

The Mediation &  
Labour Dispute  
Centre



Mediation & Labour  
Dispute Centre

ALTERNATIVE DISPUTE RESOLUTION SPECIALISTS

## **Privacy Policy**

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## **1. GENERAL**

- 1.1. In this document, references to “TMC” is to The Mediation & Labour Dispute Centre.
- 1.2. In this document, any reference to “we” or “us” or “our” includes the above business.

## **2. PURPOSE**

- 2.1. This document explains how TMC will obtain, use, and disclose your personal information, in accordance with the requirements of the Protection of Personal Information Act (“POPIA”).
- 2.2. TMC is committed to respecting and maintaining the privacy and security of personal and confidential information (collectively "Personal Information"/ "Information") submitted to TMC via its various channels for the rendering of any services and for the provision of any products.
- 2.3. TMC values you as a client. We will therefore treat all your Personal Information as private and confidential and undertake to deal with your Information in a responsible and lawful manner only. TMC will take all reasonable steps to prevent unauthorised access to your Personal Information. Please note that TMC will only request Personal Information required for the purposes of assessing and providing you with its services. This information is essential to conclude your agreement and a legal requirement. TMC will only process your Personal Information for purposes consistent with the normal course of our business to uphold our legitimate interests.
- 2.4. TMC is required by law, to process and maintain your Personal Information in accordance with prescribed standards or generally accepted information management practices (including prescribed retention periods) to ensure that your information is complete, accurate, up to date and secure.
- 2.5. TMC will not disclose your Personal Information to any third party except in the normal course of our business where the third party is contractually bound to perform a service or provide products in accordance with your agreement with TMC or where required by law.
- 2.6. You may request access to records of your Personal Information that we maintain. TMC will make the Information available to you following receipt of your request in accordance with our Access to Information Manual. You may notify us in writing of any inaccuracies reflected in the Information that we maintain and verify, in order to correct your Information.

### 3. CONSENT

By making use of our services, you explicitly agree that we may process your personal information. You acknowledge that the personal information may be verified and / or processed for services by TMC against any other reasonable and legitimate sources or databases to ensure the accuracy and completeness of any personal information provided on an ongoing basis.

### 4. HOW WE PROCESS YOUR PERSONAL INFORMATION

4.1. For the purpose of our business functions and activities we will process your personal information for the following non exhaustive list of purposes:

- 4.1.1. Quoting, pricing, and executing of services
- 4.1.2. Development and improvement of products and services;
- 4.1.3. Fraud prevention and detection;
- 4.1.4. Audit & record keeping;
- 4.1.5. Compliance with legal & regulatory requirements;
- 4.1.6. Sharing of information with service providers and other third parties we engage to process such information on our behalf or who render services to us; and

4.2. TMC may collect, process, maintain, disclose, or otherwise deal with your Personal Information, without your knowledge and consent, in the following circumstances:

*4.2.1. Required by law.*

This most often relates to government tax reporting requirements or in terms of a court order or if required in terms of legislation or in accordance with the common law. When TMC is served with due legal process requiring the delivery of Personal Information, it has the legal duty to abide by that demand and will do so. TMC will, however, in all instances required by law, only disclose the Personal Information specifically requested.

*4.2.2. Necessary to protect TMC's interest.*

This will not be used as a reason for disclosing Personal Information about a customer or a customer's accounts (including name and address) to anyone else for marketing purposes. However, basic procedures that protect TMC's interests sometimes lead to the disclosure of specific customer information. These instances are limited and the disclosure of information, restricted to what is reasonably required in the circumstances.

*4.2.3. In the public interest*

TMC may be required to disclose Personal Information for matters of public interest (e.g., to assist in the prevention of crimes). Before complying with these requests, TMC will take every precaution to ensure the authorities involved have legitimate grounds to make such a request.

#### *4.2.4. For statistical purposes*

TMC may process and disclose Personal Information, for statistical purposes, that does not relate to you or any person specifically (i.e., de-identified information) as it deems appropriate.

- 4.3. Special personal information may be processed by TMC in the following circumstances:
  - 4.3.1. if you have consented to the processing or if the special personal information was made public by you;
  - 4.3.2. if the processing is required by law and if the processing is needed to create, use, or protect a right or obligation in law;
  - 4.3.3. if the processing is for statistical or research purposes, subject to all legal conditions being met;
- 4.4. The personal information of children will only be processed by TMC if any one of the following applies:
  - 4.4.1. a person with the ability to sign legal agreements has consented to the processing, being the parent or guardian of the child;
  - 4.4.2. the processing is needed to create, use, or protect a right or obligation in law;
  - 4.4.3. the processing is for statistical, or research purposes and all legal conditions are met.

## **5. HOW WE USE YOUR PERSONAL INFORMATION FOR DIRECT MARKETING**

- 5.1. TMC may use your Personal Information to send you information on new services or products that may be of interest to you and from time to time will call, mail, email, or SMS information to you about TMC our services.
- 5.2. If you are not a TMC customer, or in any other instances where the law requires, TMC will only market to you by electronic communications with your consent.
- 5.3. If you do not wish to continue receiving this information, you may contact TMC, and we will remove you from our mailing list.
- 5.4. We will only send you marketing communications if you have “opted in” to receiving such communications. You have the right to “opt out” of receiving marketing communications, whether by email or otherwise, at any time.

## **6. TRANSFERRING YOUR PERSONAL INFORMATION OUTSIDE THE BORDERS OF SOUTH AFRICA**

- 6.1. In order to provide the services offered by TMC it may be required that we transfer your Personal Information to countries outside the borders of South Africa. TMC will only transfer your personal information to third parties outside the borders of South Africa in any of the following circumstances:
- where your personal information will be adequately protected under the other country's laws or an agreement with the third-party recipient;
  - where the transfer is necessary to enter into, or perform, under a contract with you or a contract with a third party that is in your interest;
  - where you have consented to the transfer; and/or
  - where it is not reasonably practical to obtain your consent, and the transfer is in your interest.
- 6.2. The Personal Information shared will be limited to the information required to fulfil the services, and the transfer will happen within the requirements of the law.
- 6.3. TMC will ensure that the party processing your personal information in the other country will agree to apply the same level of protection as available by law in your country, or if the other country's laws provide better protection, the other country's laws would be agreed to and applied.

## **7. DISCLOSURE OF INFORMATION**

- 7.1. TMC will only share your personal information if any one or more of the following apply:
- if you have provided TMC with consent to share your personal information;
  - if it is necessary to conclude or perform under a contract, we have with you;
  - if it is required by law to do so; and/or
  - if it is necessary to protect or pursue a legitimate interest (yours, TMC's or a third party's)
- 7.2. TMC may, where required, share your personal information with the following third parties. These third parties are obliged to keep your personal information secure and confidential:
- TMC employees, as required by their employment conditions;
  - our service providers, agents, and sub-contractors we use to offer and provide services to you;
  - payment processing services providers, merchants, banks, and other persons that assist with the processing of your payment instructions;
  - attorneys and other persons that assist with the enforcement of agreements;
  - regulatory authorities, industry ombudsmen and other persons the law

requires us to share your personal information with;

- law enforcement and fraud prevention agencies, and other persons tasked with the prevention and prosecution of crime;
- courts of law or tribunals that require the personal information to adjudicate referrals, actions, or applications;
- persons to whom we have ceded our rights or delegated its obligations to under agreements, such as where a business is sold;
- our partners with whom we have concluded business agreements.

## **8. INFORMATION SECURITY**

- 8.1. TMC has implemented security measures to protect against the loss, misuse, or alterations of the Information under our control, by unauthorised third parties. TMC is committed to providing secure services.
- 8.2. When TMC contracts with third parties, appropriate security, privacy, and confidentiality obligations are imposed on them to ensure that personal information is kept secure.
- 8.3. TMC regularly tests the effectiveness of the security of our systems and responds to any threats that may be detected.
- 8.4. No data transmission over the Internet can be guaranteed to be 100% secure, and TMC does not warrant that your information will be secure but confirms that all reasonable security safeguards will always be in place.

## **9. ACCESS TO INFORMATION AND REQUEST TO CORRECT INFORMATION**

### **9.1. Access to Information**

9.1.1. You have the right to request a copy of the personal information TMC holds about you. This includes requests pertaining to:

- Confirmation that TMC holds your personal information;
- A copy of the record containing your personal information; and
- The identity of third parties who have and had access to your information.

9.1.2. We will need a copy of your ID document to confirm your identity before providing details of your personal information.

9.1.3. Please note that any such access request may be subject to a payment of a legally allowable fee.

9.1.4. Please refer to our Promotion of Access to Information Act 2 of 2000 Manual (PAIA Manual) for further information on how you can give effect to the above listed rights. The PAIA Manual is located on the TMC websites.

### **9.2. Correction of Your Information**

9.2.1. You have the right to ask us to update, correct or delete your personal information if it is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, obtained unlawfully, or if we are no longer



authorised to keep it.

9.2.2. You must inform us of your request in writing.

## **10.APPLICATIONS**

10.1. We will only use the personal information obtained through the use of TMC Applications ('App'), for the purpose for which it was collected in order to provide the services or benefits and subject to the terms and conditions relating to the App.

10.2. The personal information obtained through the App may include:

- Preferences and usage information

## **11.COOKIES**

11.1. Cookies are small pieces of data that allow the TMC web server to recognise you. Cookies are issued by a specific web server, stored in your web browser, and can only be read by the issuing server. The type of information gathered is non-personal (such as the IP address of your computer, the date and time of your visit, the pages you browsed etc.).

11.2. Apart from merely establishing basic connectivity and communications, TMC may use this data to develop customised services that may be tailored to your individual interests and needs. We use cookies to save your email and username, so you do not have to re-enter it each time you visit our site. We may also use cookies to customise your preference settings for future return visits. This is also to facilitate speedy service to you and enhance your experience on the TMC website. At no point in time will any of your Personal Information be stored in a cookie.

11.3. Should you choose to do so, it is possible (depending on the browser you are using), to be prompted before accepting any cookies, or to prevent your browser from accepting any cookies at all. This may however cause certain features of the Website not to be accessible.

## **12.HOW LONG WE KEEP YOUR PERSONAL DATA**

TMC will retain your personal data for as long as it is needed to fulfil the purposes for which it is collected, and this information is required for lawful purposes related to our functions and activities.

### **13.CHANGES TO THIS NOTICE**

- 13.1. TMC reserves the right to amend or modify its Privacy Policy at its sole discretion, at any time, without any prior notice to the User, in response to meeting legislative requirements and dynamic business needs.
- 13.2. All amendments to the Privacy Policy will be posted on the TMC websites.
- 13.3. Unless otherwise stated, the current version shall supersede and replace all previous versions of this Policy.

### **14.HOW TO CONTACT US**

- 14.1. If you have any queries about this Policy; you need further information about our privacy practices; wish to withdraw consent or correct your personal information, please contact the TMC Information Officer.
- 14.2. The TMC Information Officer can be contacted  
on:Email: [adrlaw@vodamail.co.za](mailto:adrlaw@vodamail.co.za)

### **15.INFORMATION REGULATOR**

- 15.1. You have the right to complain to the Information Regulator.
- 15.2. The contact details are and can be found at: <https://www.justice.gov.za/inforeg/>