



# BMI SOUTH AFRICA PRIVACY NOTICE FOR EMPLOYEES AND CONTRACTORS

## 1. Purpose of this privacy notice

BMI Group and its legal entities (together, “BMI Group” or the “Company”) operate in countries around the world, including in the European Union (“EU”). On 25 May 2018, the EU General Data Protection Regulation (“GDPR”) will take effect. One goal of GDPR is to create greater transparency for individuals about what happens with their personal data.

This privacy notice describes how your employer as a data controller within BMI Group (“we” or “us”) collects and uses personal information about you during and after your working relationship with us. For more general information about data protection under GDPR and rights of data subjects, please refer to BMI Group’s Privacy Policy.

The BMI Group entity you are employed or engaged by will be a “data controller” for the purposes of GDPR. As a data controller we are responsible for deciding how we hold and use personal information about you. From time to time additional specific privacy notices will be provided to you where a data controller within BMI Group will process personal data other than as anticipated in this notice, for example when rolling out a significant new IT system.

To the extent that legislation in your local jurisdiction applies, the definitions used and referred to in this policy, and any analogous terms shall have the meanings and definitions set out in the respective local legislation. For the avoidance of doubt, references to the GDPR shall include reference to the Protection of Personal Information Act 4 of 2013 (“POPIA”) and the analogous terms and provisions contained therein.

## 2. Scope of this privacy notice

This privacy notice applies to all employees and contractors of BMI Group located in South Africa. This privacy notice shall apply in South Africa only, and in the event of any conflict or inconsistency between these guidelines and the BMI group wide policies which regulate the same or similar processing activities, these guidelines will prevail to the extent of such conflict



of inconsistency.

### 3. Data categories: the type of information we hold and process about you

Personal data means any information related to an identified or identifiable natural person, and in the event that POPIA applies, an identifiable, existing juristic person. It does not include where the identity has been removed (that is, anonymous data).

We will collect, store, and use certain categories of personal information about you which is in the context of your employment and your job tasks, including: personal contact details such as name, title, addresses, telephone numbers and personal email addresses; date of birth; gender; marital status and dependents; next of kin and emergency contact information; national Insurance number, social security number or equivalent; bank account details, payroll records and tax status information; salary, annual leave, pension and benefits information; copy of driving license, passport or other identification documents; recruitment information (including copies of right to work documentation, references and other information included in a CV or cover letter or as part of the application process), aptitude tests, personality tests; employment records (including job titles, work history, working hours, holidays, training records and professional memberships); compensation history; performance information; disciplinary and grievance information; CCTV footage and other information obtained through electronic means such as swipe card records; information about your use of our information and communications systems; and photographs.

We may also collect, store and use certain "special categories" of more sensitive personal information where permitted by local law. Those special categories are set out in Article 9 of GDPR and, among others, include: information about your trade union membership; information about your health, including any medical condition, health and sickness records, including details of any absences from work (other than holidays), including time on statutory parental leave and sick leave, and where you leave employment and the reason for leaving is related to your health, information about that condition needed for pensions and permanent health insurance purposes.

#### 3.1 COLLECTION OF YOUR PERSONAL DATA

We collect personal information about employees and contractors through the application and recruitment process, either directly from candidates or sometimes from an employment agency or background check provider where background checks are permitted. We may sometimes collect additional information from third parties such as former employers, credit reference agencies or other background check agencies. We will collect additional personal information in the course of job-related activities throughout the period you are working for us.

#### 3.2 FOR WHAT PURPOSES DO WE PROCESS YOUR PERSONAL DATA

We will process your personal data only for the purposes permitted under the GDPR. This includes the following general purposes:

- Fulfilling legal obligations in accordance with Article 6(1)(c) GDPR;
- Protecting legitimate interests in accordance with Article 6(1)(f) GDPR;
- Fulfilling duties and exercising our specific company rights in terms of Article 9(2)(b) GDPR;

- Enforcing, exercising or defending legal claims in accordance with Article 9(2)(f) GDPR; and
- Other legitimate purposes for the purposes of Article 5(1)(b) GDPR.

We will also process your personal data for the following specific employment-related purposes set out in Article 88(1) GDPR in the context of your employment:

- Recruitment;
- Fulfilling the employment contract, including fulfilling any obligations established by law or collective agreements;
- Management;
- Planning and organizing work;
- Equality and diversity in the workplace;
- Health and safety in the workplace;
- Protecting the company's or customers' property;
- Employment related individual or collective rights and benefits; and
- Terminating employment.

## 4. Legal basis for processing your personal data

In most cases, our use of your personal information is necessary, either in order:

- For us to carry out the employment contract with you (for example, to administer your employee benefits); or
- So that we can comply with our legal obligations (for example, to calculate your taxes).

However, in specific circumstances, we may also have other legal justifications to use your information:

- Where you have consented (for example, if you ask for a decision which has been made about you to be reconsidered);
- Where we or a third party has a legitimate interest in your information being used for a particular purpose (for example, we may use your personal information to defend ourselves if you should allege that we had treated you unfairly);
- In order to protect your or another person's vital interests (for example, by providing your health information to a doctor in a medical emergency); or
- Where there is a public interest in using your information in a particular way (for example, to help combat fraud).

## 5. How we will use information about you

We will only use your personal information when the applicable laws allow us to. The principal situations in which we will process your personal information are: making a decision about your recruitment or appointment; checking you are legally entitled to work in the UK; paying you and, if you are an employee or deemed employee for tax purposes, deducting the appropriate tax and national insurance or social security contributions; providing benefits; business management and planning, including accounting and auditing; conducting performance reviews, managing performance and determining performance requirements; making decisions

about salary reviews and compensation; assessing qualifications for a particular job or task, including decisions about promotions; gathering evidence for possible grievance or disciplinary hearings; making arrangements for the termination of our working relationship; education, training and development requirements; dealing with legal disputes involving you, or other employees and contractors, including accidents at work; ascertaining your fitness to work; managing sickness absence; complying with health and safety obligations; to monitor your use of our information and communication systems to ensure compliance with our IT policies (see our Acceptable Use of IT Policy); equal opportunities monitoring; making decisions about your continued employment or engagement; and processing final payments following the end of your relationship with us.

Some of the above grounds for processing will overlap and there may be several grounds which justify our use of your personal information.

If you fail to provide certain information when requested, we may not be able to perform the contract we have entered into with you (such as paying you or providing a benefit), or we may be prevented from complying with our legal obligations (such as to ensure the health and safety of our personnel).

## 6. How we will use “special categories” of personal data

We may use special categories of personal data in such ways as set out below:

- We will use information relating to leaves of absence, which may include sickness absence or family related leaves, to comply with employment and other laws;
- We will use information about your physical or mental health, or disability status, to ensure your health and safety in the workplace and to assess your fitness to work, to provide appropriate workplace adjustments, to monitor and manage sickness absence and to administer benefits including statutory sick pay and permanent health insurance (where provided);
- We will use information about your race or national or ethnic origin, religious, philosophical or moral beliefs, or your sexual life or sexual orientation, to ensure meaningful equal opportunity monitoring and reporting;
- We will use trade union membership information to pay trade union premiums, register the status of a protected employee and to comply with employment law obligations.

## 7. Data sharing

### 7.1 TRANSFERS TO THIRD PARTIES

We will share your personal information with third parties where required by law, where it is necessary to administer the working relationship with you or where we have another legitimate interest in doing so. For example, we may transfer your personal information to third parties who carry out the following activities: payroll; pension administration; benefits provision, and administration and IT services. All our third-party service providers are required to take appropriate security measures to protect your personal information in line with our policies. We only permit third-party service providers to process your personal data for specified purposes and in accordance with our instructions.

We may also share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once

the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may need to share your personal information with a regulator or to otherwise comply with the law such as tax authorities, immigration bodies and pensions regulators.

## 7.2 RANSFERS TO OTHER BMI GROUP ENTITIES

We will also share your personal information with other entities in our group as part of our regular reporting activities on company performance, in the context of a business reorganization or group restructuring exercise, for system maintenance support, and for data hosting purposes.

## 7.3 TRANSFERRING INFORMATION OUTSIDE THE EU

We may transfer the personal information we collect about you third parties and other BMI Group entities who are outside the EU. To ensure that your personal information receives an adequate level of protection we have put in place contractual agreements based on the EU Commission's standard contractual clauses, which seek to ensure that your personal information is treated by those third parties and entities outside the EU in a way that is consistent with and which respects the EU laws on data protection. We may transfer the personal information we collect about you to third parties and other BMI Group entities who are outside of South Africa. If we do, you can expect a similar degree of protection in respect of your personal information as is afforded under POPIA.

## 8. Data breaches

Please refer to BMI Group's Data Breach Policy for details of how we will deal with any suspected data security breach and notify you and any applicable regulator of a suspected breach. The Data Breach Policy also sets out the expectations on you to report suspected data breaches.

## 9. Data retention

Please refer to BMI Group's Data Retention Policy for details of how we approach data retention.

## 10. Data Protection Officer

BMI Group has appointed a data protection officer, Sebastian Kraska. You can contact him directly at [BMIGroup@iitr.de](mailto:BMIGroup@iitr.de) or [privacy@standardindustries.com](mailto:privacy@standardindustries.com)

## 11. Changes to this privacy notice

This notice does not form part of any employee's contract of employment or any consultant's terms of service and we reserve the right to update this privacy notice at any time, and we will provide you with a new privacy notice when we make any substantial updates. We may also notify you in other ways from time to time about the processing of your personal information.

## 12. Contact

Any BMI Group employee, worker or contractor can direct questions regarding this privacy notice to [privacy@standardindustries.com](mailto:privacy@standardindustries.com)