

**PROTECTION OF PERSONAL INFORMATION ACT  
POLICY**

**Live Wire Recruitment Consultants:**

Street Address	San Milano, Sarah Crescent Ballito Kwa-zulu natal 4420
Telephone Number	083 474 6225
Information Officer	Damien Mathias <a href="mailto:info@livewire-rec.co.za">info@livewire-rec.co.za</a>
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Definitions in Terms of the Content Below

- "Candidate" means the person submitting Personal Information to be considered by Live Wire Recruitment Consultants for the purpose of recruitment to assist the candidate to potentially gain future employment opportunities;
- "Data Subject" means candidates/applicants/work-seekers,
- "Consumer Credit Information" shall have the meaning ascribed to it in section 70 of the NCA; "FAIS Act" shall mean the Financial Advisory and Intermediary Services Act of 2002;
- "FSCA" refers to the Financial Sector Conduct Authority;
- "NCA" shall mean the National Credit Act, No. 34 of 2005, as amended from time to time, including any regulations made under the Act;
- "Personal Information" shall have the meaning ascribed to it in Chapter 1 of POPI and includes, but is not limited to a name, address, email address, telephone or fax number, fingerprints, criminal history and education or other personal credentials provided, or which is collected from the candidate or other third parties, before and/or during the background screening process and/or thereafter;
- "POPI" shall mean the Protection of Personal Information Act, No. 4 of 2013, as amended from time to time, including any regulations made under the Act;
- "Privacy and Data Protection Conditions" refers to the 8 (eight) statutory prescribed conditions for the lawful Processing of Personal Information;
- "Responsible Parties" have meaning to Live Wire Recruitment Consultants and their Verification Information Suppliers;

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- “Verification Information Suppliers” shall mean third parties acting on behalf of Live Wire Recruitment Consultants, including, but not limited to, criminal record bureaus, credit bureaus, previous employers, governmental bodies, and any educational, training, and fraud prevention organisations;

### **Introduction**

We are committed to compliance with The Protection of Personal Information (POPI) Act and will always:

1. Sufficiently inform Data Subjects about the specific purpose for which we will collect and process their personal information;
2. Protect Personal Information from threats, whether internal or external, deliberate or accidental, to ensure business continuation, minimise business damage and maximise business opportunities.

This Policy establishes measures, processes and standards for the protection and lawful processing of personal information.

The Information Officer is responsible for:

- Monitoring this policy;
- Ensuring that this policy is supported by appropriate documentation;
- Ensuring that this policy and subsequent updates are communicated to relevant managers, representatives, staff and associates, where applicable.

All employees are responsible for adhering to this policy and for reporting any security breaches or incidents to the Information Officer.

IT and Off-site Data Storage Service Providers/Operators must satisfy us that they provide adequate protection of the data they hold on our behalf.

### **Policy Principles**

Accountability for Data to be collected

- We shall take reasonable steps to safeguard all Data and Personal Information collected from Candidates for the purpose of Permanent or Temporary recruitment.

### **Purpose of Data Collection, Retention and Processing**

#### What personal data we collect

We will only collect personal data from candidates which we need to fulfil the requirements of the recruitment process or an employment, contractual or service relationship which may exist between candidates and Live Wire Recruitment Consultants.

The categories of personal data we may collect and hold about candidates may include but not limited to the below:

- Personal contact details such as name, title, addresses, telephone numbers, or personal email addresses;
- Personal details such as date of birth, gender, marital status, or nationality;
- CV's or cover letters or any other supplementary document included as part of the application process where requested or not;
- Information about candidate right to work in different countries: e.g. UK, Germany, South Africa;

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- Information regarding candidates work history, qualifications, professional memberships, education, experience, or employment references;
- Photographs if included on CVs or otherwise on supplementary document submitted as part of the recruitment process;
- The results of any personality profiling assessment or professional experience assessment that we may carry out as part of the recruitment process;
- Any personal data provided to us about candidates-by-candidates referees [if applicable].
- We may collect the personal data of children, but this data will be required to maintain records e.g., with tax authorities.

We may also collect, store and use the following special categories of more sensitive personal data, which could include:

- Information about whether or not candidates have a disability for which we need to make reasonable adjustments as part of the recruitment process;
- Information about criminal convictions and offences (where the nature of the job requires this).

#### **How we obtain candidates personal data**

We may collect this information in a variety of ways:

- Directly from candidates when: candidates interview with us, email us, call us, or when candidates apply for a position (whether via our website, via third parties such as job boards, social media sites, or otherwise) in connection with a background or employment check or an employment reference (subject to candidates consent where required by law).
- Third parties, such as references supplied by former employers or agencies and information from criminal records checks permitted by law.
- Social media platforms (such as Facebook, Twitter, LinkedIn), company websites, and other publicly available sources, from a job portal, recruiting or other web site where candidates may have provided information about candidates work experience or interests.

Once in our possession we will only process or further process candidate information with candidates' consent, except where we are required to do so by law. In the latter case we will always inform candidates.

#### **Where we store personal data**

- Candidates' personal data will be stored in a range of different places, including recruitment files, servers, Recruitment system and other IT systems such as electronic e-mail.

#### **How we will use data about candidates**

We will use the personal data we collect about candidates to:

- Assess Candidates skills, qualifications, and suitability for the role;
- Carry out background and reference checks, where applicable;
- Communicate with candidates regarding the recruitment process;
- Keep records related to our hiring processes;
- Comply with legal or regulatory requirements.

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If candidates fail to provide personal data when requested, which is necessary for us to consider candidates application (such as evidence of qualifications or work history), we may not be able to process candidates application further. For example, if we require references for an advertised vacancy and/or headhunted and candidates that fail to provide us with relevant details, we will not be able to take candidates application further.

### **Specific Purpose**

- Personal Information retained/ stored/ collected by Live Wire Recruitment Consultants and/or our clients and/or verification information suppliers is used for the specific purposes to assist individuals in potentially gaining future employment opportunities, through thorough background screening which may include but will not be limited to criminal, fraud, ITC and employment reference checks.

### **Limitation on Further Processing:**

- Personal information may not be further processed in a way that is incompatible with the initial purpose for which it was collected and will only be done with the express consent of Candidates.

### **Information Quality:**

- We shall ensure that candidate information is complete, up to date and accurate before we use it.

### **Transparency/Openness:**

- Where personal information is collected from a source other than directly from a candidate (EG social media, Job portals) we will make candidates aware:
- That their information is being collected and the specific reason;
- Who is collecting their information by giving them our details;

### **Period of Holding Personal Information:**

- Live Wire Recruitment Consultants endeavors to provide the most accurate information as possible to its clients and/or verification information suppliers. We endeavor to verify the accuracy of information frequently and to remove information when inaccurate. We shall collect and hold personal information we collect in a way that allows the identification of the data subjects for no longer than the period necessary to fulfil the purposes set out in this Policy, based on customary human resource practices and in accordance with applicable legal and regulatory requirements.
- Live Wire Recruitment Consultants intend to retain and process information that it has for so long as it is accurate or until the instructed to remove the information. To instruct us to remove retained data please contact our Information Officer.

### **Data Security:**

- We will implement sufficient measures to guard against the risk of unlawful access, loss, damage or destruction of personal information that is held;
  - Physically;
  - In our electronic data base;
  - By a Data Storage Service Provider;
  - In any electronic devices (that will be Password protected).

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- Data encryption of storage devices will be installed.
- We are committed to ensuring that information is only used for legitimate purposes with candidates consent and only by authorised employees of our agency.

**Participation of Individuals/Complaints:**

- Candidates are entitled access to, and to correct any information held by us.
- Complaints should be submitted in writing to the Information Officer for Resolution.
- Requests to Access, Correct or Delete information must be made on the attached.

Annexures 1 and 2 and submitted to the Information Officer.

**Operational Considerations**

**Monitoring:**

- The Board/Management and Information Officer are responsible for ensuring adherence to Standard Operating Procedures.
- All employees and individuals directly associated with recruiting activities will be trained in the regulatory requirements governing the protection of Personal Information.
- We will conduct periodic reviews and audits, where appropriate, to ensure compliance with this policy and guidelines.

**Policy Compliance**

- Any breach of this policy could result in disciplinary action and termination of employment.

**Updates to our Privacy Policy**

- Live Wire Recruitment Consultants reserves the right to review, revise, amend or replace the contents of this Privacy Policy at any time in case of any legal requirements relating to personal data protection come into force.

**Candidate Disclaimer – Personal Information**

**Consent For The Use Of Personal Information:**

- By providing Personal Information to Live Wire Recruitment Consultants in any form that may include but is not limited to telephonic, email, web or job portal submissions the candidate duly authorises Live Wire Recruitment Consultants, to access their Personal Information and conduct background screening checks as indicated above for the purposes of recruitment to assist the candidate to potentially gain future employment opportunities.
  - Employment References
  - Social Media Screening Checks
  - Identity Verifications
  - Qualification Verifications
  - Credit Checks
  - Criminal Checks
  - Fraud Checks
  - Insurance Regulations
  - Driver's license & Vehicles
  - Sanctions

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- The candidate consents to requests for consumer credit information to be released for the below prescribed purposes only:
  - For employment in a position of trust and honesty and entails the handling of cash or finances;
  - Fraud prevention or detection.
- The candidate understands that verification requests form part of the background screening process and:
  - That requests for credit information from Credit Bureaus will only be conducted under the regulations defined as per the NCA;
  - Data obtained from the FSCA serve only for the purpose to determine the fitness and propriety as envisaged in the FAIS Act.
- The candidate acknowledges that any Personal Information supplied to Live Wire Recruitment Consultants is provided voluntarily and that Live Wire Recruitment Consultants may not be able to comply with its obligations if the correct Personal Information is not supplied to Live Wire Recruitment Consultants.
- The candidate understands that privacy is important to the Responsible Parties and the Responsible Parties will use reasonable efforts in order to ensure that any Personal Information in their possession or processed on their behalf is kept confidential, stored in a secure manner and processed in terms of South African law and or applicable Data Protection Legislation, for the purposes of recruitment to assist the candidate to potentially gain future employment opportunities.
- The candidate warrants that all information, including Personal Information, supplied to Live Wire Recruitment Consultants is accurate and current and agree to correct and update such information when necessary.
- By submitting any Personal Information to Live Wire Recruitment Consultants in any form you acknowledge that such conduct constitutes a reasonable unconditional, specific and voluntary consent to the processing and storing of such Personal Information by Live Wire Recruitment Consultants in the following manner:
  - Personal Information may be shared by Live Wire Recruitment Consultants with Clients and Verification Information Suppliers for verification or other legitimate purposes;
  - Personal Information may be shared by the Verification Information Suppliers with Live Wire Recruitment Consultants and be further stored and shared by Live Wire Recruitment Consultants with Clients and Fraud databases or services when the information provided for verification is deemed fraudulent by the Verification Information Suppliers for purposes for the purposes of recruitment to assist the candidate to potentially gain future employment opportunities or for other legitimate purposes as per the NCA or other National or Provincial Legislation;
  - Personal Information may be stored by Live Wire Recruitment Consultants, for legislated retention periods and where such periods are not legislated then the candidates personal information may be stored by Live Wire Recruitment Consultants for as long as may be needed, or any other period based on customary human resource practices as agreed with the Live Wire Recruitment Consultants.
  - Personal Information may be transferred cross-border to countries, for verification or storage purposes. In any cross-border transfer of personal information Live Wire Recruitment Consultants will comply with the security

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safeguards as provided for in the POPIA including but not limited to ensuring that the information is secured when transported to or from the recipient.

- The candidate takes note that if the Responsible Party has utilised the Personal Information contrary to the Privacy and Data Protection Conditions, the candidate may first resolve any concerns with that Responsible Party. If not satisfied with such process, the candidate has the right to lodge a complaint with the Information Regulator.
- A copy of Personal Information kept by the Responsible Parties will be furnished to the candidate upon request in terms of the provisions of POPI or the NCA and the candidate understands that they may dispute any information in the record provided.
- "The Candidate agrees that Live Wire Recruitment Consultants, to the extent permitted by law, will not be liable for any complaint, claim or action brought by the candidate, arising from any action or omission by Live Wire Recruitment Consultants, to the extent that such action or omission resulted from Live Wire Recruitment Consultants complying with the terms of this consent and the candidate shall indemnify, hold harmless and defend Live Wire Recruitment Consultants from and against any such claims or actions brought against Live Wire Recruitment Consultants."
- The candidate agrees that Live Wire Recruitment Consultants will NOT be held liable for the content, factual correctness or accuracy of any data or Personal Information supplied to Live Wire Recruitment Consultants by Live Wire Recruitment Consultants Verification Information Suppliers or the candidate themselves. The Candidate hereby indemnifies and holds Live Wire Recruitment Consultants harmless against any loss arising from neglect or damage in procuring, communicating or failing to communicate information used for the purpose of recruitment to assist the candidate to potentially gain future employment opportunities.

**Annexure 1 (Web): Objection to Processing of Personal Information**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]**

**Notes:**

1. Affidavits or other documentary evidence in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

**DETAILS OF DATA SUBJECT**

Name(s) and surname of data subject: .....  
 Unique Identifier/ Identity Number: .....  
 Residential, postal or business address: .....  
 Contact number(s): .....  
 E-mail address: .....

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**DETAILS OF RESPONSIBLE PARTY**

Name /Registered name of responsible party:  
Residential, postal or business address:  
Contact number(s):  
E-mail address:

**REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f)**

Please provide detailed reasons for the objection below:

Signed at .....this ..... day of .....20.....

.....  
Signature of data subject/designated person

**Annexure 2 (Web): Request to Access/Correct/Delete Personal Information**

**REQUEST FOR ACCESS TO/CORRECTION/DELETION OF PERSONAL INFORMATION OR DESTROYING/DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE POPI ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS, 2018 [Regulation 3]**

*Notes:*

- 1. Affidavits or other documentary evidence in support of the objection may be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
- 3. Complete as is applicable.*

**Mark the appropriate request box with an X**

- Access to/Correction or deletion of personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

**DETAILS OF DATA SUBJECT**

Name(s) and surname of data subject: .....  
Unique Identifier/ Identity Number: .....  
Residential, postal or business address: .....  
Contact number(s): .....  
E-mail address: .....

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**Livewire**  
RECRUITMENT CONSULTANTS

**DETAILS OF RESPONSIBLE PARTY**

Name /Registered name of responsible party: .....

Residential, postal or business address: .....

Contact number(s): .....

E-mail address: .....

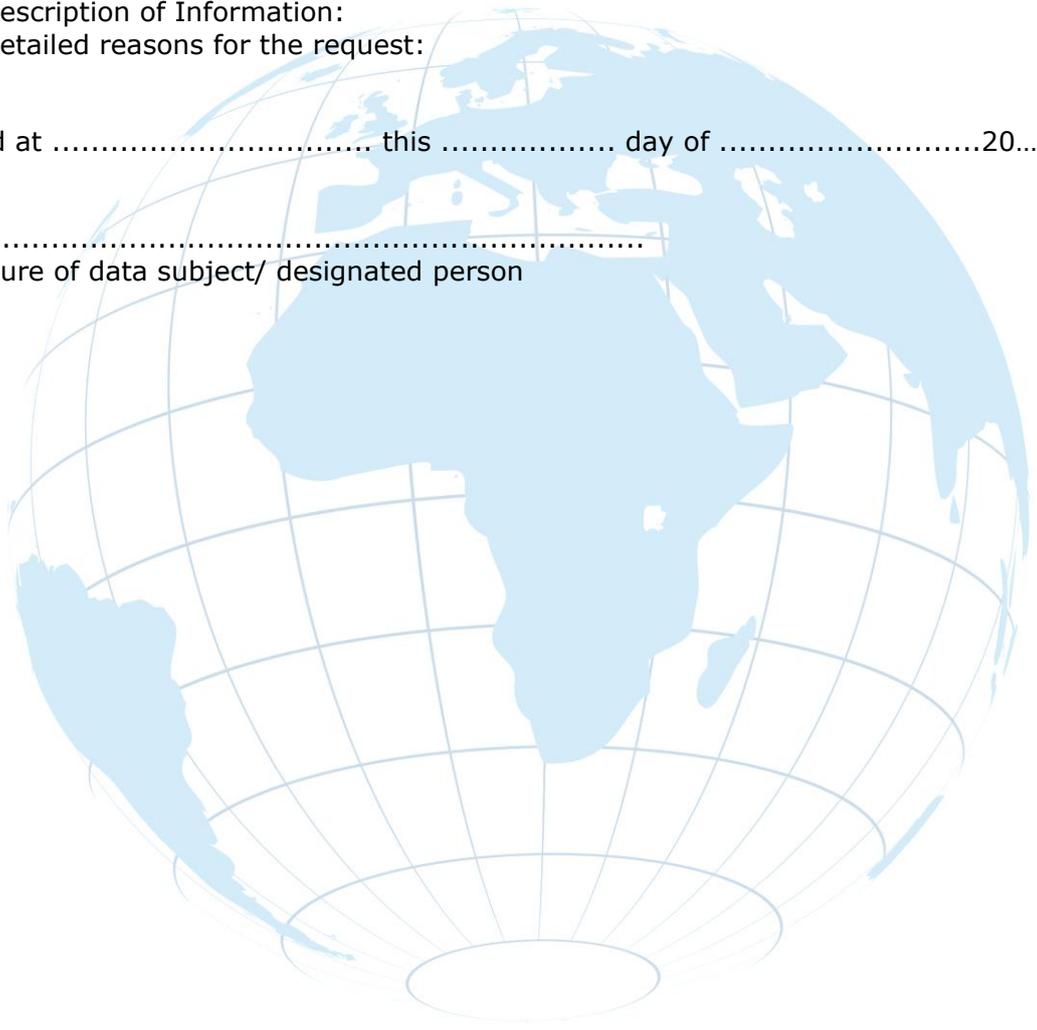
**INFORMATION TO BE ACCESSED/CORRECTED/DELETED/DESTROYED: (Circle applicable request)**

Give description of Information:

Give detailed reasons for the request:

Signed at ..... this ..... day of .....20.....

.....  
Signature of data subject/ designated person



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