



**MCT TELECOMMUNICATIONS
(PTY) LTD
(BRITELINK MCT)**

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 "**Child**" means any natural person under the age of 18 (eighteen) years;
- 1.2 "**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 MCT;
- 1.3 "**Data Subject**" has the meaning ascribed thereto under POPIA;
- 1.4 "**Employees**" means any employee of the MCT;
- 1.5 "**MCT**" means MCT Telecommunications (Pty) Ltd, trading as Britelink MCT, a company providing fibre optic communication solutions incorporated and registered in the Republic of South Africa under registration number 1997/013760/07. "**Us**", "**we**" and "**our**" has the corresponding meaning;
- 1.6 "**Personal Information**" has the meaning ascribed thereto under POPIA and specifically includes any form of information that can be used to identify a Data Subject;
- 1.7 "**Policy**" means this Privacy Policy;
- 1.8 "**POPIA**" means the Protection of Personal Information Act No. 4 of 2013;
- 1.9 "**Processing**" has the meaning ascribed thereto under POPIA. "**Process**" has a corresponding meaning;
- 1.10 "**Regulator**" means the Information Regulator established in terms of the Act;
- 1.11 "**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;
- 1.12 "**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
- 1.13 "**Third Party**" means any independent contractor, agent, consultant, sub-contractor or other representative of MCT.

2 PURPOSE OF THIS POLICY

- 2.1 The purpose of this Policy is to inform Data Subjects about how MCT Processes their Personal Information.
- 2.2 MCT, in its capacity as Responsible Party, 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.
- 2.3 This Policy applies to Personal Information collected by MCT in connection with the goods and services which MCT provides and offers. This includes information collected directly from you as a Data Subject, as well as information we collect indirectly through our service providers who collect your information on our behalf.
- 2.4 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 MCT 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.

3 PROCESS OF COLLECTING PERSONAL INFORMATION

- 3.1 MCT 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).
- 3.2 MCT 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.
- 3.3 MCT often collects Personal Information directly from the Data Subject and/or in some cases, from Third Parties. Where MCT obtains Personal Information from Third Parties, MCT 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 MCT is permitted to do so in terms of clause 3.1 above.
- 3.4 Examples of such Third Parties include: (i) our customers when MCT handles Personal Information on their behalf; (ii) recruitment agencies; (iii) other companies providing services to MCT; and (iv) where MCT makes use of publicly available sources of information.

4 LAWFUL PROCESSING OF PERSONAL INFORMATION

- 4.1 Where MCT is the Responsible Party, it will only Process a Data Subject's Personal Information (other than for Special Personal Information) where –
- 4.1.1 consent of the Data Subject (or a competent person, where the Data Subject is a Child) is obtained;
 - 4.1.2 Processing is necessary to carry out the actions for conclusion of a contract to which a Data Subject is party;
 - 4.1.3 Processing complies with an obligation imposed by law on MCT;
 - 4.1.4 Processing protects a legitimate interest of the Data Subject; and/or
 - 4.1.5 Processing is necessary for pursuing the legitimate interests of MCT or of a third party to whom the information is supplied.
- 4.2 MCT will only Process Personal Information where one of the legal bases referred to in paragraph 4.1 above are present.
- 4.3 Where required (i.e., where we are not relying on a legal ground listed in paragraph 4.1 above), MCT 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.
- 4.4 MCT will make the manner and reason for which the Personal Information will be Processed clear to the Data Subject.
- 4.5 Where MCT 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 MCT'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 or any Processing justified by any other legal ground provided under POPIA.
- 4.6 If the consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, MCT will ensure that the Personal Information is no longer Processed.

5 SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF CHILDREN

- 5.1 Special Personal Information is sensitive Personal Information of a Data Subject and MCT acknowledges that it will generally not Process Special Personal Information unless –
- 5.1.1 Processing is carried out in accordance with the Data Subject's consent;

- 5.1.2 Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
 - 5.1.3 Processing is for historical, statistical or research purposes, subject to stipulated safeguards;
 - 5.1.4 information has deliberately been made public by the Data Subject; or
 - 5.1.5 specific authorisation applies in terms of POPIA.
- 5.2 MCT 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.

6 PURPOSE FOR PROCESSING PERSONAL INFORMATION

- 6.1 MCT 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 MCT Processes such Personal Information.
- 6.2 MCT 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 there is a legal basis for the Processing of any Personal Information. Further, MCT 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).
- 6.3 MCT 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 –
 - 6.3.1 for the purposes of providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting;
 - 6.3.2 for purposes of onboarding suppliers as approved suppliers of MCT. For this purpose, MCT will also Process a supplier's Personal Information for purposes of performing credit checks, and this may include engaging third party credit vetting agencies;
 - 6.3.3 for purposes of monitoring the use of MCT's electronic systems and online platforms by consumers. MCT will, from time to time, engage Third Party service providers (who will Process the Data Subject's Personal Information on behalf of MCT) to facilitate this;
 - 6.3.4 for purposes of preventing, discovering and investigating non-compliance with this Policy and other MCT policies, and investigating fraud, or other related matters;

- 6.3.5 in connection with the execution of payment processing functions, including payment of MCT suppliers' invoices;
- 6.3.6 to provide a service to MCT customers in terms of relevant services agreements;
- 6.3.7 for employment-related purposes such as recruitment, administering payroll and carrying out background checks;
- 6.3.8 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);
- 6.3.9 in connection with external audit purposes. For this purpose, MCT engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties;
- 6.3.10 in connection with project management related activities;
- 6.3.11 for purposes of civil contractor management;
- 6.3.12 for purposes of fibre optic network infrastructure installation;
- 6.3.13 for purposes of communicating with the dedicated installation liaison officers on site;
- 6.3.14 for purposes of personal development of staff through training in line with job specification;
- 6.3.15 in order to comply with any applicable law;
- 6.3.16 to contact the Data Subject for direct marketing purposes subject to the provisions of the below sections;
- 6.3.17 in order to respond to customer communications in respect of MCT's products and services;
- 6.3.18 for such other purposes to which the Data Subject may consent from time to time; and
- 6.3.19 for such other purposes as authorised in terms of applicable law.

7 PERSONAL INFORMATION OF MCT EMPLOYEES

7.1 MCT processes the Personal Information of its Employees for employment-related purposes in accordance with the requirements of POPIA and in terms of the MCT's internal policies and procedures.

8 KEEPING PERSONAL INFORMATION ACCURATE

8.1 MCT 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.

8.2 MCT may not always expressly request the Data Subject to verify and update his/her/its Personal Information unless this process is specifically necessary.

8.3 MCT, however, expects that the Data Subject will notify MCT from time to time in writing of any updates required in respect of his/her/its Personal Information.

9 STORAGE AND PROCESSING OF PERSONAL INFORMATION BY MCT AND THIRD PARTY SERVICE PROVIDERS

9.1 MCT may store your Personal Information in hardcopy format and/or in electronic format using MCT'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 MCT has contracted with, to support MCT's business operations.

9.2 MCT'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 MCT 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 These Third Parties do not use or have access to your Personal Information other than for purposes specified by us, and MCT requires such parties to employ at least the same level of security that MCT uses to protect your personal data.

9.5 Your Personal Information may be processed in South Africa or another country where MCT, its affiliates and their Third Party service providers maintain servers and facilities and MCT 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 RETENTION OF PERSONAL INFORMATION

- 10.1 MCT may keep records of the Personal Information it has collected, correspondence, or comments in an electronic or hardcopy file format.
- 10.2 In terms of POPIA, MCT 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 –
- 10.2.1 where the retention of the record is required or authorised by law;
 - 10.2.2 MCT requires the record to fulfil its lawful functions or activities;
 - 10.2.3 retention of the record is required by a contract between the parties thereto;
 - 10.2.4 the data subject (or competent person, where the data subject is a child) has consented to such longer retention; or
 - 10.2.5 the record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.

Accordingly, MCT will, subject to the exceptions noted in this Policy, 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.

- 10.3 Where MCT retains Personal Information for longer periods for statistical, historical or research purposes, MCT 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 applicable laws.
- 10.4 Once the purpose for which the Personal Information was initially collected and processed no longer applies or becomes obsolete, MCT will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such Personal Information. In instances where we de-identify your Personal Information, MCT may use such de-identified information indefinitely.

11 FAILURE TO PROVIDE PERSONAL INFORMATION

- 11.1 Should MCT need to collect Personal Information by law or under the terms of a contract that MCT 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.
- 11.2 In such a case, MCT may have to decline to provide or receive the relevant services, and you will be notified where this is the case.

12 SAFE-KEEPING OF PERSONAL INFORMATION

- 12.1 MCT shall preserve the security of Personal Information and strive to take steps to prevent its alteration, loss and damage, or access by non-authorised third parties.
- 12.2 MCT 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.
- 12.3 MCT has implemented physical, organisational, contractual and technological security measures (having regard to 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. Further, MCT maintains and regularly verifies that the security measures are effective and regularly updates same in response to new risks.

13 BREACHES OF PERSONAL INFORMATION

- 13.1 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.
- 13.2 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.
- 13.3 MCT will address any Data Breach in accordance with the terms of POPIA.
- 13.4 MCT 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.

13.5 MCT will provide such notification as soon as reasonably possible after it has become aware of any Data Breach in respect of such Data Subject's Personal Information.

14 PROVISION OF PERSONAL INFORMATION TO THIRD PARTY SERVICE PROVIDERS

14.1 MCT 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.

14.2 MCT notes that such Third Parties may assist MCT with the purposes listed in paragraph 6.3 above – for example, service providers may be used, *inter alia*,

14.2.1 for data storage;

14.2.2 to assist MCT with any fibre installation project;

14.2.3 to assist MCT with auditing processes (external auditors); and/or

14.2.4 to notify the Data Subjects of any pertinent information concerning MCT.

14.3 MCT will disclose Personal Information with the consent of the Data Subject or if MCT is permitted to do so without such consent in accordance with applicable laws.

14.4 Further, MCT may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa, including for Processing and storage by Third Parties or other MCT affiliate companies.

14.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa, MCT will obtain the necessary consent to transfer the Personal Information to such foreign jurisdiction or may transfer the Personal Information where MCT is permitted to do so in accordance with the provisions applicable to cross-border flows of Personal Information under POPIA.

14.6 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.

15 USE OF WEBSITE COOKIES

- 15.1 In the event that our website uses cookies, which are small text files sent by a web server to store on a web browser. They will be used to ensure websites function properly, store user preferences when needed and collect anonymous statistics on website usage.
- 15.2 You may refuse to accept cookies (to the extent applicable) by activating the setting on your browser which allows you to refuse the setting of cookies. However, if you select this setting you may be unable to access certain parts of our website. Unless you have adjusted your browser setting so that it will refuse cookies, our system will issue cookies when you log on to the website. If you accept a “cookie” or fail to deny the use of “cookies”, you agree that we may use your personal information collected using “cookies” (subject to the provisions of this Policy). Where you either reject or decline cookies, you are informed that you may not be able to fully experience the interactive features of our website.

16 ACCESS TO PERSONAL INFORMATION

- 16.1 POPIA read with the relevant provisions of the Promotion of Access to Information Act, No. 2 of 2000 ("**PAIA**") confers certain access rights on Data Subjects. The MCT PAIA Manual can be found on our website or by emailing a request to **POPIOfficer@mct.co.za** ("**PAIA Manual**"). These rights include -
- 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 MCT to confirm, free of charge, whether it holds any Personal Information about him/her/it; and
- 16.1.1.2 to obtain from MCT 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: (a) within a reasonable time; and (b) 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 the MCT 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 the MCT is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- On receipt of such a request, MCT 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, MCT 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 the MCT with notice to such effect at the address set out in paragraph **Error! Reference source not found.** Further, a Data Subject may object, on reasonable grounds, to the Processing of Personal Information relating to him/her/it.
- 16.2 Accordingly, MCT 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. Any such identifying information shall only be used for the purpose of facilitating access to or information regarding the Personal Information.
- 16.3 The Data Subject can request in writing to review any Personal Information about the Data Subject that MCT holds including Personal Information that MCT has collected, utilised or disclosed.
- 16.4 MCT shall respond to these requests in accordance with POPIA and PAIA and provide the Data Subject with any such Personal Information to the extent required by law and any of MCT's policies and procedures which apply in terms of the PAIA.

- 16.5 The Data Subject can challenge the accuracy or completeness of his/her/its Personal Information in MCT's records at any time in accordance with the process set out in the PAIA Manual for accessing information.
- 16.6 If a Data Subject successfully demonstrates that their Personal Information in MCT's records is inaccurate or incomplete, MCT will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).
- 16.7 MCT will respond to each written request of a Data Subject not later than 30 days after receipt of such requests. Under certain circumstances, the MCT may, however, extend the original period of 30 days once for a further period of up to 30 days.
- 16.8 A Data Subject has the right to make a complaint to MCT in respect of this time limit by contacting MCT using the contact details provided in paragraph **Error! Reference source not found.** below. The prescribed fees to be paid for copies of the Data Subject's Personal Information are referenced in the PAIA Manual.

17 TIME PERIODS

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

18 CHANGES TO THIS POLICY

- 18.1 MCT 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.
- 18.2 The current version of this Policy will govern the respective rights and obligations between you and MCT each time that you access and use our site.

19 COSTS TO ACCESS TO PERSONAL INFORMATION

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

20 CONTACT US

- 20.1 All comments, questions, concerns or complaints regarding your Personal Information or this Policy, should be forwarded to our Information Officer .



Tel: +27 010 900 4264

Address: 1st Floor, 23 Melrose Boulevard, Melrose Arch Precinct, Johannesburg, Gauteng;

Postal: Pnet Suite 713, Pvt Bag X9, Benmore, 2010, Gauteng;

Email: POPIOfficer@mct.co.za

- 20.2 If a Data Subject is unsatisfied with the manner in which MCT addresses any complaint with regard to MCT'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: 012 406 4818

Fax: 086 500 3351

Email: inforeg@justice.gov.za