

POPI: Marketing and Communication Policy

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1. Introduction

The Protection of Personal Information Act (POPI) is South Africa's Privacy law and introduces various requirements for the processing of Personal Information specifically relating to direct marketing, directories and automated decision making of a data subject's personal information.

2. Scope / Application

The policy aims to ensure that *Apple T&G* and its employees understand the importance of compliance with the requirements of POPI as it relates to the marketing (including direct marketing) and advertisement of the business, financial services, financial products or related services of the organisation. The policy forms part of the organisation's governance framework and applies to all staff and employees.

3. Definitions

Data subject	means the person to whom personal information relates;
Direct marketing	means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of— 1) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or 2) requesting the data subject to make a donation of any kind for any Reason;
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;
Personal information	means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

	<p>(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;</p> <p>(b) information relating to the education or the medical, financial, criminal or employment history of the person;</p> <p>(c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;</p> <p>(d) the biometric information of the person;</p> <p>(e) the personal opinions, views or preferences of the person;</p> <p>(f) correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>(g) the views or opinions of another individual about the person; and</p> <p>(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 person;</p>
Processing	<p>means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—</p> <p>(a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;</p> <p>(b) dissemination by means of transmission, distribution or making available in any other form; or</p> <p>(c) merging, linking, as well as restriction, degradation, erasure or destruction of information;</p>

4. General

Any advertisements include media advertising, press releases, billboards, sales and promotional materials as well as electronic advertising via the Internet, website or email, which pertains to the marketing or promotion of *Apple T&G* must:

- Be correct and provide a balanced representation of information;
- Be in plain language and terms used must be explained in a manner in which our target audience or client will understand it;
- When in writing, will be clear and readable
- Use a medium that is appropriate for the complexity of the features of the product or services
- Not contain any material that is protected by copyright law;
- Not amount to hate speech or defamation and be respectful at all times;

- Not disparage or make inaccurate, unfair or unsubstantiated criticisms about any product or service by another product supplier or service provider;
- Exclude puffery as far as possible;

5. Compliance with the lawful processing of information

Whenever we have access to information of data subjects and we apply or process such data for advertising, marketing or other distribution purposes, *Apple T&G* shall always strive to ensure that our marketing activities do not in any way impede or interfere with the ability of *Apple T&G* to meet the standards for lawful processing, which are:

- “Accountability”, as referred to in Section 8
- “Processing limitation”, as referred to in sections 9 to 12
- “Purpose specification”, as referred to in sections 13 and 14;
- “Further processing limitation”, as referred to in section 15
- “Information quality” as referred to in section 16
- “Openness” as referred to in sections 17 and 18
- “Security safeguards” as referred to in sections 19 to 22
- “Data subject participation” as referred to in sections 23 to 25

6. Specific conditions

6.1. Direct Marketing

Apple T&G shall not process personal information of a data subject for the purposes of direct marketing by any form of electronic communication (including automatic calling machines, facsimile machines, SMSs or e-mail) unless *Apple T&G* has obtained consent from the data subject in the prescribed manner.

Furthermore, the POPI Act provides that *Apple T&G* process personal information for the purpose of direct marketing, if the data subject is a customer, and subject to the following:

- The contact details of the data subject have been obtained in the context of the sale of a product or service;
- The purpose of direct marketing is to market *Apple T&G* own or similar products or services;
- The data subject must be given a reasonable opportunity to object to the use of electronic details;
- The opportunity to object must be given, free of charge, at the time when the data was collected and on the occasion of each communication.

It is also a requirement that any communication for the purpose of direct marketing must contain the details of the sender (or on whose behalf the communication is sent) as well as the contact details or an address to which the recipient may send a request to cease or stop receiving the communications.

6.2. Directories

Apple T&G does not currently intend to maintain a “directory” as envisioned in POPI. However, should *Apple T&G* intend to start a directory, it will follow the following principles:

Apple T&G shall inform a data subject, free of charge, who is a subscriber to a printed or electronic directory of subscribers available to the directors or any enquiry services, before the data subject’s personal data is included in the directory of the purpose and further uses of the directory.

In general, a directory refers to a book or website which lists individuals or organisations in an order with personal data such as a name, address and telephone numbers. A Subscriber is defined as “*any person who is party to a contract with the provider of publicly available electronic communications services for the supply of such services.*”

Apple T&G will provide a data subject with the option to object to the use of such information or to request verification, confirmation or withdrawal of such information if the data subject initially has not refused. These requirements are not applicable to editions of directories that were printed or off-line electronic form before these sections commenced.