

# Data Protection Processing Notice Employee Informed Consent Notice



Revision  
2021-05 Version

Data Protection Compliance  
Section 18 Processing Notice

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## 1. Introduction

The *Protection of Personal Information Act ("POPIA")* promotes the protection of Personal Information processed by a private body; which processing includes the collection, use, and transfer of Personal Information of the Data Subject. In accordance to POPIA, Beiersdorf has a legal duty to protect the collected Personal Information of the Data Subject in a lawful, legitimate and responsible manner.

## 2. Definitions and Interpretation

In this Agreement, the following words shall, unless otherwise stated or inconsistent with the context in which they appear, bear the following meanings and other words derived from the same origins as such words (that is, cognate words) shall bear corresponding meanings:

2.1.1	<b>"Agreement"</b>	means this agreement, including the Annexures as amended from time to time;
2.1.2	<b>"Annexures"</b>	means the annexures attached to this Agreement;
2.1.3	<b>"Biometrics"</b>	means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood type, fingerprinting, DNA analysis, retinal scanning and voice recognition;
2.1.4	<b>"Child"</b>	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/herself;
2.1.5	<b>"Competent person"</b>	means any person who is legally competent to consent to any action or decision being taken of any respect of any matter concerning a child;
2.1.6	<b>"Consent"</b>	means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of Personal Information;
2.1.7	<b>"Data Subject"</b>	means the person to whom the Personal Information relates;

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- 2.1.8 **“Electronic Communication”** 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;
- 2.1.9 **“Operator”** means a natural or juristic person who processes the Data Subject’s Personal Information on behalf of Beiersdorf, in terms of a contract, without coming under the direct authority of Beiersdorf;
- 2.1.10 **“Person”** means a natural person or a juristic person;
- 2.1.11 **“Personal Information”** means information relating to any identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, namely the Data Subject, including, but not limited to:
- 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 data subject;
  - e) the personal opinions, views or preferences of the data subject;
  - f) correspondence sent by the data subject that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - g) the views or opinions or another individual about the person; and
  - 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 data subject;

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### 2.1.12 **“Processing”**

means any operation or activity or any set operations, whether or not by automatic means, concerning Personal Information, including:

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- b) dissemination by means of transmission, distribution or making available in any other form; or
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information;
- d) sharing with, transfer and further processing, to and with such information;

### 2.1.13 **“Record”**

means any recorded information:

- a) regardless of form or medium, including any of the following:
  - 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 or 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;
- b) in the possession or under the control of the Responsible Party;
- c) whether or not it was created by a Responsible Party; and
- d) regardless of when it came into existence;

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- 2.1.14 **“Responsible Party”** means Beiersdorf Consumer Products (Pty) Limited, including without detracting from the generality thereof, its directorate and officials, management, executives, and employees and Operators who need to process the Personal Information of the Data Subject for procurement, supply chain, tender, security, contracting and other related business purpose;
- 2.1.15 **“Special Personal Information”** means any information relating to the Data Subject ethnicity, gender, religious or other beliefs, political opinions, membership of trade unions, sexual orientation, medical history, offences committed or alleged to have been committed by the Data Subject, biometric details and children’s details;
- 2.1.16 **“You”** means the person who is reading this Informed Consent Notice, the Data Subject, who by providing Beiersdorf with your Personal Information, therefore gives Beiersdorf and its Operator’s consent to use and process the given Personal Information in accordance with the provisions of the Informed Consent Notice and the word “*you*” bears a corresponding meaning, as the context may require.
- 2.2 The processing of such Personal Information of the Data Subject is necessary for the following:
- 2.2.1 to action out the conclusion or performance of a contract to which the Data Subject is a party thereof; or
- 2.2.2 compliance with an obligation imposed by law on either of the Data Subject or Beiersdorf; or
- 2.2.3 to protect the legitimate interest(s) of the Data Subject or Beiersdorf; or
- 2.2.4 is necessary for the proper performance of a public law duty by a public body; or
- 2.2.5 is necessary for pursuing Beiersdorf or the Data Subject’s legitimate interests, or that of a third party to whom the Personal Information is supplied, all processing of a Data Subject’s Personal Information must be done with the Data Subject’s express and informed consent and permission.
- 2.3 Beiersdorf will from time to time process Personal Information which belongs to, or which is held by a Data Subject.
- 2.4 For the purposes of complying with POPIA, Beiersdorf in its capacity as the Responsible Party, requires you / the Data Subject to provide Beiersdorf with an implied or express permission to process your Personal Information.

### 3. Application

- 3.1 This Notice shall be applicable to the following:
- 3.1.1 Beiersdorf;
  - 3.1.2 You or Data Subject; and
  - 3.1.3 The Data Subject's Personal Information;

Which Personal Information of the Data Subject is processed, or may be processed, or further processed by Beiersdorf and/or any Operator duly appointed by Beiersdorf.

### 4. Purpose of the requested information

#### 4.1 *The purpose of this Notice is the following:*

- 4.1.1 sets out the *purpose* and *type* of the Personal Information belonging to the Data Subject to be processed by Beiersdorf;
- 4.1.2 why Beiersdorf *requires* the requested Personal information;
- 4.1.3 what Beiersdorf will be *doing* with your Personal Information;
- 4.1.4 the *recipients* of Beiersdorf that will have access to your Personal Information; and
- 4.1.5 what Beiersdorf will do with the collected Personal Information once the purpose of the *processing termite*s.

#### 4.2 *Purpose of the collection of the Personal Information*

- 4.2.1 In order for Beiersdorf, to enter into a contractual relationship, for bursary, learner-ship or internship, or a contract of employment, in your capacity as an employee for Beiersdorf;
- 4.2.2 To further ensure that Beiersdorf manages the Data Subject, as the case may be, in line with its operational and business objectives, strategies, and mandates and the applicable laws;

Beiersdorf is required to process your Personal Information, including your Special Personal Information pertaining to you, which shall be used for a number of legitimate purposes, including, *inter alia*, the following:

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- a) Continuous assessment of your related requirements and capabilities;
- b) On-going performance assessments and development of employee;
- c) Investigation and disciplinary matters;
- d) Risk assessment and audits;
- e) Criminal history, civil judgments, credit records or default history;
- f) Security clearance and access to premises;
- g) Making contact and providing information to the Data Subject;
- h) Performing internal operations; and
- i) Legitimate interests.

Beiersdorf shall require to further process your Special Personal Information, which will be used for numerous legitimate purposes, including but limited to, the following:

### **4.3 Compliance with applicable laws**

To comply with lawful obligations, including but without detracting from the generality thereof:

- Promotion of Access of Information Act, 2000;
- Company Act, No 71 of 2008;
- The Constitution of the Republic of South Africa Act, No 108 of 1996;
- The Consumer Protection Act, No 68 of 2008;
- The Labour Relations Act, No 66 of 1995;
- The Basic Conditions of Employment Act, No 75 of 1997;
- The Electronic Communications and Transaction Act, No 25 of 2002;
- The Occupational Health and Safety Act, No 85 of 1993;
- Income Tax Act, No 58 of 1962; and
- The Broad-Based Black Economic Empowerment Act, No 53 of 2003

### **4.4 Assessment of learner-ship, internship or employee related requirements and capabilities**

Beiersdorf shall attend to assess the Personal Information submitted by you or the Data Subject, in order to evaluate the capabilities of the Data Subject, and whether such capabilities meet the requirements of the stated criteria in respect to the learner-ship, internship or employee.

### **4.5 On-going performance assessments and development of employee/Data Subject**

Issued by  
Legal Department

Responsible  
Information Officer – Warren Van Niekerk

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For the purposes of assessing the Data Subject's on-going performance levels as may be required by Beiersdorf from time to time; to ascertain whether your position should be up or down graded; whether your remuneration should be increased or decreased; and for the purposes of assessing and determining the level of skills development; or any related training and development required by you; including but not limited to:

- Human resource development;
- Training and Workplace Skills Plan ("WSP") planning and implementation;
- Management of talent;
- Co-ordination of career development programmes;
- Co-ordination and management of employment equity;
- Co-ordination and management of the employee, learner-ship and internship programmes; and
- On-going evaluation.

#### **4.6 Investigation and disciplinary matters**

For the purposes of assessing any matter which may have been raised against you / Data Subject, or another employee or third party, including the conduct of any disciplinary hearings and related activities, and where applicable and necessary including the pursuance of legal processes and procedures.

Such investigations includes but not limited to; plagiarism, fraudulent activity, dishonesty, use of another's information, cheating, acting unethically, unruly or unacceptable behaviour, infringement of codes or Intellectual Property.

#### **4.7 Protection of legitimate rights**

Beiersdorf serves the purpose of protecting its own legitimate interest(s), or that of the Data Subject and/or a third party to whom the Personal Information was supplied to.

#### **4.8 Risk Assessments and audits**

For the legitimate purpose of conducting risk assessments and risk profiles, including internal and external audits.

**4.9 Criminal history, civil judgments, credit records or default history**

Beiersdorf is required by law or policy to receive from or provide to a Regulator, the National Treasury, any credit bureau, credit provider or credit association, Personal Information about the Data Subject's criminal history, civil judgments, and credit records or default history.

**4.10 Security clearance and security access**

4.10.1 In order for Beiersdorf to perform the required and prescribed security clearance procedures in respect of the Data Subject / employment clearance purposes / security investigation processes; and for the Data Subject to have access to the business premises, facilities and systems, including facilities, equipment, websites, online systems and servers belonging to Beiersdorf; which access application shall be handled and processed by the relevant IT Department and Finance Department.

4.10.2 For Beiersdorf to manage the safety and security of the company facilities; including a safe working environment, the developing and implementing of security services policies and procedures; and

4.10.3 For the purposes of security search, seizure and vetting services.

**4.11 Making contact with the Data Subject**

4.11.1 Beiersdorf shall record and use the given Personal Information to make contact with the Data Subject enquiries and requests.

4.11.2 Beiersdorf shall provide you or the Data Subject from time to time with information pertaining to Beiersdorf, its directors, employees, services and other ad hoc employee and business related information.

4.11.3 In order for Beiersdorf to deliver your employee quarterly hampers or gifts, Beiersdorf shall from time to time furnish your details to involved employees and service providers.

**4.12 Academic research and statistical analysis purpose**

For academic research and statistical analysis purposes, including data analysis, testing, research and product development and product review purposes.

**4.13 Fraud detection, investigation and prevention**

For the purpose of preventing fraud and any abuse of the processes, systems, procedures and operations of Beiersdorf; including but not limited to conducting internal and external investigations and where necessary to use your Personal Information in such enquiries.

**4.14 Performing internal operations**

In order for Beiersdorf to manage the internal operations pertaining to the Data Subject, including:

- a) Administrative duties, such as: maintaining a personal employee file containing all related records of the employee which pertain to you or Data Subject, annual leave taken and due, sick leave taken and due, disciplinary matters, sick notes, grievances lodged or received against you, term of employment, details of salary and related details, payslips, acknowledgement of debt agreements, employment history, injuries on duty, statutory deduction, training records, benefits including insurance, medical and provident funds, employee assistance programmes, recordal of salary, wages and bank account information, performance management assessments, COID claims, gifts or hampers, bursary and study loans applied for and /or granted, other loans applied for and/or granted, health, safety and disability disclosure and other employee related financial disclosure;
- b) Management of you / Data Subject in your capacity as a bursary holder, intern or learner or a Beiersdorf Employee;
- c) Attending to make payment of your salary on a weekly or monthly basis, as agreed by the Parties and any other amounts payable to you / Data Subject in your capacity as an Employee, bursary holder, intern or learner, as and when due to you and in accordance with the terms of your contract of employment, and further attending to make any lawful deductions from said payments on behalf of Beiersdorf or another third party;
- d) Employee health and wellness services;
- e) Talent management, performance management and organisational development services;
- f) Gender and diversity management services;
- g) Administering and managing Beiersdorf information systems and related security thereof;
- h) Facilitation of business systems which you may have access to as an Employee;
- i) Delegation of duties;
- j) Gender mainstreaming;
- k) VISA applications, travel bookings and further arrangements;
- l) Management of electronic mail and deliveries;
- m) Provisions of Occupational Health and Safety services; and
- n) Internal Disability Mainstreaming.

**4.15 Legal services and unlawful activities**

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In order for Beiersdorf to ensure compliance with all legal obligations; and for the further purposes of investigating and managing/addressing the following:

- a) Plagiarism;
- b) Fraudulent activity;
- c) Dishonesty;
- d) The use of another's information without consent;
- e) Unethical, unruly or unacceptable behaviour; and
- f) Infringement of laws and rules, code of conducts, policies, contractual terms and Intellectual Property.

For further legal purposes, including without detracting from the generality thereof: drafting of contracts and general legal documents, contract management, legal correspondence, legal policies and legislation relevant to Beiersdorf obligations and operations, legal advice and legal opinions, managing Legal Compliance and Risk in relation to Beiersdorf, managing and handling all Litigation which has to be pursued or defended in connection with Beiersdorf, Employee disciplinary matters. Further provision of legal education and training, document arrangement and Record Retention, attending to Employment Insurance matters, Receipt of Legal Process, regulation, management and control over Intellectual Property including Copyright matters, and alternative dispute resolution matters.

### **4.16 Managing the employment relationship**

For the purposes of managing specific areas pertaining to you / the Data Subject, and the employment relationship between yourself and Beiersdorf; such will entail the processing of your Special Personal Information, including:

- a) Physical and mental health records;
- b) Criminal convictions;
- c) Any disabilities;
- d) Racial;
- e) Trade union membership; and
- f) Attending to all matters pertaining to the resignation, dismissal and/or retirement of you / the Data Subject.

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### 4.16 Advertising, marketing, public relations and related communications

Beiersdorf shall facilitate communications within the working environment, such as:

- 4.16.1 facilitating the business systems which you / the Data Subject have access to as an Employee, including but not limited to, telephone directories, help desk portals and related IT support facilities, your contact details having been stored and displayed for use by other Beiersdorf employees on a need to know basis and for the purposes of facilitating internal communication and IT support services;
- 4.16.2 Institutional Intelligence reporting subject to Beiersdorf Information and Communication Services ("ICS") which serves as the company's information hub which provides accessible, accurate and relevant information on a need to know basis to other employees of Beiersdorf to support the decision-making processes, including:
  - 4.16.2.1 *Institutional Intelligence*: means the integration of data from multiple sources throughout Beiersdorf and other sources outside of Beiersdorf which is used for the purposes of providing an up-to-date management information;
  - 4.16.2.2 *Statutory Reporting*: means the preparation and submission of statutory data pertaining to and required by an employee which information is required in terms of applicable laws;
  - 4.16.2.3 *Data Quality*: means the accuracy of data held by Beiersdorf, which is facilitated through the use and deployment of various data quality initiatives including monitoring and the measurement of data;
  - 4.16.2.4 *Financial Details*: means the monetary transaction of you or Data Subject or Beiersdorf; and
  - 4.16.2.5 *Conflict of Interest Register*: means codes in which you or Data Subject has an obligation to comply with specific regulations in your day to day business critical decisions.

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- 4.17 In light of the aforementioned, the Data Subject agrees to give Beiersdorf the express permission to process and further process all Personal Information which you will or have provided to Beiersdorf, including all Personal Information which has been requested by Beiersdorf or provided by you on a voluntary basis.
- 4.18 Upon accepting the submitted Personal Information, Beiersdorf undertakes that all collected Personal Information will only be used for the purposes set out hereunder and for no other purpose, unless prior to you giving Beiersdorf express permission.

### 5. Withholding consent or Personal Information

Should you refuse to provide Beiersdorf with the required Personal Information for the purposes indicated above, together with the requisite consent to process the aforementioned Personal Information; Beiersdorf will not be able to engage further with you and /or enter into any subsequent relationship with you.

### 6. Storage, Retention and Destruction of Data

- 6.1 The collected Personal Information shall be stored electronically in a centralised data base, which, for operational reasons, shall be accessible to all within the Human Resources and Finance Department on a need to know and business basis; save that some of your Personal Information may be retained in hard copy and kept in a locked compartment.
- 6.2 Beiersdorf ensures that all of your Personal Information will be held and stored securely in accordance to all laws and regulations. Beiersdorf further undertakes to conduct regular audits regarding the safety and security of the collected Personal Information.
- 6.3 Once your Personal Information is no longer required due to the fact that the purpose for which the information was collected has come to an end or expired; the Personal Information shall be safely and securely archived for the requisite and prescribed retention periods as required by the applicable law in the Republic of South Africa.
- 6.4 Upon expiration of the retention period, Beiersdorf will thereafter ensure that the Personal Information is either submitted to the Provincial or National Archives in accordance with the [National Archives Act, 43 of 1996](#) read with Archives and Records Service Act or permanently destroyed, as the case may be.

## **7. Access by others and cross border transfer**

- 7.1 Beiersdorf may have to disclose your Personal Information to other Receiving Parties, including its institutions or subsidiaries, trading partners, auditors, regulatory bodies, governmental officials, overseas trading parties or agents (hereinafter referred to as the “*Receiving Party*”); such disclosure and transfer of information shall be mandated by an agreement concluded between Beiersdorf and the Receiving Party. The Receiving Party has a contractual obligation to comply with strict confidentiality and data security terms and conditions.
- 7.2 Personal information transferred out of the border of Republic of South Africa, shall only be transferred to the countries which have implemented similar data privacy laws or where the Receiving Party is bound contractually to a no lesser set of obligations imposed by POPIA.

## **8. Right to object and complaints**

- 8.1 The Data Subject is encouraged to contact the Information Officer for Beiersdorf at any time, if you are not satisfied with the manner in which your Personal Information has been collected or processed.
- 8.2 Upon receipt of your objection, Beiersdorf is under a legal obligation to hold on further processing until the cause of the objection has been resolved.
- 8.3 If the Data Subject remains unsatisfied with the finding, the Data Subject has a right to lodge a complaint with the Information Regulator.

## **9. Accuracy of Information and onus**

- 9.1 In accordance to POPIA, all Personal information collected from the Data Subject must be complete, accurate and up-to-date.
- 9.2 Beiersdorf will use its best endeavours to ensure that the collected Personal Information is reliable.
- 9.3 The onus shall rest on the Data Subject to advise Beiersdorf of any changes or errors to the Personal Information, as and when this may occur.

## **10. Access to the Information by the Data Subject**

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The Data Subject has the right at any time to request his/her Personal Information from Beiersdorf, which Beiersdorf holds on the behalf of the Data Subject and the purpose of holding this information; provided that such request is made in accordance with the *Promotion of Access to Information Act (PAIA)* and *Beiersdorf PAIA manual*. This can be downloaded for further reading: [\(hyperlink\)](#)

Commented [ML/D1]: Link to our PAIA manual.

### 11. Amendments and binding on successors in title

- 11.1 Beiersdorf reserves the right to amend this notice from time to time.
- 11.2 The Data Subject holds the responsibility to check Beiersdorf website periodically for any changes.

### 12. Declaration and informed consent

- 12.1 I, the Data Subject, hereby confirm that my Personal Information, provided to Beiersdorf is accurate, up-to-date, not misleading and complete in all respects, save where same may change and then, in such an event, I hereby undertake to advise Beiersdorf or other Receiving Party of these changes.
- 12.2 I, the Data Subject, in providing the required Personal information to Beiersdorf and other Receiving Party, consent and give Beiersdorf express and informed permission to process and further process my Personal Information as and where required and acknowledge that I, the Data subject, understand the purposes for which the Personal Information is required and for which it will be used.

#### INFORMATION OFFICER

**Name:** Warren Van Niekerk  
**Title:** Senior Legal Counsel and Information Officer  
**Contact number:**  
**E-mail:** Warren.VanNiekerk@Beiersdorf.com

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Signed at \_\_\_\_\_ on this the \_\_\_\_\_ day of \_\_\_\_\_ 2021

\_\_\_\_\_  
**For: Data Subject**

**Who warrants that s/he is duly authorised to do so**

Full name: \_\_\_\_\_

Designation: \_\_\_\_\_