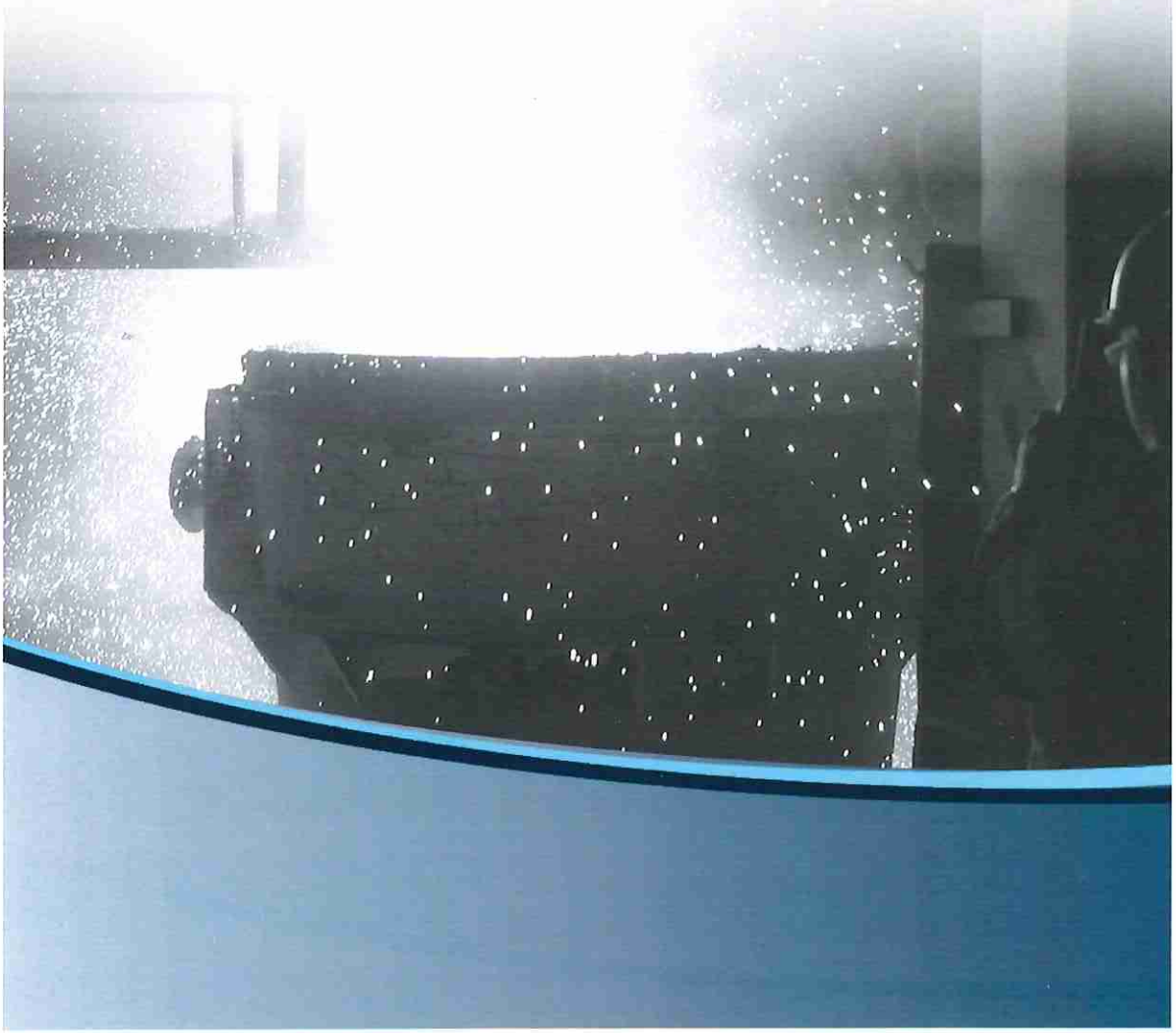
Samancor Chrome Data Protection and Privacy Policy



				REVISION 0.0:
DOCUMENT NO.	DATE IMPLEMENTED	DATE APPROVED	REVIEW DATE	PAGE
38. DATA PROTECTION AND PRIVACY POLICY	**AUGUST 2021**	**AUGUST 2021**	**MAY 2024**	**Page 1 of 18**

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1. DOCUMENT REVISION CONTROL

REVISION NUMBER	PAGE NUMBER/S	CHANGE EFFECTED	DATE OF CHANGE

PURPOSE

The purpose of this Policy is to ensure that Samancor Processes Personal Information in a manner that demonstrates its commitment to the privacy of Data Subjects and in so doing protects Samancor from the compliance risks associated with the Processing of Personal Information under POPIA.

BRIEF DESCRIPTION OF CHANGE

New Policy

APPROVAL SIGNATURES RECORD			
REVIEWER ROLE	**NAME**	**SIGNATURE**	**DATE**
Document Owner	Chief Financial Officer		19/8/21
Reviewer 1	Head of Beneficiation and Mineral Resources		20/8/21
Reviewer 2	Chief Operating Officer : Smelting		20/8/21
Reviewer 3	Head of Corporate Affairs & Transformation		19/8/21
Reviewer 4	Head of Human Capital and Development		19/08/21
Reviewer 5	Head of Logistics, Procurement & Business Development		31/08/21
Reviewer 6	Head of SHEQ		08/09/21
Administrator	PA to Chief Financial Officer		
APPROVED BY	Chief Executive Officer		21/09/08

2. POLICY STATEMENT

2.1 This Policy demonstrates Samancor Chrome Limited's ("**Samancor**"/ "**we**" / "**us**" / "**our**") commitment to protecting the privacy rights of Data Subjects –

2.1.1 through stating the desired behaviour and directing compliance with the provisions of POPIA and best practices;

2.1.2 by developing and implementing internal controls for the purpose of managing compliance risks associated with the Processing of Personal Information;

2.1.3 by creating business practices that will provide reasonable assurance that the rights of Data Subjects are protected and balanced with the legitimate interests of Samancor; and

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2.1.4 by assigning specific duties and responsibilities to control owners, including the appointment of an information officer to ensure compliance with POPIA and where necessary, to protect the interests of Samancor and Data Subjects.

3. INTRODUCTION

3.1 In conducting its business activities, Samancor processes (by way of collection, usage, storage, dissemination and disposal) Personal Information of its customers, suppliers, Employees and other stakeholders (collectively, Data Subjects, as defined in clause 5.6 below).

3.2 Samancor acknowledges its legal obligation and undertakes to Process the Personal Information in its possession or under its control in accordance with the requirements of the Protection of Personal Information Act, No. 04 of 2013 and any regulations promulgated pursuant thereto ("**POPIA**" or the "**Act**").

4. IMPORTANT NOTICE

Please read the terms of this Policy carefully to understand our views and practices regarding Personal Information and how we will treat it.

5. DEFINITIONS

In this Policy, unless the context requires otherwise, the following capitalised terms shall have the meanings given to them -

5.1 "**Affiliate**" means any entity which directly or indirectly controls, is controlled by, or is under common control with Samancor, in its capacity as a Responsible Party as defined in this Policy and on whose behalf Samancor Processes Personal Information;

5.2 "**Authorised Third Party**" means an independent contractor, agent, consultant, sub-contractor of Samancor;

5.3 "**Child**" means any natural, living person under the age of 18 years;

5.4 "**Cookie**" means a small text file with accompanying packets of data stored on a device used to browse webpages;

5.5 "**Consent**" means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

5.6 "**Data Subject**" means an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person and for purposes of this Policy, specifically means Samancor's customers, Employees or suppliers, or any other person(s) in respect of whom Personal Information is processed by Samancor and its Affiliates;

5.7 "**Employees**" means any employee (including part-time and full-time employees) of Samancor;

5.8 "**Information Officer**" means the person appointed by Samancor as such, whose responsibility is to ensure Samancor's compliance with POPIA in terms of section 55 of the Act;

5.9 "**Information Regulator**" means the Information Regulator of South Africa, established in terms of section 39 of POPIA;

5.10 "**Legitimate Basis**" means any one of the following bases recognised by POPIA for the legitimate Processing of Personal Information -

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5.10.1 the Data Subject, or a competent person where the Data Subject is a child, Consents to the Processing; or

5.10.2 the Processing is necessary to carry out processes for the conclusion or performance of a contract to which the Data Subject is a party; or

5.10.3 the Processing complies with an obligation imposed by law on Samancor; or

5.10.4 the Processing protects a legitimate interest of the Data Subject; or

5.10.5 the Processing is necessary for pursuing the legitimate interests of Samancor or of an Authorised Third Party to whom the information is supplied;

5.11 "**Operator**" means a person or entity who Processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of that Responsible Party;

5.12 "**Personal Information**" means information relating to any Data Subject, including but not limited to information relating to a Data Subject's -

5.12.1 race, sex, gender, sexual orientation, pregnancy, marital status, nationality, ethnic or social origin, colour, age, physical or mental health, well-being, disability, religion, conscience, belief, cultural affiliation, language and birth;

5.12.2 education, medical, financial, criminal or employment history;

5.12.3 names, identity number and/or any other personal identifier, including any number(s), which may uniquely identify a Data Subject, account or customer number, password, pin code, customer or Data Subject code or number, numeric, alpha, or alpha-numeric design or configuration of any nature, symbol, email address, domain name or IP address, physical address, cellular phone number, telephone number or other particular assignment;

5.12.4 blood type, fingerprint or any other biometric information;

5.12.5 personal opinions, views or preferences of a Data Subject or personal opinions or views of another about a Data Subject;

5.12.6 correspondence that is implicitly or expressly of a personal, private or confidential nature (or further correspondence that would reveal the contents of the original correspondence); and

5.12.7 corporate structure, composition and business operations (in circumstances where the Data Subject is a juristic person) irrespective of whether such information is in the public domain or not;

5.13 "**Processing**" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including -

5.13.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

5.13.2 dissemination by means of transmission, distribution or making available in any other form; or

5.13.3 merging, linking, restriction, degradation, erasure or destruction.

For the purposes of this definition, "**Process**" has a corresponding meaning;

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5.14 "**POPIA Champion**" means an individual appointed by the Information Officer to serve as a POPIA compliance representative within strategically identified departments for Samancor and/or its Affiliates;

5.15 "**Re-identify**" means, in relation to Personal Information of a data subject, to resurrect any information that has been de-identified that identifies the Data Subject, or can be used or manipulated by a reasonably foreseeable method to identify the Data Subject;

5.16 "**Responsible Party**" means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information;

5.17 "**Samancor**" means Samancor Chrome Limited, in its capacity as a Responsible Party and/or where applicable, an Operator, as defined in this Policy;

5.18 "**Special Personal Information**" means Personal Information concerning a Data Subject's (i) religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information; or (ii) criminal behaviour to the extent that such information relates to: (a) the alleged commission of any offence; or (b) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings; and

5.19 "**User**" means any user or browser of Samancor's website.

6. APPLICATION OF THIS POLICY

6.1 This Policy applies to –

6.1.1 all Employees, directors, officers and other personnel of Samancor ("**Personnel**");

6.1.2 all third parties who Process Personal Information of Samancor's data subjects on Samancor's behalf or as part of any functions or duties which they carry out (whether contractual or otherwise) for Samancor ("**Third Parties**"); and

6.1.3 Samancor's Affiliates, whether incorporated and unincorporated, on whose behalf Samancor processes Personal Information.

6.2 The legal duty to comply with POPIA's provisions and this Policy is activated in any situation where there is Processing of Personal Information by or on behalf of Samancor, unless the Processing of Personal Information –

6.2.1 is concluded in the course of purely personal or household activities;

6.2.2 where the Personal Information has been de-identified; or

6.2.3 where the Data Subject is deceased or no longer exists, as the case may be.

6.3 This Policy is applicable to the Processing of all Personal Information by Samancor throughout the information life cycle, from the point of first collection of Personal Information until the time that such information is destroyed.

6.4 This Policy should be read in conjunction with all other relevant policies, procedures and agreements of Samancor regulating privacy and the protection of information.

6.5 This Policy does not apply to the information practices of third party companies (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that Samancor does not manage or employ. These Third Parties may have their own

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privacy policies and terms and conditions and we encourage Data Subjects to read them before sharing any Personal Information with such Third Parties.

7. RIGHTS OF DATA SUBJECTS

7.1 In carrying out its processing activities, Samancor recognises and will ensure that it gives effect to and informs Data Subjects of the following rights conferred upon them in terms of POPIA:

7.1.1 The right to access Personal Information

Subject to verification of a Data Subject's identity by Samancor, a Data Subject has the right to establish whether Samancor holds Personal Information related to it, including the right to request access to and be provided with a record of that Personal Information, where such Personal Information is held by Samancor.

7.1.2 The right to have Personal Information corrected or deleted

A Data Subject has the right to request, where necessary, that his, her or its Personal Information be corrected or deleted where Samancor is no longer authorised to retain his, her or its Personal Information.

7.1.3 The right to object or withdraw consent to Process Personal Information

A Data Subject has the right, on reasonable grounds, to object to the Processing of its Personal Information. Samancor will consider the request in conjunction with any grounds on which it may rely to continue its Processing activities in relation to that Data Subject's Personal Information.

7.1.4 The right to complain to the information regulator

A Data Subject has the right to submit a complaint to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings in relation to the alleged non-compliance.

7.1.5 The right to be informed

Where required, a Data Subject has the right to be notified that its Personal Information is being collected by Samancor, the specific purposes for which Samancor will be Processing such Personal Information, the manner of processing and where applicable, the identities of Authorised Third Party recipients with whom Samancor intends sharing the Personal Information, which may result in the cross-border transfer of the Personal Information. The Data Subject also has the right to be notified in any situation where Samancor has reasonable grounds to believe that the Data Subject's Personal Information has been accessed or acquired by an unauthorised person.

8. PROCESS OF COLLECTING PERSONAL INFORMATION

8.1 Samancor will use its best endeavours to collect Personal Information in a fair, lawful and reasonable manner to ensure that it protects the Data Subject's privacy and will Process the Personal Information based on the lawful processing conditions prescribed by POPIA, in a manner that does not adversely affect the Data Subject in question.

8.2 Samancor will, as far as possible, collect Personal Information directly from the Data Subject however, where Samancor obtains Personal Information from third parties, Samancor will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where Samancor is permitted to do so in terms of the applicable laws.

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9. FAILURE TO PROVIDE PERSONAL INFORMATION

9.1 Should Samancor need to collect Personal Information by law, such as in-relation to anti-money laundering or under the terms of a contract that Samancor may have with a Data Subject and a Data Subject fails to provide the Personal Information when requested, Samancor may be unable to perform in terms of the contract that is in place with the Data Subject or the contract that Samancor may be attempting to enter into with the Data Subject.

9.2 In such a case, Samancor may have to decline to provide or receive the relevant services, to suspend any recruitment activities or engagements being conducted, in which case the Data Subject will be notified accordingly.

10. LAWFUL PROCESSING OF PERSONAL INFORMATION

10.1 Samancor will only Process a Data Subject's Personal Information for a specific, lawful and clear purpose that is related to Samancor's business operations and will ensure that it makes that Data Subject aware of such purpose(s) as far as possible.

10.2 Samancor will ensure that there is a Legitimate Basis for the Processing of any Personal Information. Further, Samancor will ensure that Processing will relate only to the purpose for and of which the Data Subject has been made aware (and where relevant, consented to) and will not Process any Personal Information for any other purpose(s).

10.3 At a general level, Samancor may use Personal Information for purposes of:

10.3.1 receiving services or products provided by the Data Subject to Samancor from time to time;

10.3.2 providing services and products to the Data Subject from time to time;

10.3.3 administering the relationship between Samancor and its Employees;

10.3.4 engaging with Third Parties in respect of Samancor's local community obligations or regarding any unsolicited correspondence that a Data Subject may send to Samancor; and

10.3.5 establishing and enforcing its rights and for such other purposes authorised in terms of applicable law.

10.4 In any event, all Personnel and/or Authorised Third Parties will at all times be subject to, and act in accordance with, the following conditions for the lawful Processing of Personal Information –

10.4.1 <u>Accountability</u>

10.4.1.1 Samancor must ensure that the provisions of POPIA and the procedures outlined in this Policy are complied with through the encouragement of desired behaviour. Samancor will take appropriate steps and impose sanctions, which may include disciplinary action against those individuals who, through their intentional or negligent actions and/or omissions, fail to comply with the procedures outlined in this Policy.

10.4.1.2 Failing to comply with POPIA could potentially damage Samancor's reputation, expose Samancor to administrative fines or expose Samancor to civil claims for damages. The protection of Personal Information is therefore the responsibility of all Personnel and Authorised Third Parties.

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10.4.2 Processing Limitation

10.4.2.1 Samancor must ensure that Personal Information under its control is Processed: (i) in a fair, lawful and non-excessive manner; (ii) only where a legitimate basis exists; and (iii) only for a specific, defined purpose.

10.4.2.2 Samancor must ensure that there is a Legitimate Basis prior to Processing Personal Information. This may include having to obtain the Consent of the Data Subject and if any Personnel or Authorised Third Parties are unsure about whether there is a Legitimate Basis for Processing Personal Information, contact must be made with the Information Officer.

10.4.2.3 Where Samancor is relying on a Data Subject's Consent as the Legitimate Basis for Processing Personal Information, the Data Subject may withdraw its consent or may object to Samancor's Processing of the Personal Information at any time. This will not affect the lawfulness of any Processing done prior to the withdrawal of Consent or any Processing justified by a Legitimate Basis.

10.4.2.4 If the Consent is withdrawn or if there is otherwise a justified objection against the use or the Processing of such Personal Information, Samancor will ensure that the Personal Information is no longer Processed.

10.4.3 Purpose Specification

10.4.3.1 All of Samancor and/or its Affiliates' Processing activities must be informed by the principle of transparency.

10.4.3.2 As previously stated, Samancor must Process Personal Information only for specific, explicitly defined and legitimate reasons. Where it is practical to do so, Samancor must inform Data Subjects of these reasons prior to collecting, or soon as reasonably practicable thereafter, the Data Subject's Personal Information.

10.4.4 Further Processing Limitation

10.4.4.1 A Data Subject's Personal Information must not be processed for an unrelated purpose or purpose that is incompatible with the original purpose for which Samancor collected the information.

10.4.4.2 In the event that is necessary to do so, Samancor will however be entitled to conduct the further Processing of Personal Information where: (i) the information has been deliberately made public by the Data Subject or is available in or derived from a public record; (ii) further Processing is necessary to avoid prejudice to maintenance of the law by any public body; (iii) for compliance with an obligation under law generally or to enforce legislation concerning the collection of revenue; (iv) for conduct of judicial proceedings; (v) in the interests of national security; (vi) to prevent a serious and imminent threat to public health or safety or the life or health of the Data Subject or any other individual; (vii) the Personal Information is used solely for historical, statistical or research purposes and Samancor has taken care to ensure that the Personal Information will not be published in an identifiable form; or (viii) the further Processing falls in accordance with an exemption granted by the Information Regulator in terms of POPIA.

10.4.4.3 In any event, where Samancor seeks to process Personal Information for a purpose other than the original purpose for which it was originally collected, and where this secondary purpose is not compatible with the original purpose, Samancor will first obtain additional Consent from the Data Subject (or a competent person the case of a Child's personal information) to do so.

10.4.5 Information Quality

10.4.5.1 Samancor must take reasonable steps to ensure that all Personal Information in its possession or under its control is complete, accurate and not misleading.

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10.4.6 Openness

10.4.6.1 Samancor must take reasonably practicable steps to ensure that the Data Subject is aware of the Processing activities being conducted with regard to its Personal Information. POPIA requires Samancor to disclose to the Data Subject certain information including: (i) what information is being processed; (ii) the manner in which Processing will be conducted; (iii) whether the provision of information is voluntary or mandatory; (iv) the consequences of not providing Personal Information; (v) whether the information will be transferred to any third parties, including third parties outside of the Republic of South Africa and the reasons for doing so;

10.4.7 Security Safeguards

10.4.7.1 Samancor must take all reasonable precautions with regard to the nature of the Personal Information and the risks associated with its Processing activities to preserve the security of the Personal Information in its possession or under its control. Samancor has established reasonable technical and organisational security measures to prevent loss, unlawful access and unauthorised destruction of Personal Information as required by POPIA.

10.4.7.2 Samancor has established measures (having regard to generally accepted information security practices or industry specific requirements or professional rules) to identify internal and external security risks, maintain the safeguards against such risks and to regularly verify that the safeguards are effective and continually update safeguards in response to new risks.

10.4.7.3 Samancor's Employees have a responsibility to ensure that all electronic and hard-copy records comprising personal information are securely stored in predefined local shared drives and storage facilities. In so-doing, access to any records is limited to authorised departmental Personnel only.

10.4.7.4 All new Personnel are required to sign letters of appointment containing contractual terms for the use and storage of Personal Information. In addition, confidentiality clauses are included in all contracts with Operators to reduce the risk of unauthorised disclosures of Personal Information for which Samancor is ultimately responsible in terms of POPIA.

10.4.8 Data Subject Participation

10.4.8.1 In light of a Data Subject's right to request that its Personal Information is corrected, updated and deleted, Samancor must facilitate access to all Personal Information Processed by it on request by a Data Subject in order to take the reasonably practicable steps required to ensure that such information is complete, accurate, not misleading and is updated from time to time.

11. STORAGE AND RETENTION OF PERSONAL INFORMATION

11.1 Samancor may store a Data Subject's Personal Information in hard copy or electronically using Samancor's own secure on-site servers or other internally hosted technology. A Data Subject's Personal Information may also be stored by Authorised Third Parties with whom Samancor has contracted, via cloud services or other technology, to support Samancor's business operations.

11.2 These Third Parties do not use or have access to a Data Subject's Personal Information other than for cloud storage and retrieval, and Samancor requires such parties to employ at least the same level of security that Samancor uses to protect a Data Subject's Personal Information.

11.3 Samancor's Authorised Third Party service providers, including data storage and Processing providers, may from time to time also have access to a Data Subject's Personal Information in connection with purposes for which the Personal Information was initially collected to be Processed.

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11.4 Samancor will ensure that such Authorised Third Party service providers will Process the Personal Information in accordance with the provisions of this Policy, all other relevant Samancor policies and procedures and the Act.

11.5 Samancor may keep records of the Personal Information it has collected, correspondence or comments in an electronic or hardcopy file format.

11.6 Samancor will retain Personal Information for as long as necessary to fulfil the purposes for which that Personal Information was collected and/or as permitted or required by applicable law.

11.7 Samancor may retain Personal Information for longer periods for statistical, historical or research purposes, and should this occur, Samancor will ensure that appropriate safeguards have been put in place to ensure that all recorded Personal Information will continue to be Processed in accordance with this Policy and applicable laws.

11.8 In conjunction with the exception in paragraph 11.7, Samancor may retain Personal Information where (i) it has obtained the Consent of a Data Subject (or the authorised representative or legal guardian where the Data Subject is a Child); (ii) such retention is required or authorised by law, (iii) retention is required by a contract between Samancor and a Data Subject; or (iv) Samancor reasonably required the record for a lawful purpose related to its functions or business operations.

11.9 Subject to the exceptions listed in this paragraph 11.8, once the purpose for which the Personal Information was initially collected and Processed no longer applies or becomes obsolete, Samancor will ensure that the Personal Information is deleted, destroyed or de-identified sufficiently so that a person cannot Re-identify such Personal Information.

11.10 In instances where Samancor anonymises a Data Subject's Personal Information for research or statistical purposes (i.e. the information has been de-identified), Samancor may use such anonymised information indefinitely without further notice to the Data Subject.

12. PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES

12.1 Samancor does not use Personal Information to contact Data Subjects for purposes of direct marketing. Samancor may however use Personal Information to advertise existing vacancies internally within the Samancor group of companies to its Employees who may be in pursuit of growth opportunities. This process is a corporate communications function in the pursuit of the legitimate business interests of Samancor.

13. SPECIAL PERSONAL INFORMATION AND PERSONAL INFORMATION OF A CHILD

13.1 Samancor acknowledges that it is not allowed to Process Special Personal Information unless, and only in the event that Samancor's Processing of Personal Information concerns Special Personal Information, it ensures that such Processing is:

13.1.1 carried out in accordance with the Data Subject's express consent;

13.1.2 necessary for the establishment, exercise or defence of a right or obligation in law;

13.1.3 necessary to comply with an obligation of international public law;

13.1.4 for historical, statistical or research purposes, subject to stipulated safeguards;

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13.1.5 conducted on Special Personal Information that has deliberately been made public by the Data Subject; or

13.1.6 conducted on the specific authorisation that has been obtained in terms of POPIA.

13.2 Samancor acknowledges that it may not Process any Personal Information concerning a Child and will only do so where it has obtained the Consent of the parent or guardian of that Child or where it is permitted to do so in accordance with applicable laws.

14. PROVISION OF PERSONAL INFORMATION TO THIRD PARTIES

14.1 Samancor may disclose Personal Information to Authorised Third Party service providers and will enter into written agreements with such Authorised Third Party service providers to ensure that they Process any Personal Information in accordance with the provisions of this Policy and the Act.

14.2 Samancor notes that such Third Parties may assist Samancor with the purposes listed in paragraph 10.3 above - for example, service providers may be used, *inter alia*, to: provide telephone support, assist in the provision of information systems, training and development or payroll services, notify Data Subjects of any pertinent information concerning Samancor, and/or for data storage.

14.3 Samancor will disclose Personal Information with the Consent of the Data Subject or if Samancor is permitted to do so without such Consent in accordance with the applicable laws.

14.4 Further, Samancor may also send Personal Information to a foreign jurisdiction outside of the Republic of South Africa in order to achieve the purpose(s) for which the Personal Information was collected and Processed, including for Processing and storage by Authorised Third Party service providers.

14.5 When Personal Information is transferred to a jurisdiction outside of the Republic of South Africa, Samancor will act in accordance with the provisions set out in paragraph 16 of this Policy.

14.6 The Data Subject should also take note that the Processing of Personal Information in a foreign jurisdiction may be subject to the laws of the country in which the Personal Information is held, and may be subject to disclosure to the governments, courts of law, enforcement or regulatory agencies of such other country, pursuant to the laws of such country.

15. ACCESS TO AND MAINTENANCE OF PERSONAL INFORMATION

15.1 All requests for access to Personal Information received by Samancor should be addressed by the office of the Information Officer only and should any Samancor staff member receive such a request, it should be immediately sent to the office of the Information Officer via email at: info.office@samancorcr.com.

15.2 Samancor may request the Data Subject to provide sufficient identification to permit access to, or provide information regarding the existence, use or disclosure of the Data Subject's Personal Information. Any such identifying information shall only be used for the purpose of facilitating access to or provision of information regarding the Data Subject's Personal Information.

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15.3 The Data Subject can request, in writing, to review any Personal Information about the Data Subject that Samancor holds, including Personal Information that Samancor has collected, utilised or disclosed and the Third Parties to whom such Personal Information has been disclosed.

15.4 Samancor will provide the Data Subject with any such Personal Information to the extent required by law and subject to any of Samancor's policies and procedures in terms of the Promotion of Access to Information Act, No. 02 of 2000 ("**PAIA**") which includes payment of the prescribed fees for copies of the records of a Data Subject's Personal Information.

15.5 The Data Subject has the right to challenge the accuracy or completeness of its Personal Information in Samancor's records at any time and in accordance with the process for accessing information set out in Samancor's PAIA Manual.

15.6 Samancor will take reasonable steps to ensure that all Personal Information is kept as accurate, complete and up-to-date as reasonably possible. Where a Data Subject successfully demonstrates that its Personal Information in our records is inaccurate or incomplete, we will ensure that such Personal Information is amended or deleted as required (including by any Third Parties).

16. CROSS-BORDER TRANSFER OF PERSONAL INFORMATION

16.1 Samancor will not transfer Personal Information about a Data Subject to a third party in a foreign jurisdiction unless:

16.1.1 the recipient's country is subject to a law or the recipient is bound by a contract which –

16.1.1.1 upholds principles of reasonable Processing of the information that are substantially similar to the principles contained in POPIA; and

16.1.1.2 includes provisions that are substantially similar to those contained in POPIA relating to the further transfer of Personal Information from the recipient to other Third Parties; or

16.1.2 the Data Subject consents to the transfer; or

16.1.3 the transfer is necessary for the performance of a contract between the Data Subject and responsible party, or for the implementation of pre-contractual measures taken in response to the Data Subject's request; or

16.1.4 the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between Samancor and a third party; or

16.1.5 the transfer is for the benefit of the Data Subject, and –

16.1.5.1 it is not reasonably practicable to obtain the consent of the Data Subject to that transfer; and

16.1.5.2 if it were reasonably practicable to obtain such consent, the Data Subject would be likely to give it.

16.2 In conducting any cross-border transfers, Samancor will at all times adhere to the provisions of POPIA and any contemplated transfers of Personal Information should be brought to the attention of, and authorised by, the Information Officer, unless such transfers amount to transfers in the ordinary course of business. For instance – authorisation will not be required in the event that Personal Information is required to be transferred cross-border to one of Samancor or its Affiliates' board members as part of a memorandum for consideration and approval.

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17. WEBSITE TERMS OF USE AND COOKIES POLICY

17.1 By accessing Samancor's website, certain information will be collected which will inform Samancor about how Users interact with our website, to improve the User interaction experience and in order for us to consistently develop our website's quality and functionality.

17.2 Information may be collected through data traffic on our website by using Cookies, internet protocol addresses or other numeric codes. It is important to note that we do not capture any information that can personally identify the Users of Samancor's website, but rather a User's browsing history in-so-far-as it pertains to Samancor's website.

17.3 Cookie types stored by Samancor's website:

Cookie Type	Cookie Description
Necessary - 14%	Necessary Cookies are essential for Samancor's website to function properly. These Cookies ensure basic functionalities and security features of our website, anonymously.
Analytics - 29%	Analytical Cookies are used to understand how our website visitors interact with our website. These Cookies help provide information on metrics, the number of visitors, bounce rate, traffic source, etc.
Performance - 14%	Performance Cookies are used to understand and analyse the key performance indexes of our website that help in delivering a better user experience for our website's visitors.
Other - 43%	Other uncategorized Cookies are those that are being analysed and have not been classified into a category as yet.

17.4 Overview of specific Cookies stored by Samancor's website:

Cookie	Type	Description	Retention Period
_ga	Analytics	This Cookie is installed by Google Analytics. The Cookie is used to calculate visitor, session and campaign data and keep track of website usage for the website's analytics report. The Cookies store information anonymously and assign a randomly generated number to identify unique visitors.	2 years
_gid	Analytics	This Cookie is installed by Google Analytics. The Cookie is used to store information of how visitors use a website and helps in creating an analytics report of how the website is doing. The data collected including the number visitors, the source where they have come from, and the pages visted in an anonymous form.	1 day
PHPSESSID	Necessary	This Cookie is native to PHP applications. The Cookie is used to store and identify a users' unique session ID for the purpose of managing user session on the website. The Cookie is a session Cookies and is deleted when all the browser windows are closed.	Duration of the current, active session
mtsnb_lastvisited	Other	No description	10 years
mtsnb_lastvisit_posts	Other	No description	10 years

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Cookie	Type	Description	Retention Period
mtsnb_seen _2147	Other	No description	1 year
_gat	Performance	These Cookies are installed by Google Universal Analytics to throttle the request rate in order to limit the collection of data on high traffic sites.	1 minute

17.5 Cookie Permissions

17.5.1 Depending on the browser being utilized by the user, Cookie permissions and Cookies stored by Samancor's website may be controlled as follows:

Browser	Permission Control Actions
Google Chrome	Select the Chrome menu icon; Select Settings > Site Settings > Cookies and site data; and Select preferred Cookie permissions.
Internet Explorer	Select the gear in the upper-right corner of the screen, then select Internet Options. (If the Menu Bar is enabled, select Tools > Internet Options); Click the Privacy tab; Select the Advanced button; and Select preferred Cookie permissions.
Microsoft Edge	Select the Menu item in the top right hand corner of the window; Select Settings > Cookies and site permissions > manage and delete Cookies and site data; and Select preferred Cookie permissions
Safari for Mac OS	Select Safari > Preferences; Click Privacy; and Select preferred Cookie permissions.

17.6 Failing the selection of any preferred Cookie permissions or by clicking "Accept" on the Cookie use banner on the Samancor website homepage, users consent to the use of all Cookies stored by Samancor's website.

18. COMPLIANCE WITH AND ENFORCEMENT OF THIS POLICY

18.1 Any non-compliance with the terms of this Policy could have serious legal and reputational repercussions for Samancor that may cause significant damage to Samancor. Therefore, any non-compliance with this Policy could lead to disciplinary action being taken against the relevant transgressor.

18.2 The Information Officer is responsible for, *inter alia* –

18.2.1 taking steps to ensure Samancor's reasonable compliance with the provision of POPIA and that this Policy is implemented across the Samancor group;

18.2.2 keeping Samancor updated about Samancor's Personal Information protection responsibilities under POPIA. For instance, in the case of a security breach, the Information Officer will be responsible for informing and advising Samancor of its obligations under POPIA;

18.2.3 continually assessing Samancor's Personal Information Processing procedures and aligning them with applicable laws, privacy regulations and best practices. This will include reviewing Samancor's information protection procedures and related policies;

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18.2.4 ensuring that Samancor makes it convenient for Data Subjects who want to update their Personal Information or submit POPIA related complaints to Samancor;

18.2.5 approving any contracts entered into with Personnel and Authorised Third Parties. This will include overseeing the amendment of Samancor's employment contracts and other data Processing agreements, where applicable;

18.2.6 encouraging compliance with the conditions required for the lawful Processing of Personal Information;

18.2.7 ensuring that Personnel and other persons acting on behalf of Samancor are fully aware of the risks associated with the Processing of Personal Information and that they remain informed about Samancor's security controls;

18.2.8 organising and overseeing the awareness training of Personnel and other individuals involved in the Processing of Personal Information on behalf of Samancor;

18.2.9 addressing Personnel's and Authorised Third Party's POPIA related questions;

18.2.10 addressing all POPIA related requests, reports of breaches to this Policy and to Samancor's data security and complaints made by Samancor's Data Subjects; and

18.2.11 working with the Information Regulator on any ongoing investigations.

19. REPORTING REQUIREMENTS

19.1 Should any Employee become aware of any non-compliance with the terms of this Policy, or a breach of the data held by or under the control of Samancor, they are required to immediately report this to their relevant POPIA Champion, who in turn is required to report this to the Information Officer. Such reports may also be sent to the following email address: **info.office@samancorcr.com.**

19.2 Samancor will notify the Information Regulator and the affected Data Subject (unless the law requires that we delay notification to the Data Subject) in writing in the event of a security breach (or a reasonable belief of a security breach) in respect of that Data Subject's Personal Information.

19.3 Samancor will provide such notification as soon as reasonably possible after it has become aware of any security breach of such Data Subject's Personal Information and provide any and all assistance required by the Information Regulator in the conducting of its investigations into any data security breaches as required in terms of POPIA., where applicable.

20. COMPLAINTS PROCEDURE

20.1 Data Subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon. Samancor takes all complaints very seriously and will address all POPIA related complaints in accordance with the following procedure –

20.1.1 Complaints in terms of POPIA must be submitted to Samancor in writing as follows –

20.1.1.1 by post: Postnet Suite 803, Private Bag X9, Benmore, 2010 Sandton, Johannesburg, 2196; and/or

20.1.1.2 via e-mail: info.office@samancorcr.com

20.1.2 Where the complaint has been received by any person other than the Information Officer, that person will ensure that the full details of the complaint reach the Information Officer within 3 (three) working days.

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20.1.3 Once received, the Information Officer will provide the complainant with a written acknowledgement of receipt of the complaint within 3 (three) working days.

20.1.4 The Information Officer will carefully consider the complaint and address the complainant's concerns in an amicable manner. In considering the complaint, the Information Officer will endeavour to resolve the complaint in a fair manner and in accordance with the principles outlined in POPIA.

20.1.5 The Information Officer will furthermore determine whether the complaint relates to an error or breach of confidentiality that has occurred and which may have a wider impact on Samancor's data subjects.

20.1.6 Where the Information Officer has reason to believe that the Personal Information of a Data Subject has been unlawfully accessed or acquired by an unauthorised person, the Information Officer will consult with Samancor's governing body, where after, the affected Data Subjects and the Information Regulator will be informed of the breach.

20.1.7 The Information Officer will revert to the complainant with a proposed solution within 7 (seven) working days of receipt of the complaint. In all instances, Samancor will provide reasons for any decisions taken and communicate any anticipated deviation from the specified timelines in this paragraph 19.

20.1.8 The Information Officer's response to the Data Subject may comprise any of the following –

20.1.8.1 a suggested remedy for the complaint;

20.1.8.2 a dismissal of the complaint and the reasons as to why it was dismissed; and/or

20.1.8.3 an apology (if applicable) and any action proposed to be taken.

20.1.9 Where the Data Subject is not satisfied with the Information Officer's suggested remedies, the Data Subject has the right to lodge a complaint with the Information Regulator. The contact particulars of the Information Regulator are set out as follows:

Website: http://justice.gov.za/inforeg/

Tel: (+27) 12 406 4818

Fax: (+27) 86 500 3351

Email: inforeg@justice.gov.za

20.1.10 Samancor's Information Officer will review this complaints process to assess the effectiveness of the procedure on a periodic basis and to improve the procedure where it is found wanting. The reason for any complaints will also be reviewed to ensure the avoidance of occurrences giving rise to POPIA related complaints.

21. CONTACTING US

21.1 All comments, questions or concerns regarding a Data Subject's Personal Information or this Policy, should be forwarded to Samancor's Information Officer at the following:

Tel: +27 11 245 1128

Fax: +27 86 604 1272

Email: **info.office@samancorcr.com**

Postal Address: Postnet Suite 803, Private Bag X9, Benmore, 2010 Sandton, Johannesburg, 2196.

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Physical Address: Block A, Cullinan Place, Cullinan Close, Morningside, Sandton, Johannesburg, 2196.

22. EFFECTIVE DATE AND CHANGES TO THIS POLICY

22.1 This Policy is effective from the signature date of the Document Owner in paragraph 1.

22.2 Samancor shall review and reserves the right to make amendments to this Policy from time to time and will use reasonable efforts to notify Data Subjects of such amendments. Any changes will be posted on www.samancorcr.com with an updated revision date.

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