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PRIVACY POLICY



Policy V1.0

Policy number: #PC1101

DATE LAST UPDATED: 31-May-2021

STIMU-ZONE



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Why this Policy has been implemented:

1. Requirements and conditions on lawful processing of Personal Information and Data Privacy.
2. What is Personal Information.
3. What Personal Information of the data subject will be used.
4. What is the purpose for processing Personal Information.
5. What will be done with Personal Information after processing this information.
6. Who does the Personal information Belong to.
7. Who are the parties we share Personal Information with and how it is shared.
8. How the Personal Information will be processed.



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1. INTRODUCTION

The Protection of Personal Information Act, 4 of 2013 (POPIA) regulates and controls the processing of Personal Information.

Stimu-Zone is an educational company which, inter alia, trades in South Africa.

Stimu-Zone for the purposes of carrying out its business and related objectives, does and will from time to time, process the Personal Information of living individuals and legal entities including public and private entities, such as Personal Information pertaining to employees and staff, prospective employees and job applicants, students and interns, service providers and contractors, vendors, clients, customers, and other third parties.

Stimu-Zone is obligated to comply with POPIA and the data protection conditions housed under POPIA with respect to the processing of all and any Personal Information.

This Policy describes how **Stimu-Zone** will discharge its duties in order to ensure continuing compliance with POPIA in general and the information protection conditions and rights of data subjects in particular.



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2. DEFINITIONS

In order to understand the implications of this document and the objectives of POPIA the reader is to take note of the following explanatory notes and POPIA definitions which will be used throughout this **POLICY** and which may be used in the interpretation of this document:

WORD	MEANING	COMPANY APPLICATION
“biometrics”	means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition;	Stimu-Zone may from time to time make use of your / the Data Subject’s Biometrics for security access control and related identification procedures
“child”	means a natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself;	Stimu-Zone will from time to time have to process Personal Information of a child who may belong to you/ a Data Subject, for amongst other reasons services, employment and benefit related purposes, which use will require the competent person’s consent as defined below.
“code of conduct”	means a code of conduct issued in terms of Chapter 7 as referred to in The Protection of Personal Information Act 4 of 2013;	Stimu-Zone will from time to time as far as reasonably possible assist where required, to develop an industry related code of conduct.



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<p>“competent person”</p>	<p>means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child;</p>	<p>All Personal Information of a child will be subject to the Informed Consent Notice and when/by providing Stimu-Zone with the personal information of a child, you / the competent person gives us, Stimu-Zone your / the competent person’s informed consent to use the child’s Personal Information in accordance with the Informed Consent Notice.</p>
<p>“consent”</p>	<p>means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;</p>	<p>All Personal Information which you / the Data Subject provides to Stimu-Zone will be subject to the Informed Consent Notice and when / by providing Stimu-Zone with your / the Data Subject’s Personal Information, you / the Data Subject gives us, Stimu-Zone your / the Data Subject’s informed consent to use your / the Data Subject’s Personal Information in accordance with the Informed Consent Notice.</p>
<p>“data subject”</p>	<p>means the person to whom personal information relates;</p>	<p>A Data Subject will include you / the Data Subject, the reader of this document who will be providing Stimu-Zone with your / or your business’s / the Data Subject’s Personal Information and which you and your business, / the Data Subject by virtue of you / the Data Subject providing such Personal Information to Stimu-Zone, give Stimu-Zone the required consent to use the Personal Information, in accordance with the Informed Consent Notice.</p>



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<p>“de-identify”,</p>	<p>in relation to personal information of a data subject, means to delete any information that—</p> <ul style="list-style-type: none"> (a) identifies the data subject; (b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or (c) can be linked by a reasonably foreseeable method to other information that identifies the data subject, and “de-identified” has a corresponding meaning; 	<p>Stimu-Zone will exercise the relevant policies and procedure to ensure that all Personal Information of yourself / the Data subject is sufficiently de-identified.</p>
<p>“direct marketing”</p>	<p>means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of</p> <ul style="list-style-type: none"> (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or (b) requesting the data subject to make a donation of any kind for any reason; 	<p>Stimu-Zone will follow the marketing process set out that includes a opt in procedure or Section 18 consent by Data subject.</p>
<p>“electronic communication”</p>	<p>means any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;</p>	<p>Stimu-Zone will ensure that all Personal Information sent via electronic communication will be where reasonably possible be protected by an end-to-end encryption.</p>



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<p>“operator”</p>	<p>means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party;</p>	<p>Stimu-Zone will, in order to pursue and protect its legitimate interests and in many cases to protect you/ the Data Subject, will under a written contract ask Operators to process certain categories of your/ the Data Subject's Personal Information on its behalf including without detracting from the generality thereof, advertising agencies, PR agencies, Payroll service providers, Core Benefits Providers, Medical Aid/Cover providers, Retirement Funding Providers, Auditors, Legal Practitioners, and Government and Provincial Departments (e.g. Department of Labour).</p>
<p>“personal information”</p>	<p>means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—</p> <ul style="list-style-type: none"> (a) 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; (b) information relating to the education or the medical, financial, criminal or employment history of the person; (c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) the biometric information of the person; 	<p>Stimu-Zone will, in order to pursue and protect its legitimate interests and in all cases to protect you/ the Data Subject, will comply with all conditions to ensure the security, confidentiality and integrity of your/Data subject's Personal Information.</p>



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	<p>(e) the personal opinions, views or preferences of the person;</p> <p>(f) 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;</p> <p>(g) the views or opinions of another individual about the person; and</p> <p>(h) 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;</p>	
<p>“processing”</p>	<p>means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—</p> <p>(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;</p> <p>(b) dissemination by means of transmission, distribution or making available in any other form; or</p> <p>(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;</p>	<p>Stimu-Zone and its Operators will from time to time process Personal Information pertaining to you/ a Data Subject for business, marketing, promotional, investigations, security, employment, and contractual purposes.</p>



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<p>“professional legal adviser”</p>	<p>means any legally qualified person, whether in private practice or not, who lawfully provides a client, at his or her or its request, with independent, confidential legal advice;</p>	<p>Stimu-Zone makes use of a professional legal adviser to ensure true and complete compliance with the relevant legislations.</p>
<p>“Promotion of Access to Information Act”</p>	<p>means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);</p>	<p>Stimu-Zone has taken reasonable steps to ensure compliance with the PAIA legislation as required by the POPIA.</p>
<p>“record”</p>	<p>means any recorded information:</p> <ul style="list-style-type: none"> (a) regardless of form or medium, including any of the following: <ul style="list-style-type: none"> (i) Writing on any material; (ii) information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored; (iii) label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means; (iv) book, map, plan, graph or drawing; (v) photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced; 	<p>Stimu-Zone and its Operators will from time to time keep record of Personal Information pertaining to you/ a Data Subject for business, marketing, promotional, investigations, security, employment, and contractual purposes.</p>



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	(b) in the possession or under the control of a responsible party; (c) whether or not it was created by a responsible party; and (d) regardless of when it came into existence;	
“Regulator”	means the Information Regulator established in terms of section 39 as referred to in The Protection of Personal Information Act 4 of 2013;	Stimu-Zone will assist the Regulator in its relevant duties as needed from time to time.
“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;	As per Stimu-Zone it includes without detracting from the generality thereof, its directors, management, executives, HR practitioners, payroll department, core benefits provider, medical aid department, retirement funding department, internal auditors, legal practitioner and compliance officers, company secretary, and all other employees and Operators who need to process a Data Subject/your Personal Information for business purposes.
“special personal information”	personal information as referred to in section 26 of The Protection of Personal Information Act 4 of 2013;	Stimu-Zone and its Operators will from time to time process Special Personal Information pertaining to you / a Data Subject for business, security, employment, and contractual purposes
“unique identifier”	means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.	Stimu-Zone and its Operators will from time to time make use of unique identifiers for business, security and employment purposes.



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1. INFORMATION OFFICER

1.1. Stimu-Zone has appointed an Information Officer and where required Deputy Information Officers who has been tasked with the primary responsibility to comply with the POPIA.

1.2. All Stimu-Zone employees are under a duty to:

1.2.1. raise any concerns in respect of the processing of Personal Information with the Information Officer or relevant Deputy Information Officer;

1.2.2. promptly pass on to the Information Officer or relevant Deputy Information Officer all data subject access requests and requests from third parties for Personal Information;

1.2.3. reporting losses or unauthorised disclosures of Personal Information to the Information Officer or relevant Deputy Information Officer as soon as such loss or disclosure has been noted; and

1.2.4. address any queries or concerns about this Policy and / or compliance with POPIA with the Information officer or relevant Deputy Information Officer.

2. APPLICATION AND SCOPE

2.1. This Policy will apply to the processing by Stimu-Zone of all and any Data Subjects' Personal Information.

2.2. This Policy without exception will apply to:

2.2.1. Stimu-Zone and its subsidiary companies, including all employees thereof, including permanent, fixed term, and temporary staff, directors, executives, and secondees;



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2.2.2. any entity or person who processes Personal Information on behalf of Stimu-Zone, whether residing or operating in South Africa, or overseas, who will hereinafter be referred to as an “Operator”, provided they have been made aware of this Policy.

3. PURPOSE

3.1. Stimu-Zone continuously and for the foreseeable future will collect and process Personal Information of the designated Data Subjects for business and related operational interests. This may include but is not limited to:

- i. concluding contracts and business transactions;
- ii. for the detection and prevention of fraud, crime, money laundering or other malpractice;
- iii. assessing and processing queries, enquiries, complaints, and / or claims;
- iv. conducting market or customer satisfaction research;
- v. confirming, verifying and updating persons details;
- vi. promotional, marketing and direct marketing purposes;
- vii. financial, audit and record keeping purposes;
- viii. in connection with legal proceedings;
- ix. recruitment and employment purposes;
- x. providing services to clients to carry out the services requested and to maintain and constantly improve the relationship;
- xi. conducting criminal reference checks and / or conducting credit reference searches or verification;
- xii. for risk assessments, insurance and underwriting purposes;
- xiii. communicating with employees, third parties, customers, suppliers and / or governmental officials and regulatory agencies; and
- xiv. for purposes of personnel and other claims history;
- xv. in connection with and to comply with legal and regulatory requirements or when it is otherwise required or allowed by law.

3.2. The purpose of this Policy is to clearly state the procedures and processes of Stimu-Zone to ensure that Stimu-Zone complies with the POPIA and how Stimu-Zone achieves this through guidelines set forth herein.



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4. HOW PERSONAL INFORMATION IS PROCESSED AND USED

4.1. Before any Personal Information is processed, the person processing such information on behalf of Stimu-Zone must bring to the Data Subject's attention the provisions housed under Stimu-Zone CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE INFORMED CONSENT DOCUMENT, which is housed on Stimu-Zone website, which document amongst others houses the following instructions and details:

- 4.1.1. why the processing of the Data Subject's Personal Information is necessary,
 - 4.1.2. what Personal Information is required and the purpose for the requirement;
 - 4.1.3. what will be done with the Personal Information;
 - 4.1.4. that in order to use the Personal Information, the Data Subject must provide consent for such processing, unless such processing is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject is a party; or is required and complies with an obligation imposed by law on either the Data Subject or the Responsible Party; or is necessary to protect the legitimate interest (s) of the Data Subject or the Responsible Party; or is necessary for the proper performance of a public law duty by a public body; or is necessary for pursuing the Data Subject or the Responsible Party's legitimate interests, or that of a third party to whom the Personal Information is supplied;
 - 4.1.5. who the Personal Information will be shared with;
 - 4.1.6. whether the Personal Information will be sent outside the borders of South Africa and what data security measures are in place to protect the information;
 - 4.1.7. what will be done with the Personal Information once the purpose for its collection and use has expired.
- 4.2. When processing a Data Subject's Personal Information, the person processing such information must ensure that:



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- 4.2.1. they only process Personal Information, which is relevant and accurate and only for the purpose for which it is required;
- 4.2.2. Special Personal Information will only be processed in line with the provisions set out under POPIA and in accordance with instructions set out by the Information Officer or relevant Deputy Information Officer from time to time;

5. ACCESS AND CORRECTION OF PERSONAL INFORMATION

5.1. In terms of the POPIA, a Data Subject has the right to:

- 5.1.1. request access to their Personal Information which Stimu-Zone holds, provided that they follow the "Access to Information Procedure" set out under Stimu-Zone PAIA Manual housed under Stimu-Zone website;
- 5.1.2. ask Stimu-Zone to update, correct or delete any of its Personal Information, which Stimu-Zone thereafter has a duty to correct, save where Stimu-Zone is of the view that the request is incorrect, invalid and / or unreasonable.
- 5.1.3. object to Stimu-Zone processing their Personal Information, which Stimu-Zone holds about them, by filing a notice of objection.

5.2. In the event of any of the abovementioned instances, any such request should not be acted on but should be submitted to Stimu-Zone Information Officer or relevant Deputy Information Officer for further attention and action.

6. SAFEGUARDING PERSONAL INFORMATION

6.1. All Stimu-Zone employees and where applicable, Operators and persons acting on behalf of Stimu-Zone must before processing Personal Information, ensure that the record housing the Personal Information will be kept secure and that appropriate measures and safeguards are in place to prevent any unauthorised access, disclosure and / or loss of such Personal Information.



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- 6.2. Removing and Downloading Personal Information on to portable devices from workplace equipment or taking soft copies of Personal Information off-site must be authorised in writing by the manager of the relevant department from where the information emanates and a copy of such authorisation sent to the Information Officer or relevant Deputy Information Officer, and which removal will be subject to the following provisions:
- 6.2.1. the person removing the Personal Information must explain and justify the operational need for the removal in relation to the volume and sensitivity of the Personal Information and ensure that the details of the Personal Information being removed is documented and recorded under a "removal register";
 - 6.2.2. the Personal Information to be removed must be strongly encrypted;
 - 6.2.3. the person removing and using said data should only store the data necessary for their immediate needs and should remove the data as soon as possible once dealt with and such removal should be confirmed by way of a recordal in the removal register;
 - 6.2.4. to avoid loss of encrypted data, or in case of failure of the encryption software, an unencrypted copy of the data must be held in a secure environment.
- 6.3. Where it is necessary to store Personal Information on portable devices such as laptops, USB flash drives, portable hard drives, CDs, DVDs, or any computer not owned by Stimu-Zone, employees and where applicable, Operators and persons acting on behalf of Stimu-Zone without exception must before storing said Personal Information ensure that the data is encrypted and is kept secure and that appropriate measures and safeguards are in place to prevent unauthorised access, disclosure and loss of such Personal Information and points 6.2.1- 6.2.4 will apply *mutatis mutandi* to said data.
- 6.4. Where paper or hard copies of Personal Information are removed from Stimu-Zone premises, employees and where applicable, Operators and persons acting on behalf of Stimu-Zone without exception must before removing said Personal Information ensure that only that data necessary for the purpose it is being removed is taken, is documented in a removal register and is thereafter whilst away from Stimu-Zone premises kept safe and secure and that appropriate measures and safeguards are in place to prevent any unauthorised access, disclosure and loss of such Personal Information.



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- 6.5. Paper or hard copies of Personal Information and portable electronic devices housing Personal Information should be stored in locked units, which should not be left on desks overnight or in view of other employees or third parties.
- 6.6. Personal Information, which is no longer required, should be securely archived and retained, as per Stimu-Zone RECORD RETENTION AND DESTRUCTION POLICY
- 6.7. Personal Information must not be disclosed unlawfully to any third party.
- 6.8. Where an OPERATOR is to process Personal Information on behalf of Stimu-Zone, such processing will be subject to a written OPERATOR agreement concluded between Stimu-Zone and the OPERATOR, which agreement is to be substantially in same format as the standard Stimu-Zone OPERATOR agreement.
- 6.9. All losses of Personal Information must be reported to the relevant manager of the department from where the information emanates, the departmental Data Protection Coordinator and the Information Officer or relevant Deputy Information Officer.
- 6.10. Negligent loss or unauthorised disclosure of Personal Information, or failure to report such events, may be treated as a disciplinary matter.
- 6.11. Stimu-Zone (Pty) Ltd via its Information Security Officer and IT department will continuously review its security controls and processes to ensure that all Personal Information is secure.

7. OPERATORS AND SERVICE PROVIDERS

Where any Stimu-Zone employee requires a Stimu-Zone service provider, contractor and/or agents (Operator) to process Personal Information for or on behalf of Stimu-Zone, such employee shall ensure that prior to such processing a standard Stimu-Zone Operator Agreement is concluded with the Operator in respect of such processing.



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8. THE DATA PROTECTION PRINCIPLES AND CONDITIONS

8.1. Any Employee or Operator who processes Personal Information belonging to a Data Subject on behalf of Stimu-Zone, shall comply with all the provisions of POPIA, including the 8 data protection conditions set out under section 4 of POPIA, which are as follows:

- 8.1.1. Personal Information shall be obtained and processed fairly and lawfully;
- 8.1.2. Personal Information shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes, unless specific consent to do so has been obtained;
- 8.1.3. Personal Information shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- 8.1.4. Personal Information shall be accurate and, where necessary, kept up to date;
- 8.1.5. Personal Information processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes;
- 8.1.6. Personal Information shall be processed in accordance with the rights of data subjects under POPIA;
- 8.1.7. appropriate technical and organisational safeguards and measures must be put in place to protect and guard against unauthorised or unlawful processing of Personal Information and against accidental loss or destruction of, or damage to, Personal Information;
- 8.1.8. Personal Information shall not be transferred outside South Africa to another country unless that country has similar Data Privacy laws to those housed under POPIA in place, or the person to whom the Personal Information is being transferred provides a written undertaking to apply the principles housed under POPIA to the processing of the aforementioned personal Information.



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9. GENERAL

Any transgression of this Policy will be investigated and may lead to disciplinary action being taken against the offender.

10. VERSION AND AMENDMENTS

This Policy is effective as 31-May-2021

