

# Data Protection Processing Notice Supply Chain and Procurement Related Processes

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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

2.1 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 **“Agreement”** means this agreement, including the Annexures as amended from time to time;
- 2.1.2 **“Annexures”** means the annexures attached to this Agreement;
- 2.1.3 **“Biometrics”** 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 **“Child”** 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 **“Competent person”** 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 **“Consent”** 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 **“Data Subject”** means the person to whom the Personal Information relates;
- 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;

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- 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;
- 2.1.12 **“Processing”** means any operation or activity or any set operations, whether or not by automatic means, concerning Personal Information, including:

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- 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;

### 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;

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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, in your capacity as a customer or supplier or retailer, 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 “your/ your’s” bears a corresponding meaning, as the context may require.

2.1 The processing of such Personal Information of the Data Subject is necessary for the following:

2.1.1 to action out the conclusion or performance of a contract to which the Data Subject is a party thereof; or

2.1.2 compliance with an obligation imposed by law on either of the Data Subject or Responsible Party; or

2.1.3 is necessary for the proper performance of a public law duty by a public body; or

2.1.4 pursuing the legitimate interests of the Responsible Party or the Data Subject’s legitimate, 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.

2.2 Responsible Party will from time to time process Personal Information which belongs to, or which is held by a Data Subject.

2.3 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:

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- 3.1.1 Beiersdorf;
- 3.1.2 You or Data Subject; and
- 3.1.3 The Data Subject's Personal Information;

Which is processed or may be processed or further processed by the Responsible Party including any processing or further processing of the Personal Information of the Data Subject by any Operator duly appointed by the Responsible Party.

## 4. Purpose

In order for Beiersdorf to pursue its business objectives and strategies, Beiersdorf will require to process and/or further process your Personal Information which will be used for several legitimate purposes, including, *inter alia*, the following:

### 4.1 compliance with laws and internal procedures

For the purposes of complying with a variety of lawful obligations, internal and external, including without detracting from the generality thereof:

- a) Administrative Laws;
- b) Company Laws;
- c) Corporate governance codes;
- d) Communication laws;
- e) Customs and Excise Laws;
- f) Environmental laws;
- g) Financial and Tax Laws; and
- h) Health and Safety Laws.

### 4.2 Tendering and related procurement and supply chain management procedures

For the purposes of assessing whether the Data Subject is capable and able to provide Beiersdorf with the requested goods and services in accordance with the supplied tender, which determination will take place as per Beiersdorf contract, supply chain and procurement policies and procedures, using duly appointed bidding committees and/or selected personnel.

### 4.3 Protection of legitimate interests

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The Responsible Party shall protect you / Data Subject legitimate interest, as well as the legitimate interest of the Responsible Party.

#### 4.4 Risk assessments and risk profiling

For the legitimate purpose of conducting risk assessments and risk profiles, including investigating plagiarism, fraudulent activity, dishonesty, using another's information, acting unethically, unruly or unacceptable behaviour.

#### 4.5 Making contact with the Data Subject

For the purposes of the Responsible Party contacting you and attending to you and/or the Data Subject's enquiries and requests.

#### 4.6 Providing information to Data Subject

In order for the Responsible Party to provide the Data Subject from time to time with information pertaining to the Responsible Party, in relation to the directors, employees, services and goods and other ad hoc business related information.

#### 4.7 Pursuing a party's legitimate interests

For the purposes of the Responsible Party pursuing the Data Subject's and/or the Responsible Party legitimate interests, or that of a third party to whom the Personal Information is supplied.

#### 4.8 Performing internal operations including payment and deductions

In order for the Responsible Party to perform internal operations, including the management of the Data Subject, in your capacity as a Service Provider for Beiersdorf, should your application to contract or tender with Beiersdorf be successful and any subsequent contract for goods and/or services which is thereafter concluded with you/the Data Subject. Including all related contract management services, attending to all financial matters such as forecasting, budgeting, planning, contract management, invoicing, facilitating and making payments, deliveries, sending receipts, and generally providing commercial support and/or communications, where needed, requested or required.

#### 4.9 Goods and services

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For the purpose of providing, maintaining, and improving the goods and services of Beiersdorf, and to monitor and analyse various usage and activity trends pertaining thereto.

#### 4.10 Appointment as a service provider and concluding a contract.

When declared a successful applicant or bidder, for the purposes of appointing you/the Data Subject as a service provider or consultant and for the purposes of carrying out the required actions for the conclusion of the contract between Beiersdorf and yourself, including the drafting and/or vetting of the related procurement and contractual documents.

#### 4.11 Criminal history, civil judgements, credit records or default history

In general, where required by law or policy, receiving from or providing to any Regulator, the National Treasury, any credit bureau, credit provider or credit association, Personal Information about you/the Data Subject's criminal history, civil judgements, credit records or default history.

#### 4.12 Sales

For the purposes of any proposed purchase from you of any goods or services, or alternatively any proposed sale to the Data Subject of any Beiersdorf services and/or assets; and providing the Personal Information of the Data Subject to third parties in connection with the evaluation of the transaction and related due diligence procedures.

#### 4.13 Academic research and statistical analysis purposes

For the purpose of providing you/the Data Subject from time to time with information pertaining to Beiersdorf, its directors, employees, services and goods and other ad hoc business related information.

#### 4.14 Fraud prevention, detection and monitoring

For the purposes of preventing fraud and abuse of Beiersdorf processes, systems, procedures and operations, including conducting internal and external investigations, enquires and hearings and where applicable for the purposes or pursuing legal processes and procedures.

#### 4.15 Legal services

For legal purposes, including without detracting from the generality thereof, the following:

The perusal of all procurement related documentation, the vetting and/or drafting of contracts, contracts management, the drafting of general legal documents, legal correspondence, legal policy rules and legislation relevant to Beiersdorf obligations and operations, providing legal advice and legal opinion,

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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 which may impact on you as a consultant, service provider or contractor, the provision of legal education and training, document management and control over Intellectual Property including Copyright matters, and assisting with alternative dispute resolution matters.

### **5. Withholding consent or Personal Information**

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

### **6. Consent**

- 6.1 You / the Data Subject agree and give the Responsible Party express permission to process and further process all Personal Information which you/ the Data Subject will or have provided to the Responsible Party, including all Personal Information which has been requested by the Responsible Party or provided by the Data Subject on a voluntary basis.
- 6.2 The Responsible Party in turn undertakes that it will only use your / the Data Subject's Personal Information referred to above for the purposes set out under this notice and for no other purpose, unless with your / the Data Subject's express and prior permission.

### **7. Storage, retention and destruction of data**

- 7.1 The collected Personal Information shall be stored electronically in a centralised data base, which, for operational reasons, shall be accessible to all within the Responsible Party on a need to know and business basis; save that some of your Personal Information may be retained in hard copy.
- 7.2 The Responsible Party ensures that all of your Personal Information will be held and stored securely in accordance to all laws and regulations. The Responsible Party further undertakes to conduct regular audits regarding the safety and security of the collected Personal Information.
- 7.3 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

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### **8. Access by others and cross-border transfer**

- 8.1 The Responsible Party 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 the Responsible Party and the Receiving Party. The Receiving Party has a contractual obligation to comply with strict confidentiality and data security terms and conditions.
- 8.2 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.

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

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

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

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

### **11. Access to the information by the Data Subject**

The Data Subject has the right at any time to request his/her Personal Information from the Responsible Party, which the Responsible Party holds on the behalf of the Data Subject and the purpose of holding this information; provided that such request is made using the required process in terms of the POPIA.

### **12. Amendments and binding on successors in title**

- 12.1 Beiersdorf reserves the right to amend this notice from time to time.

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12.2 The Data Subject holds the responsibility to check Beiersdorf website periodically for any changes.

### 13. Declaration and informed consent

13.1 I, the Data Subject, hereby confirm that my Personal Information, provided to the Responsible Party 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 the Responsible Party or other Receiving Party of these changes.

13.2 I, the Data Subject, in providing the required Personal information to the Responsible Party and other Receiving Party, consent and give the Responsible Party 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:** 031 267 6375  
**E-mail:** Warren.VanNiekerk@Beiersdorf.com

Signed at \_\_\_\_\_ on the \_\_\_\_\_ 2021.

\_\_\_\_\_  
Company:

Name of duly authorized person:

Title: