

**Promotion of Access to Information Act 2 of 2000, as amended, (PAIA) and the
Protection of Personal Information Act 4 of 2013 (POPIA)**

**CONSENT TO PROCESS (USE) PERSONAL INFORMATION
(Informed Consent Notice)**

The Protection of Personal Information Act 4 of 2013 ("POPIA") aims to give effect to the constitutional right to privacy, whilst balancing this against competing rights and interests, particularly the right of access to information. POPIA sets out conditions for the lawful processing of personal information and seeks to regulate every step of the processing of personal information, from how personal information must be handled when it is collected until the time it is destroyed. The South African State Theatre (SAST) will at all times endeavour to implement processes and systems, and day-to-day activities to protect our employee's, client's and supplier's ("Data Subject") personal information.

1. Introduction

The Protection of Personal Information Act, 4 of 2013, ("POPIA") regulates and controls the processing, including the collection, use, and transfer of a person's personal information. In terms of POPIA, the SAST (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another's (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions outlined in the eight processing conditions of POPIA.

All processing of a Data Subject's Personal Information must be done with the Data Subject's permission, i.e. the Data Subject has to consent to the processing of its Personal Information. In order to comply with POPIA, SAST as the Responsible Party, requires your, the Data Subject's, permission to process the Data subject's Personal Information. This Informed Consent Notice is applicable to all SAST employees, clients and suppliers – both current and new.

2. Purpose

In order to give effect to your commercial relationship with the SAST as an employee, client or supplier SAST needs to process your Personal Information which Personal Information will be used for a number of legitimate purposes, including, inter-alia;

- Compliance with governing laws, corporate governance codes, and applicable policies.
- Entering into a contract.
- Where required by law, to disclose your information.
- To communicate with you and attend to your enquiries and requests.
- When necessary or required, to provide you with information about SAST.
- In order to compile statistics and other analytical information.
- Performing internal processes, such as to make payments.
- To mitigate risk to SAST and eliminate fraud occurrences.

You, the Data Subject, agrees that SAST may use all the Personal Information which you, the Data Subject, provides to SAST which SAST requires to give effect to your commercial relationship with the SAST.

SAST in turn undertakes that it will only use your, the Data Subject's, Personal Information for the aforementioned purposes and for no other purposes, unless with your, the Data Subject's, prior permission.

3. Withholding Consent or Withholding Personal Information

Should you, the Data Subject, refuse to provide SAST with your Personal Information which is required by SAST for the purposes indicated above, and the required consent to process the aforementioned Personal Information then SAST will be unable to engage with you, the Data Subject, or enter into any agreement or

relationship with you, the Data Subject. However, the Data Subject is required to provide the information voluntarily and understands that same is mandatory as described above.

4. Use, Storage, Retention and Destruction of Personal Information

Your, the Data Subject's, Personal Information may be processed on individual computers and stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within SAST on a need to know and business basis, save that where appropriate, some of your, the Data Subject's, Personal Information may be retained in hard copy. All Personal Information which you, the Data Subject, provide to SAST will be held and/or stored securely. In this regard SAST undertakes to conduct regular audits regarding the safety and the security of your, the Data Subject's, Personal Information. Once your, the Data Subject's, Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived as per the requirements of any law applicable in South Africa. SAST thereafter will ensure that such Personal Information is permanently destroyed.

5. Disclosure and Cross Border Transfer

SAST may from time to time have to disclose your, the Data Subject's, Personal Information to other parties but such disclosure will always be subject to an agreement which will be concluded between SAST and the party to whom it is disclosing your, the Data Subject's, Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.

Where Personal Information and related data is transferred to a country outside the borders of South Africa, your, the Data Subject's, Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations than those imposed by POPIA.

6. Objections and Complaints

You, the Data Subject, are encouraged to make immediate contact with the SAST Information Officer at any time if you are not comfortable or satisfied with the manner in which SAST is processing your, the Data Subject's, Personal Information. On receipt of your, the Data Subject's, objection SAST will place a hold on any further processing until the cause of the objection has been resolved. If you, the Data Subject, are not satisfied with such process, you, the Data Subject, has the right to lodge a complaint with the Information Regulator. Furthermore, you the Data Subject, have the right to request SAST to destroy all records of your personal information.

7. Quality and Responsibility of Personal Information

POPIA requires that all your, the Data Subject's, Personal Information and related details, as supplied by you, the Data Subject, are complete, accurate and up-to-date. Whilst SAST will always use its best endeavours to ensure that your, the Data Subject's, Personal Information is reliable, it is your, the Data Subject's, responsibility to provide accurate and truthful information and further to advise SAST of any changes to your, the Data Subject's, Personal Information, as and when these may occur.

8. Data Subject's Right to Access Personal Information

You, the Data Subject has the right at any time to ask SAST to provide you, the Data Subject, with details of the Personal Information which SAST holds on your, the Data Subject's, behalf; and/or the purpose for which it has been used provided that such request is made using the SAST PAIA process, which procedure can be accessed by downloading and completing the standard request for information form, housed under the SAST's PAIA Manual which can be found on the SAST website at www.statetheatre.co.za

9. SAST's Right to Amend

SAST reserves the right to amend this Informed Consent Notice from time to time. You, the Data Subject are requested to please check the SAST website periodically to inform yourself, the Data Subject, of any changes.

10. Successors in Title

The rights and obligations of the parties under this Informed Consent Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable, i.e. in the case of a sale or transfer of business by the Data Subject to another.

11. Declaration and Informed Consent

I, the Data Subject, confirm that my, the Data Subject's, Personal Information, provided is accurate, up-to-date, not misleading and is complete in all respects, save where same may change and then in such an event, I, the Data Subject, undertake to advise SAST or its Operator(s)¹ of these changes. I, the Data Subject, in providing the required Personal Information to SAST and/or to its Operator, consent and give SAST permission to process and further process (where necessary and strictly directly related to the initial

¹ "Operator" means a natural person or a juristic person who processes your, a Data Subject's, Personal Information on behalf of SAST in terms of a contract or mandate, without coming under the direct authority of SAST; SAST will, in order to pursue and protect its legitimate interests and in many cases to protect you, the Data Subject, will under a written contract ask Operators to process certain categories of your, the Data Subject's, Personal Information on its behalf including without detracting from the generality thereof, advertising agencies, research companies, PR agencies, Relevant Industry Associations, Payroll service providers, Core Benefits Providers, Medical Aid/Cover providers, Retirement Funding Providers, Auditors, Legal Practitioners, and Government and Provincial Departments.

processing) my, the Data Subject's, 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. Furthermore, should any of the Personal Information which has been provided by myself concern or pertain to a legal entity whom I represent, I confirm that I have the necessary authority to act on behalf of such legal entity, Data Subject, and that I have the right to provide the Personal Information and/or the required consent to use said Personal Information, on behalf of the aforementioned legal entity. Furthermore, should any of the Personal Information belong to any of my dependants and/or beneficiaries who are underage², I in my capacity as their legal guardian and competent person give SAST the appropriate permission to process their Personal Information for the purposes for which these details were given. Furthermore, I hereby consent to being contacted by SAST, electronically or otherwise, in order to fulfil the commercial relationship between myself, the Data Subject and SAST.

12. SAST Information Officer

SAST Information Officer

Dr Sibongiseni Mkhize
Chief Executive Officer

sibongiseni@statetheatre.co.za
012 392 4000 / 4283

SAST Deputy Information Officer

Shiraz Ahmed
Senior Manager: Performance Information

shiraz@statetheatre.co.za
012 392 4000

CONSENT DECLARATION

The Data Subject, by signing this document, hereby consents to the use of the Data Subject's personal information submitted to SAST and confirms that:

- the information is supplied voluntarily, without undue influence from any party and not under any duress; and
- the information which is supplied is mandatory for the purposes of entering into a commercial agreement and that without such information, SAST may not enter into the agreement with the Data Subject.

The Data Subject acknowledges that the Data Subject is aware of the following rights with regard to such personal information which is submitted to SAST. The right to:

- access the information at any reasonable time for purposes of rectification thereof;
- object to the processing of the information in which case the commercial agreement may be terminated; and
- lodge a complaint to the Information Regulator.

Thus signed on this _____ day of _____ 20 ____ in the presence of the undersigned witnesses:

I, _____ (full names of Data Subject), ID Number _____, on behalf of _____ (state legal entity if applicable), Company Registration Number _____, hereby **Give My Consent**.

Signature (Data Subject)

Witness (1):

Full Name: _____

Witness (2):

Full Name: _____

² "underage" means a child (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-or herself; SAST will from time to time have to process Personal Information of a child who may belong to you, a Data Subject, for amongst other reasons employment and benefit related purposes, which use will require the competent person's consent.