

# POPI TERMS AND CONDITIONS

## AGREEMENT TO PROCESS PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF INFORMATION ACT, 4 OF 2013

### **1. INTRODUCTION**

1.1 In terms of POPI, a “Responsible Party” (in this case being TALENT-CHECK CONSULTING (PTY) LTD) has a legal duty to process a “Data Subject’s” Personal Information (in this case being your personal information and related details) in a lawful, legitimate and responsible manner. In order to discharge this duty, TALENT-CHECK CONSULTING (PTY) LTD requires your express and informed co-operation to process your Personal Information.

1.2 In the event of you refusing to give the required co-operation, then TALENT-CHECK CONSULTING (PTY) LTD will have the right in terms of POPI to cancel/terminate your TALENT-CHECK CONSULTING account with immediate effect without prior notice. You hereby give TALENT -CHECK CONSULTING consent to process your Personal Information under any of the following circumstances:

*(a) where such processing and use of your Personal Information is necessary in order to give effect to a contractual relationship as between TALENT-CHECK CONSULTING (PTY) LTD and yourself;*

*(b) where such processing is required in terms of a law, such as without limiting the generality thereof, the Basic Conditions of Employment Act 75 of 1997(BCEA), the Skills Development Act, 97 of 1998(SDA), Skills Development Levies Act, 9 of 1999 (SDLA) the Employment Equity Act, 55 of 1998 (EEA) Unemployment Insurance Contributions Act, 4 of 2002 (UICA) Unemployment Insurance Act, 6 of 2001 (UIF), Financial Advisory And Intermediary Services Act, 37 of 2002 (FAIS), the Financial Intelligence Centre Act 38 of 2001 (FICA), the National Credit Act, 34 of 2005 (NCA)*

*and/ or the Compensation for Occupational Injuries and Diseases Act, 130 of 1993; or*

*(c) where such processing is necessary to protect the legitimate interests of TALENT-CHECK CONSULTING or yourself.*

## **2. PURPOSE FOR THE COLLECTION OF INFORMATION**

2.1 The reason why TALENT-CHECK CONSULTING (PTY) LTD requires your Personal Information is to enable us to:

*(a) To effectively provide a professional recruitment service to yourself the client.*

*(b) We aim to match your details against job vacancies that may be suitable in order to assess your fit to that role. Your information allows us to provide recruitment and related services to/for you and to facilitate the recruitment process.*

*(c) To process your employment application, maintain your employment records and to administer your employment resume, salary and verification details relative to employment prospects.*

*(d) Collect personal information that's necessary for a lawful purpose and only disclose your personal information to third parties if you have authorised us to do so or if we have told you of our requirement to do so.*

All Personal Information which you provide to TALENT-CHECK CONSULTING (PTY) LTD will only be used for the purposes for which it is collected.

## **3. CONSEQUENCES OF NON-COMPLIANCE**

3.1 Should you be found to be in contravention or non-compliance of the Protection of Personal Information Act, TALENT-CHECK CONSULTING (PTY) LTD will have the right to cancel/terminate your TALENT-CHECK CONSULTING (PTY) LTD account with immediate effect without prior notice.

## **4. STORAGE, RETENTION AND DESTRUCTION OF INFORMATION**

4.1 All Personal Information which you provide to TALENT-CHECK CONSULTING (PTY) LTD will be held and/or stored securely and held for the purpose of recruitment or employment purposes.

4.2 Your Personal Information will be stored electronically in a secure online database.

4.3 No data will be stored electronically out of the borders of South Africa.

4.4 In the event your Personal Information is no longer required, due to the fact that you no longer need to place online adverts for the purpose of employment, at your written request such Personal Information will be removed from your TALENT-CHECK CONSULTING (PTY) LTD account database. Should you require TALENT-CHECK CONSULTING (PTY) LTD to keep your Personal Information for future online adverts for employment opportunities, your Personal Information will safely and securely be archived for a period of 7 (seven) years, as per the requirements of the Companies Act, 71 of 2008, or longer, should this be required by any other law applicable in South Africa. Thereafter, all your Personal Information will be permanently destroyed.

## **5. RIGHT TO OBJECT**

5.1 In terms of S11(3) of the POPI Act you have the right to object in the prescribed manner to TALENT-CHECK CONSULTING (PTY) LTD for processing your Personal Information. On receipt of your objection TALENT-CHECK CONSULTING (PTY) LTD will place a hold on any further processing until the cause of the objection has been resolved.

## **6. ACCURACY OF INFORMATION AND ONUS**

6.1 POPI requires that all your supplied Personal Information and related details, are complete, accurate and up to date.

6.2 Whilst TALENT-CHECK CONSULTING (PTY) LTD will endeavour to ensure that your Personal Information that is saved and displayed is correct, it will be your responsibility to update your Personal Information, as and when is necessary.

## **7. SHARING OF INFORMATION**

7.1 Your Personal Information will be stored electronically in a centralised online secure database in South Africa. The following persons or departments within TALENT CHECK CONSULTING (PTY) LTD will have access,

under strict confidentiality, to your Personal Information:

(a) **Technical Staff:** All technical and related technical roles within TALENT-CHECK CONSULTING

(b) **General Staff:** Management, Technical, Administrative, Auditors, Legal Practitioners, Government Departments (e.g. Department of Labour).

7.2 Should suitable opportunities arise we will contact you and request your permission to submit your information to a specific client for a specific purpose.

## **8. ACCESS TO THE INFORMATION BY THE DATA SUBJECT**

8.1 You have the right at any time to ask TALENT-CHECK CONSULTING (PTY) LTD to provide you with:

(a) the details of any of your Personal Information which TALENT-CHECK CONSULTING holds on your behalf;

(b) the details as to what TALENT-CHECK CONSULTING has done with your Personal Information, provided that such request is made using the standard section 51 PAIA process.

## **9. COMPLAINTS**

9.1 You have the right to address your complaints to us at [nathalie@talent-check.co.za](mailto:nathalie@talent-check.co.za)

## **10. DIRECT MARKETING, ADVERTISING AND PROMOTIONAL ACTIVITIES**

10.1 TALENT-CHECK CONSULTING (PTY) LTD will NOT use your Personal Information for the marketing and/or promotion of any goods or services that do not pertain to you as a client or without your express consent.

10.2 All Personal Information which you provide to us will only be used for the purposes for which it is collected.

## **11. DECLARATION AND INFORMED CONSENT**

11.1 I declare that all Personal Information supplied by myself to TALENT-CHECK CONSULTING (PTY) LTD for the purposes of recruitment/employment,

and related legal and operational reasons, is accurate, up-to-date, is not misleading and that it is complete in all respects. I undertake to immediately advise TALENT-CHECK CONSULTING (PTY) LTD of any legal events or disputes pertaining to my Personal Information should any of these events occur.

11.2 I, furthermore, give TALENT-CHECK CONSULTING (PTY) LTD permission to process my Personal Information, as provided above for the purpose of recruitment/employment and acknowledge that I understand the purposes for which it is required and for which it will be used.

11.3 I, furthermore, agree that in the event I am in contravention or non-compliance of the Protection of Personal Information Act, I understand that TALENT-CHECK CONSULTING will have the right in terms of POPI to cancel/terminate my TALENT CHECK CONSULTING account with immediate effect without any prior notice.

11.4 I also agree to not hold TALENT-CHECK CONSULTING liable in the event of legal action against myself for non-compliance of the Protection of Personal Information Act and TALENT-CHECK CONSULTING will not be held liable for any costs and/or legal costs that are incurred in the event of legal action against myself for non-compliance of the Protection of Personal Information Act.

## **12. CONTACTING US**

12.1 TALENT-CHECK CONSULTING (PTY) LTD welcomes any queries, comments or requests you may have. Please do not hesitate to contact us.

***\* We reserve our right to change or amend our POPI Agreement in accordance with South African legislation from time to time and the onus is on the user to keep abreast of all changes and or updates that may occur\****