To the extent that KSB carries out any Direct Marketing activities, it will do so in compliance with its obligations under POPIA and KSB acknowledges that it may only use Personal Information to contact the Data Subject for purposes of Direct Marketing from time to time where it is permissible to do so.

- 11.2 KSB may use Personal Information to carry out any Direct Marketing activities aimed at any Data Subject and/or market KSB's services directly to the Data Subject(s) if the Data Subject is one of KSB's existing clients, the Data Subject has requested to receive marketing material from KSB or KSB has the Data Subject's consent to market its services directly to the Data Subject.
- 11.3 KSB will ensure that a reasonable opportunity is given to the Data Subject to object to the use of their Personal Information for KSB's marketing purposes when collecting the Personal Information and on the occasion of each communication to the Data Subject for purposes of Direct Marketing.
- 11.4 KSB will not use your Personal Information to send you marketing materials if you have requested not to receive them. If you request that we stop Processing your Personal Information for marketing purposes, KSB shall do so. We encourage that such requests to opt-out of marketing be made via forms and links provided for that purpose, on our website, or in the marketing materials sent to you.

12 SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

- 12.1 Special Personal Information is sensitive Personal Information of a Data Subject, which includes: (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject; or (b) the criminal behaviour of a Data Subject (where such information relates to the alleged offences committed by the Data Subject or any proceedings relating to alleged offences).
- 12.2 KSB acknowledges that it is not allowed to Process Special Personal Information unless POPIA applies to such Special Personal Information and –
- 12.2.1 Processing is carried out in accordance with the Data Subject's consent;
- 12.2.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
- 12.2.3 Processing is necessary to comply with an obligation of international public law;
- 12.2.4 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;
- 12.2.5 information has deliberately been made public by the Data Subject; or
- 12.2.6 specific authorisation has been obtained in terms of POPIA.
- 12.3 KSB 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.

13 RETENTION OF PERSONAL INFORMATION

- 13.1 KSB may keep records of the Personal Information it has collected, corresponded using, or commented on in an electronic or hardcopy file format.
- 13.2 In terms of POPIA, KSB may 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 –
- 13.2.1 where the retention of the record is required or authorised by law;
- 13.2.2 KSB requires the record to fulfil its lawful functions or activities;
- 13.2.3 retention of the record is required by a contract between the parties thereto;
- 13.2.4 the data subject (or competent person, where the data subject is a child) has consented to such longer retention; or
- 13.2.5 the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.
- 13.3 Where KSB may retain Personal Information for longer periods for statistical, historical or research purposes, KSB 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 any applicable laws.
- 13.4 Once the purpose for which the Personal Information was initially collected and processed no longer applies or becomes obsolete, KSB will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information.
- 13.5 In instances where we anonymise your Personal Information for research or statistical purposes, KSB may use such anonymised information indefinitely without further notice to you.
- 13.6 In terms of POPIA, KSB is required to place a restriction on the processing of personal information where –
- 13.6.1 the accuracy of such information is contested by the Data Subject;
- 13.6.2 the Personal Information is no longer required to achieve the purpose for which it was collected or subsequently processed (but has to be maintained for purposes of proof);
- 13.6.3 the processing is unlawful and the Data Subject requests the restriction of use; or

13.6.4 the Data Subject requests to transmit the data into another automated processing system.

14 **FAILURE TO PROVIDE PERSONAL INFORMATION**

14.1 Should KSB need to collect Personal Information by law, such as in-relation to anti-money laundering or under the terms of a contract that KSB may have with you and you fail to provide the personal data when requested, we may be unable to perform the contract we have or are attempting to enter into with you.

14.2 In such a case, KSB may have to decline to provide or receive the relevant services, and you will be notified where this is the case.

15 **SAFE-KEEPING OF PERSONAL INFORMATION**

15.1 KSB shall preserve the security of Personal Information and, in particular, take appropriate steps to prevent any loss, damage or unauthorised access to the Personal Information.

15.2 KSB has implemented physical, organisational, contractual and technological security measures (in line with generally accepted information security practices or industry specific requirements or professional rules) to keep all Personal Information secure, including measures protecting any Personal Information from loss or theft, and unauthorised access, disclosure, copying, use or modification.

16 **DATA BREACHES**

16.1 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.

16.2 POPIA requires that KSB address any Data Breach in accordance with the terms of thereof.

16.3 KSB will notify the Regulator and the affected Data Subject (unless the law requires that we delay notification to the Data Subject) in writing in the event that it experiences a Data Breach (in respect of that Data Subject's Personal Information).

17 PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS AND KSB GROUP COMPANIES

- 17.1 KSB may disclose Personal Information to Third-Party service providers and will enter into written agreements with such Third-Party service providers to ensure that they Process any Personal Information in accordance with the provisions of this Policy, and POPIA.
- 17.2 KSB notes that such Third Parties may assist KSB with the purposes listed in paragraph 10.3 above – for example, service providers may be used, *inter alia*, to: provide telephone support, assist in the provision of IT services or marketing products or services, notify the Data Subjects of any pertinent information concerning KSB, and/or for data storage.
- 17.3 KSB will disclose Personal Information with the consent of the Data Subject or if KSB is permitted to do so without such consent in accordance with the applicable laws.
- 17.4 Further, KSB may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa in order to achieve the purpose(s) for which the Personal Information was collected and processed, including for Processing and storage by Third-Party service providers.
- 17.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa to any Third Parties including KSB affiliates or group companies KSB will do so as permitted in accordance with the laws applicable to the trans-border flows of Personal Information under POPIA or in terms of applicable intragroup company agreements (known as binding corporate rules) or if required, KSB will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction from you.
- 17.6 The Data Subject should also take note that the Processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

18 ACCESS TO PERSONAL INFORMATION

- 18.1 A Data Subject has the right to obtain from KSB the record or description, in a reasonable form, of Personal Information concerning him/her/it and any information regarding the recipients or categories of recipients of the Personal Information. A Data Subject may make a request for same by contacting KSB at inforequest.za@ksb.com in order for KSB to confirm, free of charge, whether it holds any Personal Information about him/her/it and to request details of same and any information regarding the recipients or categories of recipients who have or had access to the Personal Information.



- 18.2 The Data Subject may also request in writing, to review any Personal Information about the Data Subject that KSB holds including Personal Information that KSB has collected, utilised or disclosed.
- 18.3 KSB may request the Data Subject to provide sufficient identification to allow KSB to process the request for access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information.
- 18.4 Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.
- 18.5 KSB will provide the Data Subject with any such Personal Information to the extent required by law and any of KSB's policies and procedures which apply in terms of the Promotion of Access to Information Act No. 2 of 2000 ("PAIA").
- 18.6 The Data Subject may query the accuracy or completeness of his/her/its Personal Information in KSB's records at any time in accordance with the process set out in KSB's PAIA Manual for accessing information.
- 18.7 If a Data Subject successfully demonstrates that their Personal Information in KSB's records is inaccurate or incomplete, KSB will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

19 **KEEPING PERSONAL INFORMATION ACCURATE**

- 19.1 POPIA requires that KSB take reasonably practicable steps to ensure that Personal Information is complete, accurate, not misleading and up to date (having regard to the purpose for which Personal Information is collected or further processed).
- 19.2 Accordingly, KSB will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up-to-date as reasonably possible.
- 19.3 KSB may not always expressly request the Data Subject to verify and update his/her/its Personal Information, unless this process is necessary.
- 19.4 KSB, however, expects that the Data Subject will notify KSB in writing of any changes to his/her/its Personal Information.

20 **COSTS TO ACCESS TO PERSONAL INFORMATION**

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

21 **CHANGES TO THIS POLICY**

- 21.1 KSB reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments.
- 21.2 KSB may regularly amend or add new terms to this Policy - familiarise yourself with this Policy regularly. The current version of this Policy will govern the respective rights and obligations between you and KSB each time that you access and use our site.

22 **CONTACTING US**

- 22.1 All comments, questions, concerns or complaints regarding your Personal Information or this Policy, should be forwarded to us as follows —

Johannesburg:

Tel: +27 11 876 5600

Email: Inforequest.za@ksb.com

Address: Cnr North Reef and Activia Roads, Activia Park, Germiston, 1401

Postal: PO BOX 2938, PRIMROSE, 1416

- 22.2 If a Data Subject is unsatisfied with the manner in which KSB addresses any complaint with regard to KSB's Processing of Personal Information, the Data Subject can contact the office of the Regulator, the details of which are set out below –

Website: <http://justice.gov.za/inforeg/>

Tel: +27 12 406 4818

Fax: +27 86 500 3351

Email: inforeg@justice.gov.za